

FCTE-SAE Social Science Test Prep

Appendix

Appendix

The American Political System

| Powers delegated to the | Powers reserved for the State |
|---|--------------------------------|
| Federal Government | Government |
| To tax | To regulate intrastate trade |
| To borrow and coin money | To establish local governments |
| To establish postal service | To protect general welfare |
| To grant patents and copyrights | To protect life and property |
| To regulate interstate and foreign commerce | To ratify amendments |
| To establish courts | To conduct elections |
| To declare war | To make state and local laws |
| To raise and support the armed forces | |
| To govern territories | |
| To define and punish felonies and piracy on | |
| the high seas | |
| To fix standards of weights and measures | |
| To conduct foreign affairs | |

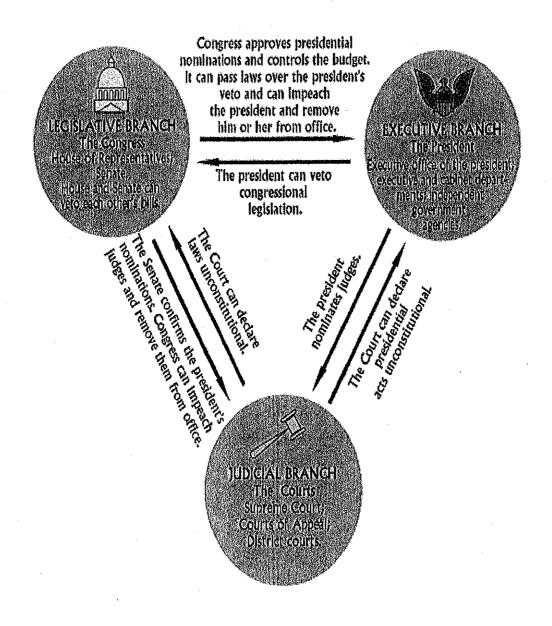
| Concurrent Powers of the Federal Government and the States |
|--|
| Both Congress and the states may tax |
| Both may borrow money |
| Both may charter banks and corporations |
| Both may establish courts |
| Both may make and enforce laws |
| Both may take property for public purposes |
| Both may spend money to provide for public welfare |

| Implied Powers of the Federal Government | |
|---|--|
| To establish banks or other corporations, implied from delegated powers to tax, | |
| borrow and to regulate commerce | |
| To spend money for roads, schools, health, insurance etc implied from powers | |
| to establish post roads, to tax to provide for general welfare and defense, and to | |
| regulate commerce | |
| To create military academies, implied from powers to raise and support an armed | |
| force | |
| To locate and generate sources of power and sell surplus, implied from powers to | |
| dispose of government property, commerce, and war powers | |
| To assist and regulate agriculture, implied from power to tax and spend for general | |
| welfare and regulate commerce | |

Separation of Powers/System of Checks and Balance

- Federalism is a political system in which at least two separate governments share the responsibility for governing the same people and the same territory. In effect, federalism draws lines to separate the powers of different levels of government. Ask: What is separation of powers? (Separation of powers is the assigning of the legislative (law-making), executive (law-enforcing), and judicial (law-interpreting) powers to three different branches of the government.)
- The principle of separation of powers draws lines that divide the powers held by distinct branches at a single level of government. Ask: What are the three branches of the national government called? (The three separate branches of the national government are the executive, the legislature, and the judiciary.) Each branch has its own powers, though some powers are shared among them. The system of separation of powers is designed to reduce the risk that a single branch might act independently and abuse its power.
- Separate functions and powers are assigned to each of the three branches of the national government. Congress, the legislative branch, makes laws. The president, head of the executive branch, carries out those laws. The judicial branch (the courts) monitors the executive process that administers the laws. Ask: What specific functions/powers do the legislative, executive, and judicial branches have? (The legislative branch makes the laws, the executive branch enforces laws, and the judicial branch interprets laws.) No branch can carry out its functions/powers without some cooperation from the other branches. This cooperation prevents excesses in policy that might result if a single branch were in complete control.
- Richard Neustadt, a political scientist, observed that the Constitution does not separate power
 so much as create "a government of separated institutions sharing power." Ask: What is a
 system of checks and balances? (A system of checks and balances is a government structure
 that gives each branch some control of the actions of the others and requires cooperation
 among the branches.)
- A system of balances minimizes the risk that one branch might completely take over the government or stray too far politically from the other branches. The system of checks and balances design has been a key factor in the Constitution's survival, assuring evolution in government rather than revolution. Due to a system of checks and balances, the legislative, executive, and judicial branches' powers overlap, and each branch exerts some power over the others.
- The Legislative Branch (House and Senate) checks on the president; can override a presidential veto; can impeach and remove the president; ratifies presidential appointments; authorizes/appropriates funds for legislation; checks on the judiciary; can impeach and remove judges; confirms federal judges.
- The Executive Branch (President) checks on Congress; proposes legislation; vetoes legislation; makes treaties; checks on the judiciary; appoints federal judges; enforces court decisions.

- The Judicial Branch (Supreme Court and lower courts) checks on the president; reviews executive acts; checks on Congress; reviews congressional laws.
- Sharing of power can cause tension and lead to conflict. The wording of the U.S. Constitution is ambiguous in some ways because many situations are not dealt with specifically. Each branch of government has at one time or another has attempted to expand its power by reinterpreting these ambiguities, leading to conflict over power and control of policy. Overall, separation of powers and the system of checks and balances has been both a source of tension and a basis for stability.



Born to command, Had I been consulted, King Andrew the first, of Veto Memory

INTERPRETING POLITICAL CARTOONS



ANDREW JACKSON AND THE SECOND BANK OF THE UNITED STATES

Anchew Jackson's veto of the charter of the Second Bank of the United States set off a firestorm of protest. Many newspapers, especially in the East, vigorously opposed Jackson's action. It is no coincidence that those newspapers happened to be owned by some of the wealthiest people in the United States who benefited most from the Bank.

Thus, while there are few cartoons from this period supporting Andrew Jackson's battle against the Second Bank of the United States, there are many crificizing him. On this page are two cartoons commenting on Jackson and the Bank.

Directions: Study the cartoons, and then answer the questions that follow.



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The Declaration of Independence: A Transcription

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

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, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. -- Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the

People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince

whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The 56 signatures on the Declaration appear in the positions indicated:

Column 1

Georgia:

Button Gwinnett

Lyman Hall

George Walton

Column 2

North Carolina:

William Hooper

Joseph Hewes

John Penn

South Carolina:

Edward Rutledge

Thomas Heyward, Jr.

Thomas Lynch, Jr.

Arthur Middleton

Column 3

Massachusetts:

John Hancock

Maryland:

Samuel Chase

William Paca

Thomas Stone

Charles Carroll of Carrollton

Virginia:

George Wythe

Richard Henry Lee

Thomas Jefferson Benjamin Harrison Thomas Nelson, Jr. Francis Lightfoot Lee Carter Braxton Column 4 Pennsylvania: **Robert Morris** Benjamin Rush Benjamin Franklin John Morton George Clymer James Smith George Taylor James Wilson **George Ross** Delaware: Caesar Rodney George Read Thomas McKean Column 5 New York: William Floyd Philip Livingston Francis Lewis Lewis Morris New Jersey: Richard Stockton John Witherspoon Francis Hopkinson John Hart Abraham Clark Column 6 New Hampshire: Josiah Bartlett William Whipple Massachusetts: Samuel Adams John Adams **Robert Treat Paine** Elbridge Gerry Rhode Island: Stephen Hopkins William Ellery Connecticut: Roger Sherman Samuel Huntington William Williams **Oliver Wolcott** New Hampshire:

Matthew Thornton

http://www.archives.gov/national-archivesexperience/charters/declaration_transcript.html U.S. National Archives & Records Administration 8601 Adelphi Road, College Park, MD, 20740-6001, • 1-86-NARA-NARA • 1-866-272-6272

The Constitution of the United States: A Transcription

Note: The following text is a transcription of the Constitution in its original form.

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

Article. I. - Section. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section.2

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section, 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section, 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; --And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section, 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II. - Section. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

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

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: --"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section, 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he 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, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section, 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III. - Section. 1.

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different

States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV. - Section. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Iurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section, 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

Article, V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article, VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, the Word "Thirty" being partly written on an Erazure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty

seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

G°. Washington

Presidt and deputy from Virginia

Delaware

Geo: Read

Gunning Bedford jun

John Dickinson

Richard Bassett

laco: Broom

Maryland

James McHenry

Dan of St Thos. Jenifer

Danl. Carroll

Virginia

John Blair

James Madison Jr.

North Carolina

Wm. Blount

Richd. Dobbs Spaight

Hu Williamson

South Carolina

J. Rutledge

Charles Cotesworth Pinckney

Charles Pinckney

Pierce Butler

Georgia

William Few

Abr Baldwin

New Hampshire

John Langdon

Nicholas Gilman

Massachusetts

Nathaniel Gorham

Rufus King

Connecticut

Wm. Saml. Johnson

Roger Sherman

New York

Alexander Hamilton

New Jersey

Wil: Livingston

David Brearley

Wm. Paterson

Jona: Dayton

Pennsylvania

B Franklin

Thomas Mifflin

Robt. Morris

Geo. Clymer

Thos. FitzSimons Jared Ingersoll James Wilson Gouy Morris

For biographies of the non-signing delegates to the Constitutional Convention, see the Founding Fathers page.

Page URL: http://www.archives.gov/national-archives-experience/charters/constitution_transcript.html

U.S. National Archives & Records Administration

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The Bill of Rights: A Transcription

The Preamble to The Bill of Rights

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Note: The following text is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendments 11-27

Note: The capitalization and punctuation in this version is from the enrolled original of the Joint Resolution of Congress proposing the Bill of Rights, which is on permanent display in the Rotunda of the National Archives Building, Washington, D.C.

Page URL: http://www.archives.gov/national-archives-experience/charters/bill_of_rights_transcript.html

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The Constitution: Amendments 11-27

Constitutional Amendments 1-10 make up what is known as The Bill of Rights. Amendments 11-27 are listed below.

AMENDMENT XI

Passed by Congress March 4, 1794. Ratified February 7, 1795.

Note: Article III, section 2, of the Constitution was modified by amendment 11.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII

Passed by Congress December 9, 1803. Ratified June 15, 1804.

Note: A portion of Article II, section $\bf 1$ of the Constitution was superseded by the $\bf 12th$ amendment.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; -- The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from twothirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*Superseded by section 3 of the 20th amendment.

AMENDMENT XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or

emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

*Changed by section 1 of the 26th amendment.

AMENDMENT XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1. 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 race, color, or previous condition of servitude—

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XVI

Passed by Congress July 2, 1909. Ratified February 3, 1913.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII

Passed by Congress May 13, 1912. Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by amendment 21.

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the

exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

Section 1. The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933. Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII

Passed by Congress March 21, 1947. Ratified February 27, 1951.

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI

Passed by Congress March 23, 1971. Ratified July 1, 1971.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXVII

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened. Page URL: http://www.archives.gov/national-archives-experience/charters/constitution_amendments_11-27.html
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The Magna Carta

...here is a law which is above the King and which even he must not break. This reaffirmation of a supreme law and its expression in a general charter is the great work of Magna Carta; and this alone justifies the respect in which men have held it.

--Winston Churchill, 1956

King John of England agreed, in 1215, to the demands of his barons and authorized that handwritten copies of Magna Carta be prepared on parchment, affixed with his seal, and publicly read throughout the realm. Thus he bound not only himself but his "heirs, for ever" to grant "to all freemen of our kingdom" the rights and liberties the great charter described. With Magna Carta, King John placed himself and England's future sovereigns and magistrates within the rule of law.

When Englishmen left their homeland to establish colonies in the New World, they brought with them charters guaranteeing that they and their heirs would "have and enjoy all liberties and immunities of free and natural subjects." Scant generations later, when these American colonists raised arms against their mother country, they were fighting not for new freedoms but to preserve liberties that dated to the 13th century.

When representatives of the young republic of the United States gathered to draft a constitution, they turned to the legal system they knew and admired—English common law as evolved from Magna Carta. The conceptual debt to the great charter is particularly obvious: the American Constitution is "the Supreme Law of the Land," just as the rights granted by Magna Carta were not to be arbitrarily canceled by subsequent English laws.

This heritage is most clearly apparent in our Bill of Rights. The fifth amendment guarantees

No person shall...be deprived of life, liberty, or property, without due process of law

Written 575 years earlier, Magna Carta declares No freeman shall be taken, imprisoned,...or in any other way destroyed...except by the lawful judgment of his peers, or by the law of the land. To no one will we sell, to none will we deny or delay, right or justice.

In 1957 the American Bar Association acknowledged the debt American law and constitutionalism had to Magna Carta and English common law by erecting a monument at Runnymede. Yet, as close as Magna Carta and American concepts of liberty are, they remain distinct. Magna Carta is a charter of ancient liberties guaranteed by a king to his subjects; the Constitution of the United States is the establishment of a government by and for "We the People."

The Magna Carta confirmed by Edward I in 1297 is presented courtesy of the Perot Foundation.

More Magna Carta Resources

You can read a translation of the 1297 version of Magna Carta, which was issued as part of Edward I's Confirmation of the Charters.

"Magna Carta and Its American Legacy" provides a more in-depth look at the history of Magna Carta and the influence it had on American constitutionalism.

Page URL:

http://www.archives.gov/exhibits/featured_documents/magna_carta/index.html U.S. National Archives & Records Administration 8601 Adelphi Road, College Park, MD, 20740-6001, • 1-86-NARA-NARA • 1-866-272-6272

GEOGRAPIIG DIGTIONARY

GULF a large part of the ocean that extends into land

OCAN analomatori eggyett a sahat et eggi kata da akhi

ISTHMUS

a narrow piece of land connecting to larger land areas

DRLTA an area where a river deposits soll into the ocean ntroj **Alatic** 2020 at was of the amalies (tale a GUI)

an area of land surrounded entirely by water

TRAIT

a narrow body of water connecting two larger bodies of water

WETLANDS

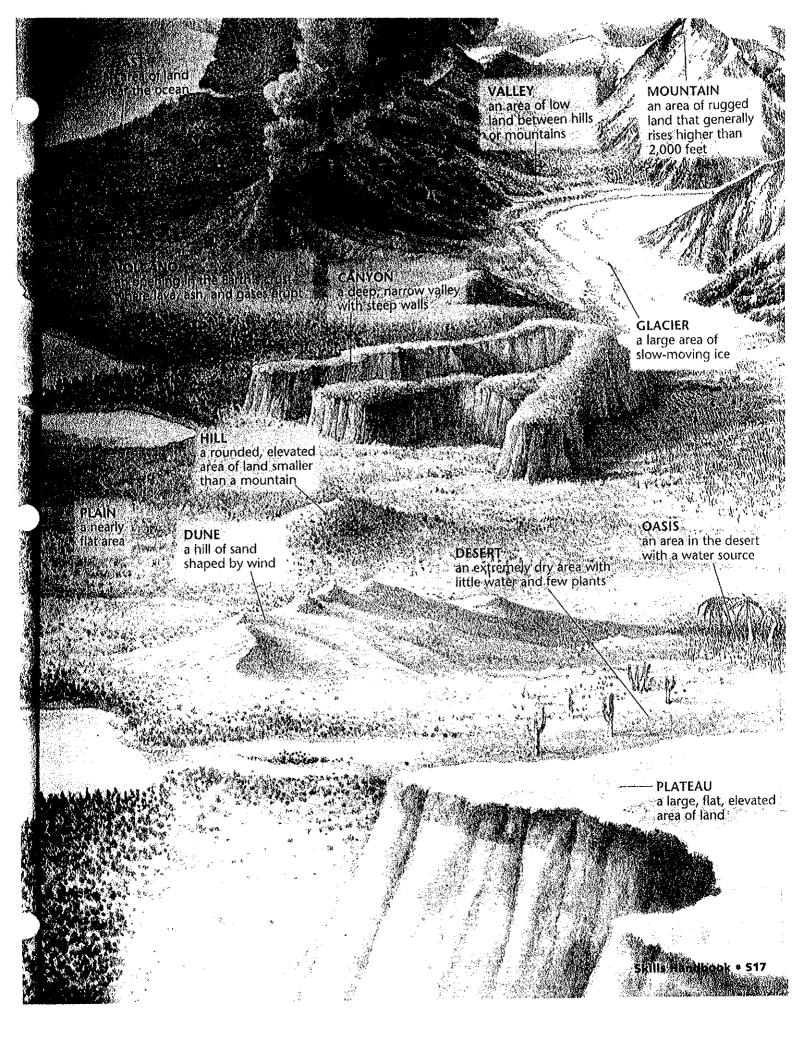
an area of land covered by shallow water RIVER

a natural flow of water that runs through the land SINKHOLE

a circular depression formed when the roof of a cave collapses

> --- LAKE an inland body of v

FOREST an area of densely



Introduction

POLITICAL CARTOONS: SERIOUS FUN

I don't mind what people write about me. Most of my constituents can't read. But oh, those damn picturesi

-Boss Tweed

In general, political cartoons engage us in the serious fun called satire. Satire uses humor to lower something or someone in the reader's or viewer's estimation. At its best, satire is not mean-spirited, and its point is not to harm. Rather, satire exposes human folly to make room for improvement.

Political cartoons have characteristic contents, methods, and purposes. The content of political cartoons is anything political, but the best cartoons deal with universal themes, either because an event itself is so profound—women gaining the right to vote, for example—or because the cartoon deals with a deeper meaning of the issue of the day—a civil rights march is connected to slavery and the Dechration of Independence, for example.

Political cartoons use a number of methods in the service of satire: caricature, symbolism, metaphor, irony, sarcasm, and stereotyping. Caricature works by suggestion and exaggeration, usually by exaggerating one feature of a person or thing. These highlighted features identify the person or thing, but they also say something about the person's or thing's character, beliefs, actions, or significance. Exaggerating Ronald Reagan's thick black hair, for example, makes a point about his well-cultivated image of youthful energy.

A symbol represents something else: a dove represents peace, for example. Often a symbol is a material object (e.g., Statue of Liberty) that represents something abstract or invisible (freedom). A metaphor uses an object to note a similarity to something else. Using a tiger to represent one nation invading another nation is metaphorical: tigers and nations are different, but a country acts like a tiger when it pounces on and swallows up another country.

Irony expresses an idea through a contradiction between something's literal meaning and the intended meaning. Putting a crown on a U.S. president is ironic. The ironic clash between the literal meaning of the crown--a sign of royalty-and the intended meaning—a president has overstepped the boundaries of legitimate democratic power-is expressed by the contradiction of putting a crown on the president's head. This clash adds force to the message. Sarcasm is a form of irony. The element that turns fromy into surcasm is the appearance of mockery, or bitterness. Drawing the kingly president as a gluttonous Henry the VIII, with a cabinet of fawning courtiers and a dungeon full of peasants, turns the cartoon into sarcasm. Stereotypes work by taking a real or imagined trait of an individual to be true of the group to which the individual belongs. Typically, stereotypes are dangerous because they express bias by imagining traits or generalizing unfairly in order to exercise power in a way that harms others.

Political cartoonists are idealistic crusaders who "reprimand" the world and people for falling short. The purpose of most political cartoons is to expose one of two gaps: that between appearance and reality, and that between what is and what should or could be. Thus, political cartoons often expose hypocrisy, point out pretentionsness, laugh at arragance, defiate the powerful, and give voice to the underdag. That they do such serious things through humor and fun is part of their appeal. The lighthearted genre of the cartoon adds a little sugar to the serious political medicine that is the cartoon's message. In this way, political cartoons also say that we might be better off taking ourselves less seriously, all the while insisting that we live up to our better selves--as people and as citizens.

INTERPRETING POLITICAL CARTOONS



Activity 2

COLUMBUS, THEN AND NOW

Columbus's landing in the Americas is one of the great turning points in world history. After 1492 the European conquest of much of the Americas began, and the history of the Western Hemisphere became intertwined with the history of the Eastern Hemisphere.

For much of our history, Americans have revered Columbus's accomplishments. However, recent interpretations of Columbus and the effects of his voyages have been more critical. In 1992, when the United States celebrated the 500th anniversary of Columbus's first voyage, the nation had a debate about the value and impact of his voyages.

DIRECTIONS: The two illustrations below give us some insight into our changing views of Columbus and his times. Study the art and cartoon, and then answer the questions that follow.



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| A X | NALYZING THE CARTOON | |
| 1. | The engraving at the top shows how one artist in the 1800s pictured Columbus's first landing in the Americas. What details show that the artist saw this as an important event? | • |
| | | • |
| 2. | What is similar about the cartoon and the engraving? | • - |
| 3. | In the cartoon, who has landed? Why does the cartoonist use them to make his point? | |
| 4. | At the right of the engraving, we see Native Americans in awe of the Spaniards. What is happening in the same place in the cartoon? What point is the cartoonist making? | |
| | RTICAL THINKING Identifying Point of View What is the view of the cartoonist towards Columbus? Is Columbus the target of the satire? Exploin your answer. | - |
| | | - |
| 6. | Making Comparisons. Use your school or community library to locate two political cartoons that take opposing views of the same political issue. Bring these cartoons to school and describe what devices the cartoonists use to get their points of view across to the reader. | - |

Supreme Court Case Study 1



The Supreme Court's Power of Judicial Review Marbury v. Madison, 1803

******** Background of the Case **********

The election of 1800 transferred power in the federal government from the Federalist Party to the Republican Party. In the closing days of President John Adams's administration, the Federalists created many new government offices, appointing Federalists to fill them. One of the last-minute or "midnight" appointments was that of William Marbury. Marbury was named a justice of the peace for the District of Columbia. President Adams had signed the papers, but his secretary of state, John Marshall, somehow neglected to deliver the papers necessary to finalize the appointment.

The new president, Thomas Jefferson, was angry at the defeated Federalists' attempt to "keep a dead clutch on the patronage" and ordered his new secretary of state, James Madison, not to deliver Marbury's commission papers. Marbury took his case to the Supreme Court, of which John Marshall was now the Chief Justice, for a writ of mandamus—an order from a court that some action be performed—commanding Madison to deliver the commission papers in accordance with the Judiciary Act of 1789.

Constitutional Issue *****************

Article III of the Constitution sets up the Supreme Court as the head of the federal judicial system. Historians believe that the Founders meant the Court to have the power of judicial review, that is, the power to review the constitutionality of acts of Congress and to invalidate those that it determines to be unconstitutional. The Constitution, however, does not specifically give the Court this right.

Chief Justice John Marshall, as a Federalist, believed strongly that the Supreme Court should have the power of judicial review. When the Marbury case presented the perfect opportunity to clearly establish that power, Marshall laid out several points which the court believed supported the right of judicial review. At the time, the decision was viewed as a curtailment of the power of the president, but people today recognize that the case established, once and for all, the importance of the Supreme Court in American government.

******** The Supreme Court's Decision **********

Justice Marshall reviewed the case on the basis of three questions: Did Marbury have a right to the commission? If so, was he entitled to some remedy under United States law? Was that remedy a writ from the Supreme Court?

Marshall decided the first question by holding that an appointment is effective once a commission has been signed and the U.S. seal affixed, as Marbury's commission had been. Therefore, Marbury had been legally appointed, and Madison's refusal to deliver the

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Supreme Court Case Study 1 (continued)

commission violated Marbury's right to the appointment. In response to the second question, Marshall held that Marbury was entitled to some remedy under United States law.

The final question examined whether the Court had the power to issue the writ. Marshall explained that the right to issue writs like the one Marbury was requesting had been granted the Court by the Judiciary Act of 1789. This law, however, was unconstitutional and void because the Constitution did not grant Congress the right to make such a law. In his written opinion, Marshall defended the right of the Court to declare a law unconstitutional: "It is emphatically the province and duty of the judicial department to say what the law is If two laws conflict with each other, the courts must decide on the operation of each." The Supreme Court thus became the final judge of constitutionality, thus establishing the principle of judicial review.

At the time, observers were much more interested in the practical result of the ruling—that the Court could not issue the writ, and could not, therefore, force the appointment of Marbury. Congress could not expand the Court's original jurisdiction, and the Constitution does not give the Court the authority to issue a writ. They paid much less attention to the long-term implications of the decision. Here is how a constitutional scholar evaluates the Marbury decision:

"Over the passage of time [the] Marbury [decision] came to stand for the monumental principle, so distinctive and dominant a feature of our constitutional system, that the Court may bind the coordinate branches of the national government to its rulings on what is the aupreme law of the land. That principle stands out from Marbury like the grin on a Cheshire cal; all else, which preoccupied national attention in 1803, disappeared in our constitutional law."

Not until fifty years after rendering the Marbury decision did the Court sgain declare a law unconstitutional, but by then the idea of judicial review had become a time-honored principle.



DIRECTIONS: Answer the following questions on a separate sheet of paper.

- 1. Why is the Marbury case important in the history of the Supreme Court?
- In what way did the Marbury decision enhance the system of checks and balances provided for in the Constitution?
- 3. Constitutional scholars have pointed out there is an inconsistency in Justice Marshall's opinion with respect to what the Constitution specifically provides. What is that inconsistency?
- 4. The United States is one of the few countries in which the highest court of the land has the power to declare a law unconstitutional. Do you believe that such a power is of benefit to a country? Explain your answer.
- 6. Justice John Marshall was a Federalist who believed in a strong national government and certainly moved in this direction with his Marbury ruling. Do you think it is proper for a Supreme Court Justice to allow his or her personal political opinions to influence the rulings of the Court? Explain.

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Supreme Court Case Study 2

Power of the Federal Government v. Power of the **State Government**

McCulloch v. Maryland, 1819

************ Background of the Case *********

The Supreme Court first settled a dispute between a national and a state law in 1819. The Second Bank of the United States had been chartered by Congress in 1816. Large sections of the country, especially the West and South, bitterly opposed the Bank. The Bank's tight credit policies contributed to an economic depression, and many states reacted against what they saw as a "ruthless money trust" and "the monster monopoly." Two states even prohibited the bank from operating within their jurisdictions. Six other states taxed Bank operations. In 1818 the Maryland legislature placed a substantial tax on the operations of the Haltimore branch of the Bank of the United States. The cashier of the Baltimore branch, James McCulloch, issued bank notes without paying the tax. After Maryland state courts ruled against McCulloch for having broken the state law, he appealed to the United States Supreme Court.

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One of the issues that concerned the Founders at the Constitutional Convention was how to divide power between the federal government and state governments. Reconciling national and local interests proved difficult. In the McCulloch case, the Supreme Court ruled in favor of federal power.

The constitutional questions in the McCullock v. Maryland case concern both the powers of Congress and the relationship between federal and state authorities.

************ The Supreme Court's Decision *********

Chief Justice John Marshall wrote the decision for a unanimous Court. He started with the question, "Has Congress the power to incorporate a bank?"

In first determining the extent of congressional power, Marshall held that the Constitution is a creation not of the states, but of the people, acting through statewide constitutional conventions. Therefore, the states are bound in obligation to the Constitution, which is "the supreme law of the land." Marshall summed up the decision based on the Supremacy Clause, saying, "If any one proposition could command the universal assent of mankind we might expect it to be this ... that the government of the Union, though limited in its powers, is supreme within its sphere of action The states have no power to retard, impede, burden, or in any manner control, the operation of the constitutional laws enacted by Congress."

Although the specific powers of Congress do not include the power to charter a corporation, the section enumerating these powers includes a statement giving Congress the authority to make the laws "necessary and proper" for executing its specific tasks. In Marshall's analysis, the terms "necessary and proper" grant Congress implied powers to carry out granted, or enumerated, powers."Let the end be legitimate, let it be within the scope of the Constitution.

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and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional," the Chief Justice wrote. The choice of means is for Congress to decide. In the McCulloch case, the Court held that Congress had the power to incorporate a bank.

On the question of the validity of Maryland's bank tax, Marshall again noted the Constitution's supremacy, but he also recognized a state's constitutional right to impose taxes. Echoing his earlier argument, Marshall observed that a government may properly tax its subjects or their property. The federal government and its agencies, however, are not subjects of any state. A tax on a national institution by one state would be an indirect tax on citizens of other states, who would not benefit from such a tax.

Furthermore, the power to tax, if misused, is also the power to harm an institution. The power of Congress to establish an institution must imply the right to take all steps necessary for its preservation. In a conflict between the federal power to create and preserve a corporation and a state's power to levy a tax, the state must yield. Therefore, the Court denied Maryland's power to tax the Second Bank of the United States. In this way Marshall ensured the power of Congress to enact legislation "under a Constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs."

In conclusion, Marshall wrote, "... this is a tax on the operations of the bank, and is, consequently, a tax on the operation of an instrument employed by the government of the Union to carry its powers into execution. Such a tax must be unconstitutional"

The Court's decision in the McCulloth case brought a storm of abuse raining down on the Court. Virginia passed a resolution urging that the Supreme Court be divested of its power to pass on cases in which states were parties. Ohio, which like Maryland bad a tax on the United States Bank, simply continued to collect the tax. The decision was particularly offensive to believers in the strict, literal interpretation of the Constitution because it sustained the doctrine of implied powers. Nevertheless, the McCulloth decision, in upholding the principle of implied powers, enlarged the power of the federal government considerably and laid the constitutional foundations for the New Deal in the 1930s and the welfare state of the 1960s.



DIRECTIONS: Answer the following questions on a separate sheet of paper.

- 1. What constitutional principle did the Supreme Court establish in the McCalloch case?
- 2. What is the objective of the "necessary and proper" clause?
- 3. What was the basis for the Court's ruling that Maryland could not tax the Second Bank of the United States?
- 4. How did the fact that Justice Marshall was a Federalist influence his ruling in the McCulloch case?
- 5. How did the McCailloch ruling contribute to the strength of the national government?

Supreme Court Case Studies

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Regulation of Interstate Commerce

Gibbons v. Ogden, 1824

*********** Background of the Case **********

In 1798 the New York legislature gave Robert Fulton a monopoly for steamboat navigation in New York. In 1811 Fulton's partner, Robert Livingston, assigned to Aaron Ogden an exclusive license to run a ferry service on the Hudson River between New York and New Jersey—a very profitable business. Seeking to take advantage of this flourishing trade, a competitor, Thomas Gibbons, secured a license from the federal government to operate a ferry between Elizabethtown, New Jersey, and New York City.

Claiming that his monopoly rights were being infringed, Ogden obtained an injunction in a New York state court forbidding Gibbons's boat from docking in New York. (An injunction is an order by a court prohibiting a person or a group from carrying out a specific action.) Gibbons appealed the state court's decision to the United States Supreme Court.

Constitutional Issues ********************

The Constitution did not make clear what was meant by interstate commerce or the extent to which it could be regulated. At the time of this case in 1824, New York had closed its ports to vessels not owned or licensed by a monopoly chartered by the state. In retaliation, other states passed similar laws that limited access to their ports. The United States attorney maintained that the country faced a commercial "civil war." In the absence of a clear statement of what is meant by interstate commerce, how did the federal government have the power to intervene?

The Gibbons v. Ogden case presented the Supreme Court with the first opportunity to consider the ramifications of the commerce clause contained in Article I, Section 8 of the Constitution. This clause gave Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Several constitutional questions were involved in the case, revolving around an interpretation of the commerce clause.

The first question was whether navigation should be considered to be a part of commerce. Then, if navigation should be so considered, to what extent might Congress regulate it? Another question was whether Congress had an exclusive right to regulate interstate commerce or if this was a "concurrent" power to be shared with the states.

******** The Supreme Court's Decision *********

The Court held in favor of Gibbons. Chief Justice John Marshall wrote that commerce "describes the commercial intercourse between nations, and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse. The mind can scarcely conceive a system for regulating commerce between nations which shall exclude navigation "

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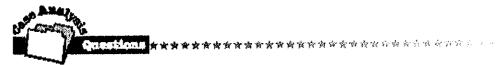
Mershall applied the same reasoning to commerce between states. In fact, he noted, the United States government had always regulated navigation. "All America understands," he wrote, "and has uniformly understood the word 'commerce' to comprehend navigation" Thus the Court held that "a power to regulate navigation is expressly granted as if that term had been added to the word 'commerce."

Marshall now turned to the meaning of "among," as in "among the several states." He reasoned that since "among" means "intermingled with," "commerce among the states cannot stop at the external boundary line of each state but may be introduced into the interior." Congress had no power over commerce which was confined to one state alone, but that power was in full force as soon as a state's boundary line had been crossed. And the power to regulate must necessarily follow any commerce in question right across those boundaries."

Marshall concluded that, like other congressional powers, the power to regulate commerce is unlimited so long as it is applied to objects specified in the Constitution.

The case also raised the question as to whether Congress's power to regulate is exclusive. If it is, then a state would be prevented from making its own commerce regulations. Marshall chose not to resolve this question. Instead, he wrote that in the Gibbons case there was a conflict between the state's law and a federal statute. "In every such case, the act of Congress... is supreme, and the law of the state... must yield to it." Gibbons's right to operate ferry service in competition with Ogden was therefore upheld.

By broadening the meaning of interstate commerce, Marshall laid the groundwork for including not only such clearly interstate activities as railroads and pipelines, but also the minimum wage regulation and prohibition of child labor. Robert Jackson, a Supreme Court justice who served in the mid-1900s, was thus correct when he declared, "Chief Justice Marshall described the federal commerce power with a breadth never exceeded."



DIRECTIONS: Answer the following questions on a separate sheet of paper.

- If you operated a trucking service between San Francisco, California, and Portland, Oregon, could you be subject to regulation by either or both of the states and the federal government? Explain.
- 2. Why was it necessary for Marshall to take the trouble to explain why navigation should be considered as part of commerce?
- 3. Explain in what way Justice Jackson's characterization of Marshall's Gibbons opinion was correct.
- 4. In what way is Marshall's ruling in the Gibbons case consistent with his other decisions, such as McCulloch v. Maryland, that related to federal versus state powers?
- Do you agree with Marshall's ruling that Gibbons had a right to compete with Ogden's ferry line? Give reasons for your answer.

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The Right to Freedom of Enslaved Persons

Dred Scott v. Sandford, 1857

*********** Background of the Case **********

John Emesson, a United States Army surgeon, took enslaved African Dred Scott to live at military posts in Illinois, a free state in 1834, and then to posts in the territory of Upper Louisiana (now Minnesota), where slavery had been forbidden by the Missouri Compromise of 1820. In 1838 Emerson and Scott returned to Missouri.

In 1846 Scott won a suit for his freedom against Emerson's widow in a Missouri court. Scott claimed that by having lived in free territory, he had earned his freedom. This ruling was overturned, however, by Missouri's Supreme Court. Aided by various entislavery interests, Scott then started a new suit in a federal district court against Mrs. Emerson's brother, John Sandford of New York, who had been acting as his sister's agent. Since the case was a dispute between people who live in two different states, it could be heard in a federal court. When the federal court ruled that Scott was still a slave, he appealed to the United States Supreme Court.

Constitutional Issues *******************

The Constitution left questions such as the legal rights of slaves for later lawmakers to solve. In 1850 Congress passed the Fugitive Slave Law, which stated that a slave was property and which required escaped slaves to be returned to their holders. Opponents of the law unsuccessfully challenged its legality before the Supreme Court.

The first major issue was whether Dred Scott—an African American—qualified as a citizen of the United States and was, therefore, entitled to sue in a federal court. The second issue concerned whether Scott had gained his freedom by moving to a free territory or state. The third issue focused on the Missouri Compromise of 1820, which banned slavery north of the southern boundary of Missouri (except for Missouri itself). Scott had lived in the non-slavery region. Did Congress have the power to prohibit slavery in the territories and to make the prohibition a condition of admission to the Union?

******** The Supreme Court's Decision ********

The Court's decision was written by Chief Justice Roger B. Taney, although each justice wrote his own opinion, with only one justice concurring with Taney in every respect. Two justices dissented.

Taney's first ruling was that former Africans, "whether emancipated or not," did not qualify as United States citizens. Taney held that only those who were state citizens when the Union was formed became federal citizens. Even though a state may emancipate a slave, give him the right to vote, and admit him to state citizenship, Taney said, none of these actions gave a slave automatic federal citizenship. The right to grant federal citizenship belonged exclusively to Congress. Taney concluded that Scott was not, and never had become, a citizen of the United States, and was not, therefore, entitled to sue in a federal court.

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Supreme Court Case Studies

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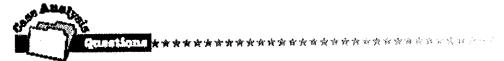


Taney next examined the question of whether Scott had gained his freedom when he entered the Upper Louisiana Territory. The Chief Justice attacked the Missouri Compromise as an unconstitutional exercise of congressional authority. Congress cannot forbid a state or a territory from making slavery legal. Taney explained that as long as slavery is authorized by the Constitution, Congress cannot alter the right of a person to own slaves or any other kind of property. In viewing the Missouri Compromise as unconstitutional, the Court determined that Scott's status did not change when he entered free territory. The Court held that Scott had been a slave in Illinois and had returned to Missouri as a slave. On his return to Missouri, he become subject to Missouri law alone. Taney ordered the suit dismissed for lack of jurisdiction.

************* Dissenting Opinion **********

Justice Henjamin R. Curtis dissented. Curtis noted that free African Americans were among those who had voted to ratify the Constitution in a number of states. Nothing in the Constitution stripped these free African Americans of their citizenship. Curtis maintained that "under the Constitution of the United States, every free person born on the soil of a State, who is a citizen of that State, who is a citizen of that State, who is a citizen of the United States...."

The Court's decision is one example of judicial power being exercised in favor of racial segregation. It is also the first time that a major federal law was ruled unconstitutional.



DIRECTIONS: Answer the following questions on a separate sheet of paper.

- What was the relationship between the Missouri Compromise and the Court's decision in the Dred Scott case?
- What effect do you think the Court's decision in the Dred Scatt case had on the efforts of many Americans to end slavery?
- 3. If you were a plantation owner in the South who held many slaves, how would you have reacted to the Dred Scott decision?
- 4. What did the Court say about enslaved African Americans' position in the United States?
- 6. Why is the Dred Scott decision regarded as one of the most important cases in the history of the Supreme Court?

Legality of Segregation by Race

Plessy v. Ferguson, 1896

******** Background of the Case **********

In 1890 Louisiana passed a law ordering railroads in the state to "provide equal but separate accommodations for the white and colored races." Violations of the law carried a fine of \$25 or 20 days in jail. Railway personnel were responsible for assigning seats according to race.

On June 7, 1892, Homer A. Plessy, who was one-eighth African American, decided to test the law's validity by sitting in the white section of a train going from New Orleans to Covington, Louisiana. When a conductor ordered Plessy to give up his seat, he refused. He was then arrested and imprisoned in a New Orleans jail. He was tried by a New Orleans court and found guilty of having violated the Louisiana law described above. He appealed to the Louisiana Supreme Court, which found the law valid. Plessy then appealed to the United States Supreme Court, claiming his conviction and the Louisiana railroad law were unconstitutional because they violated the Thirteenth and Fourteenth Amendments.

Constitutional Issue ********************

In the Reconstruction period after the Civil War, although slavery had been abulished by the Thirteenth Amendment, African Americans lived in a segregated society, especially in the South. The Fourteenth Amendment banned the deprivation of life, liberty, or property without "due process of law." Yet laws were passed in southern states that required segregated schools, theaters, parks, buses, and ruilroad trains. The Plessy case challenged the constitutionality of these so-called Jim Crow practices.

Homer A. Plessy challenged the constitutionality of segregation laws in Louisiana. He based his appeal on the Thirteenth Amendment, which abolished slavery, and the Fourteenth Amendment, which prohibited the states from denying "the equal protection of the law" to any person.

********** The Supreme Court's Decision *********

A majority of the Court denied Plessy's appeal and upheld the practice of segregation as required by the Louisiana law. Justice Henry Brown wrote the majority opinion. First, the ruling brushed aside the relevance to the case of the Thirteenth Amendment. Brown wrote that "a legal distinction between white and colored races... has no tendency to destroy the legal equality of the two races."

The rest of the Court's opinion, however, dealt with the applicability of the Fourteenth Amendment. Brown concluded that this amendment aimed strictly "to enforce the absolute equality of the two races before the law," but that it "could not have been intended to abolish distinctions based on calor, or to enforce social, as distinguished from political, equality . . ."

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Supreme Court Case Studies

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Supreme Court Case Study 9 (continued)



Laws requiring segregation "do not necessarily imply the inferiority of either race to the other" The majority noted that this was the "underlying fallacy" of Plessy's case. Just as valid under the Fourteenth Amendment would be a similar law enacted by an African American-controlled legislature with respect to whites or other races.

The Court ruled, then, that the matter ultimately depended on whether Louisiana's law was "reasonable." Segregation laws "have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police powers." In such matters, a legislature is free to take into account "established usages, customs, and traditions of the people," as well as "the preservation of public peace and good order."

Finally, the Court rejected the notion that "social prejudices may be overcome by legislation." Brown maintained, "If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane."

The Court, in effect, enunciated a doctrine that came to be called the separate-but-equal principle. If African Americans saw this as "a badge of inferiority," it was solely "because the colored race chooses to put that construction upon it."

************ Dissenting Opinion ***********

Justice John Marshall Harlan entered a vigorous dissent from the majority's decision. He "regretted that this high tribunal... has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of their rights solely upon the basis of race." He saw segregation on racial lines as "a badge of servitude wholly inconsistent with the civil freedom and equality before the law established by the Constitution.... The thin disguise of 'equal' accommodations for passengers in railroad coaches will not mislead anyone, nor atone for the wrong this day done." Harlan saw the Constitution as "color-blind, and neither knows nor tolerates classes among citizens."

The separate-but-equal principle was finally overturned in a series of civil rights decisions of the Court in the 1950s, must notably in Brawn v. Board of Education.



DIRECTIONS: Answer the following questions on a separate sheet of paper.

- Explain how the Supreme Court justified the practice of segregating railroad passengers in Louisiana by race.
- 2. What is the meaning of the separate-but-equal principle?
- 3. On what grounds did Justice Harlan criticize the majority's ruling?
- 4. Why do you think Plessy based his appeal in part on the Thirteenth Amendment?
- 8. What do you think was the effect of the Plessy decision on the nation, especially on the southern states?

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Nullifying the Separate but Equal Principle Brown v. Board of Education of Topeka, Kansas, 1954

*********** Background of the Case **********

Linda Brown, an African American teenager, applied for admission to an all-white public school in Topeka, Kansas. The board of education of Topeka refused to admit her. In a 1950 case, Sweatt v. Painter, the Supreme Court had for the first time questioned the constitutionality of the Plessy decision. The Court had held in that case that African Americans must be admitted to the previously segregated University of Texas Law School because no separate but equal facilities existed in Texas. The National Association for the Advancement of Colored People (NAACP) now saw denying admission to Linda Brown and other young African Americans as an opportunity to challenge segregation in the public schools, even though the facilities in other segregated schools for African Americans were equal to those for white students.

Brown represents a collection of four cases, all decided at one time. The cases had one common feature: African American children had been denied admission to segregated, all-white public schools. The cases reached the United States Supreme Court by way of appeals through lower courts, all of which had ruled in accordance with the 1896 Plessy decision.

onstitutional Issue *******************

The Brown case called for an explicit reappraisal of the Plessy decision. Did separate but equal public facilities violate the equal protection clause of the Fourteenth Amendment? In the case of Plessy v. Ferguson, the Supreme Court had established the separate but equal principle, which allowed the continuation of segregated schools and public facilities. During the 56 years since the Plessy decision, however, Americans' views on segregated changed. To many people, the very idea of segregated schools as well as other segregated public facilities seemed to be out of step with the times. In the years after World War II, the NAACP and other civil rights groups began pressing for nullification of the separate but equal idea. The justices were not immune to the changing social forces in the United States. Still, if in fact they wished to overturn Plessy in the Brown case, they faced the challenge of finding a constitutional basis for their decision.

******** The Supreme Court's Decision **********

The Court ruled unanimously to overrule the separate but equal principle. Chief Justice Parl Warren, who wrote the decision, was keenly aware that in overruling *Plessy*, an act of enormous social and political consequences, it was important for the entire Court to be in agreement. The *Brown* ruling was thus issued by a unanimous Court.

In his decision, Warren explained that since the relation of the Fourteenth Amendment to public schools was difficult to determine, the Court would "look instead to the effect of segregation itself on public education." The chief justice explained, "We must consider public education in the light of its full development and its present place in American life

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Supreme Court Case Studies

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Supreme Court Case Study 29 (continued)



throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the law."

The Court concluded that segregation of African American schoolchildren "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." To bolster his claim about the huge psychological impact of segregation, Warren quoted the finding of a lower court, even though the lower court ruled against the African American children. That court had stated: "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has the tendency to [retard] the education and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."

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

On this basis the Court concluded "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the law guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the due process clause of the Fourteenth Amendment."

In a follow-up to the Brown case, in 1955 the Court ordered that the integration of the public schools was to go forward "with all deliberate speed."



DIRECTIONS: Answer the following questions on a separate sheet of paper.

- 1. Why do you think the Court recognized the huge psychological impact that segregated schools had on children who attended them?
- 2. A constitutional scholar has called the Court's ruling in the Brown case "the Supreme Court's most important decision of the twentieth century." Why do you think he would make this claim?
- 3. Do you agree or disagree with the Court's ruling in the Brown case? Give reasons for your answer.
- 4. How do you think the Court's Brown ruling was received in the South?
- 5. Initially all the justices may not have agreed that separate but equal schools were unconstitutional. Why then do you think they ultimately agreed with the chief justice?

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The Rights of the Accused

Miranda v. Arizona, 1966

*********** Background of the Case ************

Ernesto Miranda had been arrested at his home in Phoenix, Arizona, and accused of kidnapping and rape. Questioned at the police station by two police officers, he was not advised of his right to an attorney nor his right to remain silent. After two hours of interrogation, he

his right to an attorney nor his right to remain silent. After two hours of interrogation, he signed a written confession to the crimes. At his trial, he was found guilty and sentenced to 20 to 30 years in prison. He took his case to the United States Supreme Court.

Constitutional Issue ******************

The Fifth Amendment of the Constitution guarantees that "no person...shall be compelled in any criminal case to be a witness against himself...." This right was made part of the Bill of Rights to prevent a tyrannical government from forcing accused persons to confess to crimes they may or may not have committed. Miranda's case before the Supreme Court was based on this Fifth Amendment protection. The Court accepted the case in order to explore and clarify certain problems arising from earlier decisions related to the rights of individuals taken into police custody. The precise question that the Court explored was under what circumstances an interrogation may take place so that a confession made during the interrogation would be constitutionally admissible in a court of law.

********** The Supreme Court's Decision **********

The Supreme Court overturned Miranda's conviction in a 5 to 4 decision. Chief Justice Parl Warren wrote the majority opinion. The Court's ruling centered on what happens when a person is taken into custody. No statement from the suspect, the Court held, may be used when it atems from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom in any significant way.

Warren noted that a suspect under interrogation is subject to great psychological pressures designed "to overbear the will," and that questioning often takes place in an environment "created for no other purpose than to subjugate the individual to the will of his examiner." In overturning Miranda's conviction, the Court intended "to combat these pressures and to permit a full opportunity to exercise the privilege against self-incrimination...."

A person in police custody "or otherwise deprived of his freedom... must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires," Warren stated.

(continued)

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Supreme Court Case Study 41 (continued)



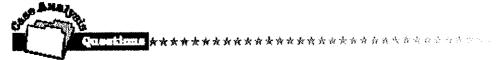
Once these warnings are given, the individual in custody may choose to stop answering questions, or may halt the interrogation until his attorney is present. Otherwise, he may waive his exercise of these rights. In such a case, there would be "a heavy burden... on the Government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to ... counsel."

The Miranda ruling applies only to interrogations. The Court emphasized that such safeguards were "not intended to hamper the traditional function of police officers in investigating crime. . . ." The ruling was not meant to bar "general on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process. . . ." In addition, the Chief Justice declared, the Fifth Amendment does not bar voluntary statements from a person who, for example, enters a police station ". . . to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make."

The Miranda ruling has led to the practice now followed routinely by arresting police officers and other law enforcement officials during which they read a suspect his or her Miranda rights.

************ Dissenting Opinion **********

Justices John Marshall Harlan, Tom C. Clark, Potter Stewart, and Byron White dissented. They saw no historical precedent for the majority position and feared the decision could weaken law enforcement. Justice White condemned the majority for creating law enforcement directives he viewed as inflexible, while at the same time leaving many unanswered questions.



DIRECTIONS: Answer the following questions on a separate sheet of paper.

- 1. How has the Supreme Court interpreted the Fifth Amendment's protection against self-incrimination to apply to all persons questioned in connection with a crime?
- 2. Suppose you were arrested as a suspect in a crime. The arresting officers rush you to a tiny room where they question you for 12 hours without a stop. Then, too weary to protest, you sign a confession. How would the Court's Miranda decision protect you in such a situation?
- 3. At the scene of a crime, a police officer questions witnesses about the details of a holdup. The officer suspects that some of the witnesses are connected with the crime. How does the Miranda decision apply in such an instance?
- 4. What do you think would happen if a person convicted of a crime proved that she or he was not informed of the Miranda rights when questioned by the police?
- 5. In recent years, the Miranda decision has been criticized by some persons as protecting the rights of criminals and neglecting the rights of crime victims. Do you agree or disagree with this point of view? Why?

Supreme Court Case Summaries

The following summaries give details about important Supreme Court cases.

Brown v. Board of Education (1954)

In Brown v. Board of Education of Topeka, Kansas, the Supreme Court overruled Plessy v. Ferguson (1896) [see p. 999] making the separate-but-equal doctrine in public schools unconstitutional. The Supreme Court rejected the idea that truly equal but separate schools for African American and white students would be constitutional. The Court explained that the Fourteenth Amendment's requirement that all persons be guaranteed equal protection of the law is not met simply by ensuring that African American and white schools "have been equalized...with respect to buildings, curricula, qualifications and salaries, and other tangible factors."

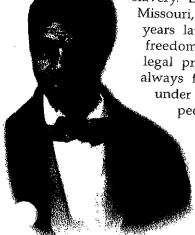
The Court then ruled that racial segregation in public schools violates the Equal Protection Clause of the Constitution because it is inherently unequal. In other words, nothing can make racially segregated public schools equal under the Constitution because the very fact of separation marks the separated race as ferior. In practical terms, the Court's decision in this case has been extended beyond public education to virtually all public accommodations and activities.

Dred Scott v. Sandford (1857)

Dred Scott was taken by slaveholder, John Sandford, to the free state of Illinois and to the Wisconsin

Territory, which had also banned slavery. Later they returned to Missouri, a slave state. Several years later, Scott sued for his freedom under the Missouri legal principle of "once free, always free." In other words, under Missouri law enslaved people were entitled to

freedom if they had lived in a free state at any time. Missouri courts ruled against Scott, but he appealed the case all the way to the United States Supreme Court.



Dred Scott

The Supreme Court decided this case before the Fourteenth Amendment was added to the Constitution. (The Fourteenth Amendment provides that anyone born or naturalized in the United States is a citizen of the nation and of his or her state of residence.) The court held that enslaved African Americans were property, not citizens, and thus had no rights under the Constitution. The decision also declared that it was unconstitutional to prohibit slavery in the territories. Many people in the North were outraged by the decision, which moved the nation closer to civil war.

Furman v. Georgia (1972)

This decision put a halt to the application of the death penalty under state laws then in effect. For the first time, the Supreme Court ruled that the death penalty amounted to cruel and unusual punishment, which is outlawed in the Constitution. The Court explained that existing death penalty laws did not give juries enough guidance in deciding whether or not to impose the death penalty. As a result, the death penalty in many cases was imposed arbitrarily, that is, without a reasonable basis in the facts and circumstances of the offender or the crime.

The Furman decision halted all executions in the 39 states that had death penalty laws at that time. Since the decision, 38 states have rewritten death penalty laws to meet the requirements established in the Furman case.

Gibbons v. Ogden (1824)

Thomas Gibbons had a federal license to operate a steamboat along the coast, but he did not have a license from the state of New York to travel on New York waters. He wanted to run a steamboat line between Manhattan and New Jersey that would compete with Aaron Ogden's company. Ogden had a New York license. Gibbons sued for the freedom to use his federal license to compete against Ogden on New York waters.

Gibbons won the case. The Supreme Court made it clear that the authority of Congress to regulate interstate commerce (among states) includes the authority

regulate intrastate commerce (within a single state) at bears on, or relates to, interstate commerce.

Before this decision, it was thought that the Conturion would permit a state to close its borders to the attention activity—which, in effect, ould stop such activity in its tracks. This case says at a state can regulate purely internal commercial tivity, but only Congress can regulate commercial tivity that has both intrastate and interstate mensions.



After being accused of robbery, Clarence Gideon fended himself in a Florida court because the judge the case refused to appoint a free lawyer. The jury and Gideon guilty. Eventually, Gideon appealed a conviction to the United States Supreme Court, iming that by failing to appoint a lawyer the lower art had violated his rights under the Sixth and urteenth Amendments.

The Supreme Court agreed with Gideon. In Gideon Wainwright the Supreme Court held for the first ne that poor defendants in criminal cases have the ht to a state-paid attorney under the Sixth Amendent. The rule announced in this case has been in jo apply whenever the defendant, if contea, can be sentenced to more than six months in or prison.

Korematsu v. United States (1944)

After the Japanese bombing of Pearl Harbor in 11, thousands of Japanese Americans on the West ast were forced to abandon their homes and busisses, and they were moved to internment camps in



983 Fred Korematsu (center) won a reversal of his viction.

California, Idaho, Utah, Arizona, Wyoming, Colorado, and Arkansas. The prison-like camps offered poor food and cramped quarters.

The Supreme Court's decision in *Korematsu v. United States* upheld the authority of the federal government to move Japanese Americans, many of whom were citizens, from designated military areas that included almost the entire West Coast. The government defended the so-called exclusion orders as a necessary response to Japan's attack on Pearl Harbor. Only after his reelection in 1944 did President Franklin Roosevelt rescind the evacuation orders, and by the end of 1945 the camps were closed.



During his last days in office, President John Adams commissioned William Marbury and several other men as judges. This action by Federalist president Adams angered the incoming Democratic-Republican president Thomas Jefferson. Jefferson then ordered James Madison, his secretary of state, not to deliver the commissions, thus blocking the appointments. William Marbury sued, asking the Supreme Court to order Madison to deliver the commission that would make him a judge.

The Court ruled against Marbury, but more importantly, the decision in this case established one of the most significant principles of American constitutional law. The Supreme Court held that it is the Court itself that has the final say on what the Constitution means. This is known as judicial review. It is also the Supreme Court that has the final say in whether or not an act of government—legislative or executive at the federal, state, or local level—violates the Constitution.

McCulloch v. Maryland (1819)

Following the War of 1812, the United States experienced years of high inflation and general economic turmoil. In an attempt to stabilize the economy, the United States Congress chartered a Second Bank of the United States in 1816. Maryland and several other states, however, opposed the competition that the new national bank created and passed laws taxing its branches. In 1818, James McCulloch, head of the Baltimore branch of the Second Bank of the United States, refused to pay the tax to the state of Maryland. The case worked its way through the Maryland state courts all the way to the United States, Supreme Court.

The Supreme Court declared the Maryland tax unconstitutional and void. More importantly, the decision established the foundation for expanded Congressional authority. The Court held that the necessary and proper clause of the Constitution allows Congress to do more than the Constitution expressly authorizes it to do. The decision allows Congress to enact nearly any law that will help it achieve any of its duties as set forth in the Constitution. For example, Congress has the express authority to regulate interstate commerce. The necessary and proper clause permits Congress to do so in ways not actually specified in the Constitution.

Miranda v. Arizona (1966)

In 1963, police in Arizona arrested Ernesto Miranda for kidnapping. The court found Miranda guilty on the basis of a signed confession. The police admitted that neither before nor during the questioning had Miranda been advised of his right to consult with an attorney before answering any questions or of his right to have an attorney present during the interrogation. Miranda appealed his conviction, claiming that police had violated his right against self-incrimination under the Fifth Amendment by not informing him of his legal rights during questioning.

Miranda won the case. The Supreme Court held that a person in police custody cannot be questioned unless told that he or she has: 1) the right to remain silent, 2) the right to an attorney (at government expense if the accused is unable to pay), and 3) that anything the person says after stating that he or she understands these rights can be used as evidence of guilt at trial. These rights have come to be called the



In 1963, the arrest of Ernesto Miranda (left) led to a landmark decision.

Miranda warning. They are intended to ensure that an accused person in custody will not unknowingly give up the Fifth Amendment's protection against self-incrimination.

New York Times Company v. United States (1971)

In June 1971, the New York Times published its first installment of the "Pentagon Papers," a classified document about government actions in the Vietnam War era. The secret document had been leaked to the Times by antiwar activist Daniel Ellsberg, who had previously worked in national security for the government. President Richard Nixon went to court to block further publication of the Pentagon Papers. The New York Times appealed to the Supreme Court to allow it to continue publishing without government interference.

The Supreme Court's ruling in this case upheld earlier decisions that established the doctrine of prior restraint. This doctrine protects the press (broadly defined to include newspapers, television and radio, filmmakers and distributors, etc.) from government attempts to block publication. Except in extraordinary circumstances, the press must be allowed to publish.

Plessy v. Ferguson (1896)

In the late 1800s railroad companies in Louisiana were required by state law to provide "separate-but-equal" cars for white and African American passengers. In 1890 a group of citizens in New Orleans selected Homer Plessy to challenge that law. In 1892, Plessy boarded a whites-only car and refused to move. He was arrested. Plessy appealed to the Supreme Court, arguing that the Louisiana separate-but-equal law violated his right to equal protection under the Fourteenth Amendment.

Homer Plessy lost the case. The Plessy decision upheld the separate-but-equal doctrine used by Southern states to perpetuate segregation following the Civil War. The court ruled that the Fourteenth Amendment's equal protection clause required only equal public facilities for the two races, not equal access to the same facilities. This decision was overruled in 1954 by Brown v. Board of Education of Topeka, Kansas, (discussed previously).

Preside Court Cases

Roe v. Wade (1973)

Roe v. Wade challenged restrictive abortion laws in both Texas and Georgia. The suit was brought in the name of Jane Roe, an alias used to protect the privacy of the plaintiff.

In this decision, the Supreme Court ruled that females have a constitutional right under various provisions of the Constitution—most notably, the due process clause—to decide whether or not to terminate a pregnancy. The Supreme Court's decision in this case was the most significant in a long line of decisions over a period of 50 years that recognized a constitutional right of privacy, even though the word privacy is not found in the Constitution.

Tinker v. Des Moines School District (1969)

During the Vietnam War, some students in Des Moines, Iowa, wore black armbands to school to protest American involvement in the conflict. Two days earlier, school officials had adopted a policy anning the wearing of armbands to school. When the students arrived at school wearing armbands, they were suspended and sent home. The students argued that school officials violated their First Amendment right to free speech.

The Supreme Court sided with the students. In a now-famous statement the court said that "it can hardly be argued that either students or teachers shed their constitutional rights of freedom of speech or expression at the schoolhouse gate." The Supreme Court went on to rule that a public school could not suspend students who wore black armbands to school to symbolize their opposition to the Vietnam War. In so holding, the Court likened the students' conduct to pure speech and decided it on that basis.

United States v. Nixon (1974)

In the early 1970s, President Nixon was named an unindicted co-conspirator in the criminal investigation that arose in the aftermath of a break-in at the offices the Democratic Party in Washington, D.C. A federal addge had ordered President Nixon to turn over tapes of conversations he had with his advisers about the

break-in. Nixon resisted the order, claiming that the conversations were entitled to absolute confidentiality by Article II of the Constitution.

The decision in this case made it clear that the president is not above the law. The Supreme Court held that only those presidential conversations and communications that relate to performing the duties of the office of president are confidential and protected from a judicial order of disclosure. The Court ordered Nixon to give up the tapes, which revealed evidence linking the president to the conspiracy to obstruct justice. He resigned from office shortly thereafter.

Worcester v. Georgia (1832)

State officials in Georgia wanted to remove the Cherokees from land that had been guaranteed to them in earlier treaties. Samuel Worcester was a Congregational missionary who worked with the Cherokee people. He was arrested for failure to have a license that the state required to live in Cherokee country and for refusing to obey an order from the Georgia militia to leave Cherokee lands. Worcester then sued the state of Georgia. He claimed that Georgia had no legal authority on Cherokee land because the United States government recognized the Cherokee in Georgia as a separate nation.

The Supreme Court agreed with Worcester by a vote of 5 to 1. Chief Justice John Marshall wrote the majority opinion which said that Native American nations were a distinct people with the right to have independent political communities and that only the federal government had authority over matters that involved the Cherokee.

President Andrew Jackson supported Georgia's efforts to remove the Cherokee to Indian Territory and refused to enforce the court's ruling. After the ruling Jackson remarked, "John Marshall has made his decision. Now let him enforce it."

- 1. Strait that is narrow strip of water connecting two large bodies of water or seas
- 2. Delta is the soil at the mouth of a river.
- 3. Tourists on a bus at Yellowstone National Park is Human-environment interaction
- 4. Which term to describe the preamble of the US constitution? Limitation of government
- 5. Disputes regarding state borders are heard by US Supreme Court
- 6. An individual who has been arrested cannot afford legal representation is entitled to representation by a *Public defender*
- 7. The effect of an economic crisis unemployment and decline in market in Japan on the US economy is decrease or strengthen??
- 8. Alexander the Great Hellenistic
- 9. passage quote 'The size of the territory and the people who disagreed with the purchase but the decision was unequal' *Louisiana*
- 10. passage quote '... Spain ... \$5 million' Florida
- 11. (in a graphic map) Africa less rain northern area
- 12. Political democracy-end of apartheid in South Africa or NAFTA or Org. States of America
- 13. Industrial Revolution decrease child labor or increase cottage industry
- 14. Macroeconomics reaction (price or ??)
- 15. Truman Doctrine to stop communism into eastern Europe after WWII
- 16. Laissez-faire on government intervention of private businesses or the economy
- 17. Reserved on states' rights of governing
- 18. British & French are rivals in colonial North America
- 19. Jim Crow regarding segregation 'separate but equal'
- 20. Bastille the start of the French Revolution
- 21. Pres. Lyndon Johnson had Congress declare war in Vietnam Tonka Gulf resolution
- 22. Crusades and Macro Polo religious purposes or travel west or ??
- 23. Nationalism in 19th century was promoted by Napoleon & Bismarck
- 24. Industrial Revolution benefits rose in middle class??
- 25. Border dispute after 1947 India's independence- Pakistan/Muslim vs India/Hindu
- 26. WWII ended with Bombing of Japan
- 27. Result of Lutheran Reformation left German head of state with less authority??
- 28. Social status of immigrates in the north the 3 decades prior to Civil War assimilation
- 29. Economic status of the south the 3 decades prior to Civil War Large plantation increasing benefits over smaller farmers
- 30. Copernicus' theory of the solar system was condemned by the Roman Catholic Church
- 31. Before WWI, Russia feared the alliance of Austro-Hungarian and Germany
- 32. US became involved with human rights in Kosovo
- 33. Zimmermann telegraph from Germany to Mexico was intercepted by US
- 34. US entered WWI due to submarine activities and sinking in shipping lanes
- 35. Sumerians invented the cuneiform
- 36. Religion with caste system is Hinduism
- 37. 'The Wealth of Nations' written by Adam Smith
- 38. Women received the right to vote in 1920 by 19th Amendment
- 39. Two-party debates in US started with Jefferson and Hamilton
- 40. Seminole resistance during the Second Seminole War lead by Osceola
- 41. Great Society and Malcolm X was in 1960's
- 42. Trade restrictions on import quotas help domestic manufactures





SAE

1 message



Sun, Oct 17, 2010 at 5:51 PM

Questions as exact as I can remember them:

- 1. What major rivers match up with 4 capitols in Europe?
- 2. What is U.S. current position with Korea and Vietnam?
 - a. Containment (ANSWER)
 - b. Detente
 - c. Isolationism
- 3. What connects two bodies of water?
- 4. Powers given to Executive Branch?
 - a. 4 examples were given, and you have to pick which one is not a power. One of the 4 answers were Pardoning (I picked that to be false... I got it wrong)
- 5. Powers of Judicial Branch?
 - a. VERY specific examples and you had to find which one was correct. Critical thinking on this one.
- 6. Which of the following is not part of the Bill of Rights?
 - a. List four amendments, must know which one is part of the first ten.
- 7. Question gives an example and you have to know if it is Absolute or Comparative Advantage.
 - a. Critical thinking. Very hard.
- 8. Religion that matches with India and Errr... ???? India Hindu &



- 9. Reading a land form map.
- 10. What caused the Renaissance?
 - a. The answers were different things that went on in different parts of the world. Since I knew it started in Florence and has to do with art, I picked Patronage in Italy. Patronage is a VERY important vocabulary word. Apparently so in Patron, because they mean two different things. Must have gotten this one wrong.
- 11. Planned Economy.
 - a. Gives and example and you need to know which kind of economy it matches with.
- 12. What did Sumerians invent:
 - a. Cuneiform (Answer) another choice was paper.
- 13. Who were the leaders of the Seminole wars?
- 14. What lead to stricter laws on Slaves.
 - a. I put Stono Rebellion; another option was the Harpers Ferry incident
 - What did Martin Luther play a major role in?
 - Protestant Reformation.
 - What incident led to America going to Vietnam
 - a I had no clue...

The Zimmerman note (like you said) was on the test, but it asked which two countries it was

- a. I knew it was Germany ... guessed for the other $\| \chi_{t, \zeta} \|_{X^{1/2}}$
- 18. City-States/Nation-States
- 19. Why did Feudalism have to end for the age of exploration to take place?
 - a. Some of the answers were: Because explores would only risk theirs lives for a king or a queen, because feudalism could not offer all the supplies and the transportation then needed.

- 20. There was a title of a economic book. And you needed to know the author.
 - a. Two of the choices were: Adam Smith and Keyans.
- 21. What ended world war II?
 - a. I put the atomic bombs.
- 22. Certain cultural elements throughout the world.
 - a. Ethnocentrism
 - b. Globalization
 - c. Cultural diffusion
 - d. Cultural ????
- 23. What are the three most tolerable climates?
- 24. What does "The White Mans Burden" refer to?
- 25. What are the largest land masses on earth?
 - a. Continents
- 26. Ohhhh... so there was this except about buying last doubling U.S. size [again] from one of the most dangerous countries.
 - a. I went back and forth on this one from Alaska and Louisiana Purchase. I know that L.P. doubled our size... but the "[again]" and the "dangerous" part made me switch my answer to Alaska.... Still not sure what the answer is though. Than again there were two other choices, so nether might be correct.
- 27. What was NOT factor in both WWI and WWII.
 - a. Some of the choices were: Nationalism and Allies
- 28. What decade saw Malcolm X and the... Good life... simple life... oy... cannot remember the term.
 - a. I guessed and picked the 60's.
- 29. If unemployment went up in China and they could not trade with the U.S. what would happen to the U.S. economy.
 - a. Some of the answer said: It would go down because..., nothing would happen, or we would just trade with Europe instead.
- 30. Which type of government does not have restrictions on the leader.
 - a. Some of the choices were: President, Parliament, and Totalitarianism. I put totalitarianism.
- 31. With the industrial revolution, what decreased?
 - a. Some of the choices were: child labor, cottage industry
- 32. With an influx of immigrants what increased in the factories?
 - a. Some choices: unskilled labor, skilled labor
- 33. What years was unionization big.
- 34. In the 1700s who fought for the North East.
 - a. I assumed this was French and British, but British and Spain, and Spain and France were other options.
- 35. How did Greeks contribute to the Western World?
 - a. I put drama and architectural,
 - b. Other options were engineering.
- 36. Antebellum North and South (iconology)
- 37. What acts did the government put in place to raise money in the colonies.
 - a. Sugar Act, Stamp Act and Townsend Act
- 38 The Voting Rights Act of 1965:
 - a Increased Black and White voters in south. (Epicked this)
 - Decreased Black, but increased white voters in the south
 - increased Black, but decreased white
- 39 What decade was the dust bowl in?
 - a. I put the 30s
- 40 During WWII, U.S. gave countries fighting Hitler supplies. This is known as.
 - a. Lend-lease Act
- 41. What was the position of employers when women went on strike?
 - a. Fire them and get new workers
 - b. Give into their demands
- 42. U.S. government purpose for import quotas:

- a. Force more domestic products to be produced (that's the only choice I remember because I picked it.)
- 43. What separates Texas and Mexico
 - a. Rio Grande
- 44. The weather is usually dry and humid. The temperature differs throughout the year.
 - a. This is: climate, weather...

Vocabulary:

- 1. Tundra
- 2. Silk Road P. 375 0.23
- 3. Federalist
- 4. Assembly Line
- 5. Specialization
- 6. Fascism
- 7. Hellenistic
- 8. Laissez Faire
- 9. Mercantilism
- 10. Marshall Plan
- 11. Minoans
- 12. Manifest Destiny P. 758 284
- 13. Open Door Policy
- 14 Paternalism
- 15. Sons of Liberty
- 16. Realism/Liberalism
- 17. Reconstruction
- 18. Roosevelt Corollary, Monroe Doctrine
- 19. Socialism
- 20. Imperialism
- 21. Brown vs. Board of Education
- 22. Supply and Demand Adam Smith
- 23. Opportunity cost
- 24. Populist/ Progressive movements
- 25. Jim Crow Laws
- 26. Voting Sequences
- 27. Sectionalism
- 28. Heliocentric
- 29. Interdependence
- 30. NAFTA



Other:

There were less than 10 questions about methods of Social Science

I cannot remember one Holocaust related question

200 1 11 120

There were a few questions on State. Local and Government Powers

5 carcity-A51

Plessy V. Ferguson

Supreme Court Case Summaries

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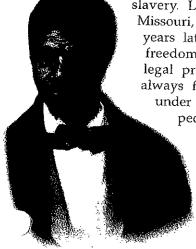
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freedom if they had lived in a free state at any time. Missouri courts ruled against Scott, but he appealed the case all the way to the United States Supreme Court.



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The Supreme Court decided this case before the Fourteenth Amendment was added to the Constitution. (The Fourteenth Amendment provides that anyone born or naturalized in the United States is a citizen of the nation and of his or her state of residence.) The court held that enslaved African Americans were property, not citizens, and thus had no rights under the Constitution. The decision also declared that it was unconstitutional to prohibit slavery in the territories. Many people in the North were outraged by the decision, which moved the nation closer to civil war.

Furman v. Georgia (1972)

This decision put a halt to the application of the death penalty under state laws then in effect. For the first time, the Supreme Court ruled that the death penalty amounted to cruel and unusual punishment, which is outlawed in the Constitution. The Court explained that existing death penalty laws did not give juries enough guidance in deciding whether or not to impose the death penalty. As a result, the death penalty in many cases was imposed arbitrarily, that is, without a reasonable basis in the facts and circumstances of the offender or the crime.

The Furman decision halted all executions in the 39 states that had death penalty laws at that time. Since the decision, 38 states have rewritten death penalty laws to meet the requirements established in the Furman case.

Gibbons v. Ogden (1824)

Thomas Gibbons had a federal license to operate a steamboat along the coast, but he did not have a license from the state of New York to travel on New York waters. He wanted to run a steamboat line between Manhattan and New Jersey that would compete with Aaron Ogden's company. Ogden had a New York license. Gibbons sued for the freedom to use his federal license to compete against Ogden on New York waters.

Gibbons won the case. The Supreme Court made it clear that the authority of Congress to regulate interstate commerce (among states) includes the authority

regulate intrastate commerce (within a single state) at bears on, or relates to, interstate commerce.

Before this decision, it was thought that the Contution would permit a state to close its borders to te te the commercial activity—which, in effect, buld stop such activity in its tracks. This case says at a state can regulate purely internal commercial tivity, but only Congress can regulate commercial tivity that has both intrastate and interstate mensions.



After being accused of robbery, Clarence Gideon fended himself in a Florida court because the judge the case refused to appoint a free lawyer. The jury and Gideon guilty. Eventually, Gideon appealed a conviction to the United States Supreme Court, iming that by failing to appoint a lawyer the lower art had violated his rights under the Sixth and urteenth Amendments.

The Supreme Court agreed with Gideon. In Gideon Wainwright the Supreme Court held for the first ne that poor defendants in criminal cases have the ht to a state-paid attorney under the Sixth Amendent. The rule announced in this case has been in to apply whenever the defendant, if content, can be sentenced to more than six months in or prison.



After the Japanese bombing of Pearl Harbor in 11, thousands of Japanese Americans on the West ast were forced to abandon their homes and busises, and they were moved to internment camps in



985 Fred Korematsu (center) won a reversal of his viction.

California, Idaho, Utah, Arizona, Wyoming, Colorado, and Arkansas. The prison-like camps offered poor food and cramped quarters.

The Supreme Court's decision in *Korematsu* v. *United States* upheld the authority of the federal government to move Japanese Americans, many of whom were citizens, from designated military areas that included almost the entire West Coast. The government defended the so-called exclusion orders as a necessary response to Japan's attack on Pearl Harbor. Only after his reelection in 1944 did President Franklin Roosevelt rescind the evacuation orders, and by the end of 1945 the camps were closed.



During his last days in office, President John Adams commissioned William Marbury and several other men as judges. This action by Federalist president Adams angered the incoming Democratic-Republican president Thomas Jefferson. Jefferson then ordered James Madison, his secretary of state, not to deliver the commissions, thus blocking the appointments. William Marbury sued, asking the Supreme Court to order Madison to deliver the commission that would make him a judge.

The Court ruled against Marbury, but more importantly, the decision in this case established one of the most significant principles of American constitutional law. The Supreme Court held that it is the Court itself that has the final say on what the Constitution means. This is known as judicial review. It is also the Supreme Court that has the final say in whether or not an act of government—legislative or executive at the federal, state, or local level—violates the Constitution.

McCulloch v. Maryland (1819)

Following the War of 1812, the United States experienced years of high inflation and general economic turmoil. In an attempt to stabilize the economy, the United States Congress chartered a Second Bank of the United States in 1816. Maryland and several other states, however, opposed the competition that the new national bank created and passed laws taxing its branches. In 1818, James McCulloch, head of the Baltimore branch of the Second Bank of the United States, refused to pay the tax to the state of Maryland. The case worked its way through the Maryland state courts all the way to the United States Supreme Court.

The Supreme Court declared the Maryland tax unconstitutional and void. More importantly, the decision established the foundation for expanded Congressional authority. The Court held that the necessary and proper clause of the Constitution allows Congress to do more than the Constitution expressly authorizes it to do. The decision allows Congress to enact nearly any law that will help it achieve any of its duties as set forth in the Constitution. For example, Congress has the express authority to regulate interstate commerce. The necessary and proper clause permits Congress to do so in ways not actually specified in the Constitution.

Miranda v. Arizona (1966)

In 1963, police in Arizona arrested Ernesto Miranda for kidnapping. The court found Miranda guilty on the basis of a signed confession. The police admitted that neither before nor during the questioning had Miranda been advised of his right to consult with an attorney before answering any questions or of his right to have an attorney present during the interrogation. Miranda appealed his conviction, claiming that police had violated his right against self-incrimination under the Fifth Amendment by not informing him of his legal rights during questioning.

Miranda won the case. The Supreme Court held that a person in police custody cannot be questioned unless told that he or she has: 1) the right to remain silent, 2) the right to an attorney (at government expense if the accused is unable to pay), and 3) that anything the person says after stating that he or she understands these rights can be used as evidence of guilt at trial. These rights have come to be called the



In 1963, the arrest of Ernesto Miranda (left) led to a landmark decision.

Miranda warning. They are intended to ensure that an accused person in custody will not unknowingly give up the Fifth Amendment's protection against self-incrimination.

New York Times Company v. United States (1971)

In June 1971, the New York Times published its first installment of the "Pentagon Papers," a classified document about government actions in the Vietnam War era. The secret document had been leaked to the Times by antiwar activist Daniel Ellsberg, who had previously worked in national security for the government. President Richard Nixon went to court to block further publication of the Pentagon Papers. The New York Times appealed to the Supreme Court to allow it to continue publishing without government interference.

The Supreme Court's ruling in this case upheld earlier decisions that established the doctrine of prior restraint. This doctrine protects the press (broadly defined to include newspapers, television and radio, filmmakers and distributors, etc.) from government attempts to block publication. Except in extraordinary circumstances, the press must be allowed to publish.

Plessy v. Ferguson (1896)

In the late 1800s railroad companies in Louisiana were required by state law to provide "separate-but-equal" cars for white and African American passengers. In 1890 a group of citizens in New Orleans selected Homer Plessy to challenge that law. In 1892, Plessy boarded a whites-only car and refused to move. He was arrested. Plessy appealed to the Supreme Court, arguing that the Louisiana separate-but-equal law violated his right to equal protection under the Fourteenth Amendment.

Homer Plessy lost the case. The Plessy decision upheld the separate-but-equal doctrine used by Southern states to perpetuate segregation following the Civil War. The court ruled that the Fourteenth Amendment's equal protection clause required only equal public facilities for the two races, not equal access to the same facilities. This decision was overruled in 1954 by Brown v. Board of Education of Topeka, Kansas, (discussed previously).

Roe v. Wade (1973)

Roe v. Wade challenged restrictive abortion laws in both Texas and Georgia. The suit was brought in the name of Jane Roe, an alias used to protect the privacy of the plaintiff.

In this decision, the Supreme Court ruled that females have a constitutional right under various provisions of the Constitution—most notably, the due process clause—to decide whether or not to terminate a pregnancy. The Supreme Court's decision in this case was the most significant in a long line of decisions over a period of 50 years that recognized a constitutional right of privacy, even though the word privacy is not found in the Constitution.



During the Vietnam War, some students in Des Moines, Iowa, wore black armbands to school to protest American involvement in the conflict. Two days earlier, school officials had adopted a policy ranning the wearing of armbands to school. When the students arrived at school wearing armbands, they were suspended and sent home. The students argued that school officials violated their First Amendment right to free speech.

The Supreme Court sided with the students. In a now-famous statement the court said that "it can hardly be argued that either students or teachers shed their constitutional rights of freedom of speech or expression at the schoolhouse gate." The Supreme Court went on to rule that a public school could not suspend students who wore black armbands to school to symbolize their opposition to the Vietnam War. In so holding, the Court likened the students' conduct to pure speech and decided it on that basis.



In the early 1970s, President Nixon was named an unindicted co-conspirator in the criminal investigation that arose in the aftermath of a break-in at the offices of the Democratic Party in Washington, D.C. A federal Judge had ordered President Nixon to turn over tapes of conversations he had with his advisers about the

break-in. Nixon resisted the order, claiming that the conversations were entitled to absolute confidentiality by Article II of the Constitution.

The decision in this case made it clear that the president is not above the law. The Supreme Court held that only those presidential conversations and communications that relate to performing the duties of the office of president are confidential and protected from a judicial order of disclosure. The Court ordered Nixon to give up the tapes, which revealed evidence linking the president to the conspiracy to obstruct justice. He resigned from office shortly thereafter.

Worcester v. Georgia (1832)

State officials in Georgia wanted to remove the Cherokees from land that had been guaranteed to them in earlier treaties. Samuel Worcester was a Congregational missionary who worked with the Cherokee people. He was arrested for failure to have a license that the state required to live in Cherokee country and for refusing to obey an order from the Georgia militia to leave Cherokee lands. Worcester then sued the state of Georgia. He claimed that Georgia had no legal authority on Cherokee land because the United States government recognized the Cherokee in Georgia as a separate nation.

The Supreme Court agreed with Worcester by a vote of 5 to 1. Chief Justice John Marshall wrote the majority opinion which said that Native American nations were a distinct people with the right to have independent political communities and that only the federal government had authority over matters that involved the Cherokee.

President Andrew Jackson supported Georgia's efforts to remove the Cherokee to Indian Territory and refused to enforce the court's ruling. After the ruling Jackson remarked, "John Marshall has made his decision. Now let him enforce it."

June 7, 2010 8:14:54 AM inted by: Linda Medvin Page 1 of 3 tie: more study helpers : CAB

From:

Amy Jacobson

June 5, 2010 10:32:40 PM 📰 🥮

`ject:

more study helpers

To:

🌺 Tammy L. Ramirez 🐇 Linda Medvin

🎍 Myriam P. Hochman **Marjorie Daniel**

Funny...hope it is helpful. Found on: http://ask.metafilter.com/58583/mnemonic-way-to-memorize-amendments

Laurie A. Marks

From the 1993 film Born Yesterday (screenplay by Douglas McGrath):

- 1. The first amendment to the Constitution says....freedom of religion, speech, and press. The second part of the first amendment says....peacefully assembly & just say any crazy thing you like (Assemble and be nice, & just say any crazy think you like!)
- 2. The second amendment to the Constitution says....right to bear arms (Here is my gun freeze!)
- 3. The third amendment to the Constitution says....soldiers get out, please. (Soldiers get out please)
- 4. The fourth amendment to the Constitution says....Where's your warrant, please? (Whereas your warrant, please?)
- 5. The fifth amendment to the Constitution says....Don't rat on yourself? (Don't rat on yourself)
- 6. The sixth amendment to the Constitution says....right to a quick trial (Right to a quick trial)
- 7. The seventh amendment to the Constitution says....jury trial in civil cases (Jury trial in civil cases)
- 8. The eighth amendment to the Constitution says....don't lock me in dark places (Don't lock me in dark places!)
- 9. The ninth amendment to the Constitution says....powers of the people (Powers of the people)
- 10. The tenth amendment to the Constitution says....the states have rights too (States have rights, too!)
- 11. The eleventh amendment to the Constitution says....suits against states ('ts against states)
- 12. The twelfth amendment to the Constitution says....election of the Pres. (Election of the Pres.)
- 13. The thirteenth amendment to the Constitution says....slavery is invalid

(Slavery is invalid)

- 14 The fourteenth amendment to the Constitution says....equal rights for all
- (1 al rights for all)
- 15. The fifteenth amendment to the Constitution says....all races get the ballot (All races get the ballot)
- 16. The sixteenth amendment to the Constitution says....Congress can take taxes (Congress can take taxes)
- 17. The seventeenth amendment to the Constitution says....we elect Senators too (We elect Senators, too!)
- 18. The eighteenth amendment to the Constitution says....alcohol will kill you (Alcohol will kill you)
- 19. The nineteenth amendment to the Constitution says....women vote like men do (Women vote like men do)
- 20. The twentieth amendment to the Constitution saysterms of office, Pres. and Congress (Terms of office, Pres. & Congress)
- The twenty-first amendment to the Constitution says....we can drink now, WOW! (We can drink now, WOW!)
- 22. The twenty-second amendment to the Constitution says....only 2 terms now (Only two terms now)
- 23. The twenty-third amendment to the Constitution says....DC's got the vote (DC's got the vote)
- 24. The twenty-fourth amendment to the Constitution says....pay to vote no more (Pay to vote no more)
- 25. The twenty-fifth amendment to the Constitution says....If Bill dies, we've got Al. (If Bill dies, we've got Al)
- 26. The twenty-sixth amendment to the Constitution says....we can die, we can vote (We can die, we can vote)
- 27. The twenty-seventh amendment to the Constitution says...Congress wants more money (Congress wants more money)

Amy Jacobson 7th and 8th Grade Reading Teacher

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Tequesta Trace Middle School 754-323-4400

"Learning is a constant process of discovery, a process without end." ;Bruce Lee

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Under Florida law, email addresses are public records. Your email address and the contents of any email sent to the sender of this communication will be released in response to any request for public records, except as excluded by F.S. 119.071, 1002.22(3)(d) [student records], or any other law of the State of Florida. If you do not want your email address to be released as part of any public records request, do not send email to this address, rather contact this office by phone or in writing.

The School Board of Broward County, Florida expressly prohibits bullying, including cyberbullying, by or toward any student or employee. See Policy 5.9: Anti-Bullying for additional information.

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From:

Amy Jacobson

June 5, 2010 10:19:16 PM 🚟 🗐

`ject:

Constitution

To:

Linda Medvin

🛊 Tammy L. Ramirez 🛊 Laurie A. Marks

Mariorie Daniel

Myriam P. Hochman

Cc:

amyjake@bellsouth.net

http://www.goodpoliticsradio.com/idaho/dyk/constitutiondescription.htm

I. Checks and Balances:

The Constitution creates a system of separate institutions that share powers. Because the three branches of government share powers, each can (partially) check the powers of the others. This is the system of checks and balances. The major checks possessed by each branch are listed below.

Congress

Can check the president in these ways:

- a. By refusing to pass a bill the president wants
- b. By passing a law over the president's veto
- c. By using the impeachment powers to remove the president from office
- d. By refusing to approve a presidential appointment (Senate only)
- e. By refusing to ratify a treaty the president has signed (Senate only)

Can check the federal courts in these ways:

- a. By changing the number and jurisdiction of the lower courts
- b. By using the impeachment powers to remove a judge from office
- c. By refusing to approve a person nominated to be a judge (Senate only)

President

Can check Congress by vetoing a bill it has passed Can check the federal courts by nominating judges

Courts

Can check Congress by declaring a law unconstitutional.

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Can check the president by declaring actions by him/her or his/her subordinates to be unconstitutional or not authorized by law.

Idition to these checks provided for in the Constitution, each branch has informal ways of checking the others. For example, the president can withhold information from Congress (on the grounds of executive privilege), and Congress can try to get information from the president by mounting an investigation.

II. Liberties Guaranteed in the Constitution (before the Bill of Rights was added)

- Writ of habeas corpus may not be suspended (except during an invasion or rebellion).
- No bill of attainder may be passed by Congress or the states.

No ex post facto law may be passed by Congress or the states.

- Right of trial by jury in criminal cases is guaranteed.
- The citizens of each state are entitled to the privileges and immunities of the citizens of every other state.
- No religious test or qualification for holding federal office is imposed.
- No law impairing the obligation of contracts may be passed by the states.

III. The Bill of Rights: Ratified on December 15, 1791

The Amendments to the Constitution - From Project Vote Smart

The First Ten Amendments to the Constitution Grouped by Topic and Purpose (see appendix for original text)

PINOTECTIONS AFFORDED CITIZENS TO PARTICIPATE IN THE POLITICAL PROCESS

Amendment 1: Freedom of religion, speech, press, and assembly; the right to petition the government.

PROTECTIONS AGAINST ARBITRARY POLICE AND COURT ACTION

Amendment 4: No unreasonable searches or seizures.

Amendment 5: Grand jury indictment required to prosecute a person for a serious crime.

No double jeopardy- being tried twice for the same offense

Forcing a person to testify against himself or herself is prohibited

No loss of life, liberty, or property without due process

Amendment 6: Right to speedy, public, impartial trial with defense counsel and right to cross-examine witnesses.

Amendment 7: Jury trials in civil suits where value exceeds \$20.

endment 8: No excessive bail or fines, no cruel and unusual punishments.

PROTECTIONS OF STATES' RIGHTS AND UNNAMED RIGHTS OF PEOPLE

Amendment 9: Unlisted rights are not necessarily denied.

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Amendment 10: Powers not delegated to the United States or denied to the states are reserved to the states.

OTHER AMENDMENTS

Amendment 2: Right to bear arms.

Amendment 3: Troops may not be quartered in homes in peacetime.

IV. Ways of Amending the Constitution:

Under Article V, there are two ways to propose amendments to the Constitution and two ways to ratify them.

To propose an amendment

Two-thirds of both houses of Congress vote to propose an amendment, or Two-thirds of the state legislatures ask Congress to call a national convention to propose amendments.

To ratify an amendment

Three-fourths of the state legislatures approve it, or Ratifying conventions in three-fourths of the states approve it.

Some Key Facts:

- Only the first method of proposing an amendment has been used.
- The second method of ratification has been used only once, to ratify the Twenty-first Amendment (repealing Prohibition).
- Congress may limit the time within which a proposed amendment must be ratified. The usual limitation has been seven years.
- Thousands of proposals have been made, but only thirty-three have obtained the necessary two-thirds vote in Congress.
 - Twenty six amendments have been ratified.

Constitutional Vocabulary

- A legislative act that declares the guilt of an individual and doles out punishment without a judicial trial. The state legislatures and Congress are forbidden by Article 1, sections 9 and 10 of the Constitution to pass such acts. This is an important ingredient of the separation of powers.

[Marker] - The claimed right of executive officials to refuse to appear before, or to withhold information from, the legislature or courts on the grounds that the information is confidential and would damage the potional interest. For example, President Nixon refused, unsuccessfully, to surrender his subpoenaed te House tapes by claiming executive privilege. [Executive Privilegeback]

Executive Order - This critical instrument of active presidential power is nowhere defined in the Constitution but generally is construed as a presidential directive that becomes law without prior congressional approval. The power for the executive order is implied in Article II of the Constitution when it

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allots "executive power" to the president:

"The executive power shall be vested in a president of the United States of America." - Article II, section 1

"[The President] shall take care that the laws be faithfully executed..." - Article II, section 3

[Marker] - The guarantee in the Fifth Amendment to the Constitution that one may not be tried twice for the same crime. For example, an individual declared not guilty of murdering a neighbor cannot be tried again for that murder. The person is not, however, exempt from being tried for the murder of another individual. [Double Jeopardyback]

[Marker] - A court order directing a police officer, sheriff, or warden who has a person in custody to bring the prisoner before a judge and show sufficient cause for his or her detention. Designed to prevent illegal arrests and unlawful imprisonment. A Latin term meaning "you shall have the body". [Habcas Corpusback]

[Marker] - A formal accusation against a public official by the lower house of a legislative body. Impeachment is merely an accusation and not a conviction. Only one president, Andrew Johnson in 1868, was ever impeached. He was not, however, convicted, for the Senate failed by one vote to obtain the necessary two-thirds vote required for conviction. [Impeachmentback]

[Marker] - A law that makes criminal an act that was legal when it was committed, or that increases the penalty for a crime after it has been committed, or that changes the rules of evidence to make conviction easier; a retroactive criminal law. A Latin term meaning "after the fact." The state legislatures and Congress are forbidden to pass such laws by Article I, section 9 and 10 or the Constitution. [Ex Post Facto Lawback]

Other Sources of Information:

<u>The Constitution of the United States</u> Site contains the actual text of the Constitution as well as links to information on the Founding Fathers, the 39 Delegates who signed the Constitution, an in-depth look at the Constitutional Convention and the ratification process, and questions and answers pertaining to the Constitution. Online from the National Archives and Records Administration (NARA).

About the Constitution History and background on the Constitution, as well as the Articles of Confederation. Online from the Library of Congress.

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Amy Jacobson
and 8th Grade Reading Teacher
Tequesta Trace Middle School
754-323-4400

"Learning is a constant process of discovery, a process without end." Bruce Lee

Berlin Conference: meeting in 1884-85 in which representatives of European nations agreed upon rules for European colonization of Africa.

Atlantic Charter: declaration of principles issued in Aug. 1941 by Winston Churchill and FDR on which the Allied peace plan at the end of WWII was based.

Kuomintage: the Chinese Nationalist Party, formed after the fall of the Qing Dynasty in 1912

Kush: ancient Nubian kingdom whose rules controlled Egypt between 2000 and 1000 BC.

Hundred Years War: conflict between Eng. And France batteled on French soil, off and on, from 1337 to 1453.

Holy Roman Empire: 10th century AD, originally consisting mainly of lands in Germany and Italy

Arbitrage: The simultaneous purchase and sale of an asset in order to profit from a difference in the price. It is a trade that profits by exploiting price differences of identical or similar financial instruments, on different markets or in different forms. Arbitrage exists as a result of market inefficiencies; it provides a mechanism to ensure prices do not deviate substantially from fair value for long periods of time.

Chinese History: A Chronological Outline

BCE

5000 Neolithic cultures

3000 Xia/Hsia Dynasty (ca. 2200-1750)

1800 Shang Dynasty (ca. 1750-1100)

One of the Three Dynasties, or San Dai (Xia, Shang, and Zhou), thought to mark the beginning of Chinese civilization: characterized by its writing system, practice of divination, walled cities, bronze technology, and use of horse-drawn chariots.

1200 Zhou/Chou Dynasty: Western Zhou (ca. 1100-771) Eastern Zhou (771-256)

A hierarchical political and social system with the Zhou royal house at its apex: power was bestowed upon aristocratic families as lords of their domains or principalities. Although often compared to European "feudalism," what actually gave the system cohesion was a hierarchical order of ancestral cults. The system eventually broke down into a competition for power between rival semi-autonomous states in what became known as the Spring and Autumn period (722-481) and the Warring States (403-221) period. It was during these tumultuous times that Confucius (551-479) lived.

300 Qin/Ch'in Dynasty (221-206)

Created a unitary state by imposing a centralized administration and by standardizing the writing script, weights and measures. Known for its harsh methods of rule, including the suppression of dissenting thought.

CE

Han Dynasty: Western Han (202 BCE- 9 CE) and Eastern Han (25 CE 220 CE)

Modified and consolidated the foundation of the imperial order. Confucianism was established as orthodoxy and open civil service examinations were introduced. Han power reached Korea and Vietnam. *Records of the Historian*, which became the model for subsequent official histories, was completed.

Period of Disunity (220-581)

The empire was fragmented. The North was dominated by invaders from the borderland and the steppes. The South was ruled by successive "Chinese" dynasties. Buddhism spread.

600 Sui Dynasty (581-618)

China reunified.

700 Tang/T'ang Dynasty (618-906)

A time of cosmopolitanism and cultural flowering occurred. This period was the height of Buddhist influence in China until its repression around 845. Active territorial expansion until defeated by the Arabs at Talas in 751.

1000 Song/Sung Dynasty: Northern Song (960-1126) and Southern Song (1127-1279)

An era of significant economic and social changes: the monetization of the economy; growth in commerce and maritime trade; urban expansion and technological innovations. The examination system for bureaucratic recruitment of neo-Confucianism was to provide the intellectual underpinning for the political and social order of the late imperial period.

1200 Yuan Dynasty (1271-1368)

Founded by the Mongols as part of their conquest of much of the world. Beijing was made the capital. Dramas, such as the famous *Story of the Western Wing*, flourished.

1400 Ming Dynasty (1368-1644)

The first Ming emperor, Hongwu, laid the basis of an authoritarian political culture. Despite early expansion, it was an inward-looking state with an emphasis on its agrarian base. Gradual burgeoning of the commercial sector; important changes in the economy and social relations in

the latter part of the dynasty; also a vibrant literary scene as represented by publication of the novel *Journey to the West*.

1700 Qing/Ch'ing Dynasty (1644-1912)

A Manchu dynasty. Continued the economic developments of the late Ming, leading to prosperity but also complacency and a dramatic increase in population. The acclaimed novel *Dream of the Red Chamber* was written in this period. Strains on the polity were intensified by a rapid incorporation of substantial new territories. Its authoritarian structure was subsequently unable to meet the military and cultural challenge of an expansive West.

20th Century

Republic (1912-1949)

Weak central government following the collapse of the dynastic system in 1911-12; Western influence was shown by the promotion of "science" and "democracy" during the New Culture Movement. The attempt of the Nationalist government (est. 1928) to bring the entire country under its control was thwarted by both domestic revolts and the Japanese occupation (1937-45). The Nationalists fled to Taiwan after defeat by the Communists.

People's Republic (1949-)

Communist government. The drive for remaking society ended in disasters such as the Great Leap Forward and the Cultural Revolution. Economic reform and political retrenchment since around 1978.

Prepared by Michael Tsin, previously assistant professor of Chinese history, Columbia University; currently Director of Asian Studies, University of Florida. © 1995 Columbia University, *Asia in Western and World History: A Guide for Teaching*, (Ainslie Embree and Carol Gluck, eds., Armonk, NY: M.E. Sharp Inc. 1995).

Facts about Florida: Remember, the de Leon was NOT the first European to see FLA and said along its coast. That was Cabot. Written records about life in Florida began with the arrival of the Spanish explorer and adventurer Juan Ponce de León in 1513. Sometime between April 2 and April 8, Ponce de León waded ashore on the northeast coast of Florida, possibly near present-day St. Augustine. He called the area la Florida, in honor of Pascua florida ("feast of the flowers"), Spain's Eastertime celebration. Other Europeans may have reached Florida earlier, but no firm evidence of such achievement has been found.

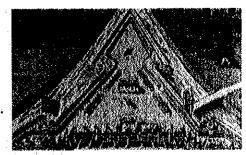
On another voyage in 1521, Ponce de León landed on the southwestern coast of the peninsula, accompanied by two-hundred people, fifty horses, and numerous beasts of burden. His colonization attempt quickly failed because of attacks by native people. However, Ponce de León's activities served to identify Florida as a desirable place for explorers, missionaries, and treasure seekers.

In 1539 Hernando de Soto began another expedition in search of gold and silver, which took him on a long trek through Florida and what is now the southeastern United States. For four years, de Soto's expedition wandered, in hopes of finding the fabled wealth of the Indian people. De Soto and his soldiers camped for five months in the area now known as Tallahassee. De Soto died near the Mississippi River in 1542. Survivors of his expedition eventually reached Mexico.

No great treasure troves awaited the Spanish conquistadores who explored Florida. However, their stories helped inform Europeans about Florida and its relationship to Cuba, Mexico, and Central and South America, from which Spain regularly shipped gold, silver, and other products. Groups of heavily-laden Spanish vessels, called plate fleets, usually sailed up the Gulf Stream through the straits that parallel Florida's Keys. Aware of this route, pirates preyed on the fleets. Hurricanes created additional hazards, sometimes wrecking the ships on the reefs and shoals along Florida's eastern coast.

In 1559 Tristán de Luna y Arellano led another attempt by Europeans to colonize Florida. He established a settlement at Pensacola Bay, but a series of misfortunes caused his efforts to be abandoned after two years.

Spain was not the only European nation that found Florida attractive. In 1562 the French protestant Jean Ribault explored the area. Two years later, fellow Frenchman René Goulaine de Laudonnière established Fort Caroline at the mouth of the St. Johns River, near present-day Jacksonville.



First Spanish Period

These French adventurers prompted Spain to accelerate her plans for colonization. Pedro Menéndez de Avilés hastened across the Atlantic, his sights set on removing the French and creating a Spanish settlement. Menéndez arrived in 1565 at a place he called San Augustín (St. Augustine) and established the first permanent European settlement in what is now the United States. He accomplished his goal of expelling the French, attacking and killing all settlers except for non-combatants and Frenchmen who professed belief in the Roman Catholic faith. Menéndez captured Fort Caroline and renamed it San Mateo.



French response came two years later, when Dominique de Gourgues recaptured San Mateo and made the Spanish soldiers stationed there pay with their lives. However, this incident did not halt the Spanish advance. Their pattern of constructing forts and Roman Catholic missions continued. Spanish missions established among native people soon extended across north Florida and as far north along the Atlantic coast as the area that we now call South Carolina.



The English, also eager to exploit the wealth of the Americas, increasingly came into conflict with Spain's expanding empire. In 1586 the English captain Sir Francis Drake looted and burned the tiny village of St. Augustine. However, Spanish control of Florida was not diminished.

In fact, as late as 1600, Spain's power over what is now the southeastern United States was unquestioned. When English settlers came to America, they established their first colonies well to the North—at Jamestown (in the present state of Virginia) in 1607 and Plymouth (in the present state of Massachusetts) in 1620. English colonists wanted to take advantage of the continent's natural resources and gradually pushed the borders of Spanish power southward into present-day southern Georgia. At the same time, French explorers were moving down the Mississippi River valley and eastward along the Gulf Coast.

The English colonists in the Carolina colonies were particularly hostile toward Spain. Led by Colonel James Moore, the Carolinians and their Creek Indian allies attacked Spanish Florida in 1702 and destroyed the town of St. Augustine. However, they could not capture the fort, named Castillo de San Marcos. Two years later, they destroyed the Spanish missions between Tallahassee and St. Augustine, killing many native people and enslaving many others. The French continued to harass Spanish Florida's western border and captured Pensacola in 1719, twenty-one years after the town had been established.

Spain's adversaries moved even closer when England founded Georgia in 1733, its southernmost continental colony. Georgians attacked Florida in 1740, assaulting the Castillo de San Marcos at St. Augustine for almost a month. While the attack was not successful, it did point out the growing weakness of Spanish Florida.

British Florida

Britain gained control of Florida in 1763 in exchange for Havana, Cuba, which the British had captured from Spain during the Seven Years' War (1756–63). Spain evacuated Florida after the exchange, leaving the province virtually empty. At that time, St. Augustine was still a garrison community with fewer than five hundred houses, and Pensacola also was a small military town.

The British had ambitious plans for Florida. First, it was split into two parts: East Florida, with its capital at St. Augustine; and West Florida, with its seat at Pensacola. British surveyors mapped much of the landscape and coastline and tried to develop relations with a group of Indian people who were moving into the area from the North. The British called these people of Creek Indian descent Seminolies, or Seminoles. Britain attempted to attract white settlers by offering land on which to settle and help for those who produced products for export. Given enough time, this plan might have converted Florida into a flourishing colony, but British rule lasted only twenty years.

The two Floridas remained loyal to Great Britain throughout the War for American Independence (1776–83). However, Spain—participating indirectly in the war as an ally of France—captured Pensacola from the British in 1781. In 1784 it regained control of the rest of Florida as part of the peace treaty that ended the American Revolution.

Second Spanish Period

When the British evacuated Florida, Spanish colonists as well as settlers from the newly formed United States came pouring in. Many of the new residents were lured by favorable Spanish terms for acquiring property, called land grants. Others who came were escaped slaves, trying to reach a place where their U.S. masters had no authority and effectively could not reach them. Instead of becoming more Spanish, the two Floridas increasingly became more "American." Finally, after several official and unofficial U.S. military expeditions into the territory, Spain formally ceded Florida to the United States in 1821, according to terms of the Adams-Onís Treaty.



On one of those military operations, in 1818, General <u>Andrew Jackson</u> made a foray into Florida. Jackson's battles with Florida's Indian people later would be called the First Seminole War.

Territorial Period

Andrew Jackson returned to Florida in 1821 to establish a new territorial government on behalf of the United States. What the U.S. inherited was a wilderness sparsely dotted with settlements of native Indian people, African Americans, and Spaniards.

As a territory of the United States, Florida was particularly attractive to people from the older Southern plantation areas of Virginia, the Carolinas, and Georgia, who arrived in considerable numbers. After territorial status was granted, the two Floridas were merged into one entity with a new capital city in Tallahassee. Established in 1824, Tallahassee was chosen because it was halfway between the existing governmental centers of St. Augustine and Pensacola.

As Florida's population increased through immigration, so did pressure on the federal government to remove the Indian people from their lands. The Indian population was made up of several groups—primarily, the Creek and the Miccosukee people; and many African American

refugees lived with the Indians. Indian removal was popular with white settlers because the native people occupied lands that white people wanted and because their communities often provided a sanctuary for runaway slaves from northern states.

Among Florida's native population, the name of Osceola has remained familiar after more than a century and a half. Osceola was a Seminole war leader who refused to leave his homeland in Florida. Seminoles, already noted for their fighting abilities, won the respect of U.S. soldiers for their bravery, fortitude, and ability to adapt to changing circumstances during the Second Seminole War (1835–42). This war, the most significant of the three conflicts between Indian people and U.S. troops in Florida, began over the question of whether Seminoles should be moved westward across the Mississippi River into what is now Oklahoma.

Under President Andrew Jackson, the U.S. government spent \$20 million and the lives of many U.S. soldiers, Indian people, and U.S. citizens to force the removal of the Seminoles. In the end, the outcome was not as the federal government had planned. Some Indians migrated "voluntarily." Some were captured and sent west under military guard; and others escaped into the Everglades, where they made a life for themselves away from contact with whites.

Today, reservations occupied by Florida's Indian people exist at Immokalee, Hollywood, Brighton (near the city of Okeechobee), and along the Big Cypress Swamp. In addition to the Seminole people, Florida also has a separate Miccosukee tribe.

By 1840 white Floridians were concentrating on developing the territory and gaining statehood. The population had reached 54,477 people, with African American slaves making up almost one-half of the population. Steamboat navigation was well established on the Apalachicola and St. Johns Rivers, and railroads were planned.



Florida now was divided informally into three areas: East Florida, from the Atlantic Ocean to the Suwannee River; Middle Florida, between the Suwannee and the Apalachicola Rivers; and West Florida, from the Apalachicola to the Perdido River. The southern area of the territory (south of present-day Gainesville) was sparsely settled by whites. The territory's economy was based on agriculture. Plantations were concentrated in Middle Florida, and their owners established the political tone for all of Florida until after the Civil War.



Statehood

Florida became the twenty-seventh state in the United States on March 3, 1845. William D. Moseley was elected the new state's first governor, and David Levy Yulee, one of Florida's leading proponents for statehood, became a U.S. Senator. By 1850 the population had grown to 87,445, including about 39,000 African American slaves and 1,000 free blacks.

The slavery issue began to dominate the affairs of the new state. Most Florida voters—who were white males, ages twenty-one years or older—did not oppose slavery. However, they were concerned about the growing feeling against it in the North, and during the 1850s they viewed the new anti-slavery Republican party with suspicion. In the 1860 presidential election, no Floridians voted for Abraham Lincoln, although this Illinois Republican won at the national level. Shortly after his election, a special convention drew up an ordinance that allowed Florida to secede from the Union on January 10, 1861. Within several weeks, Florida joined other southern states to form the Confederate States of America.

Civil War and Reconstruction

During the Civil War, Florida was not ravaged as several other southern states were. Indeed, no decisive battles were fought on Florida soil. While Union forces occupied many coastal towns and forts, the interior of the state remained in Confederate hands.



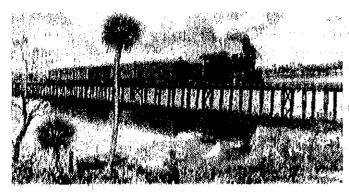
Florida provided an estimated 15,000 troops and significant amounts of supplies—including salt, beef, pork, and cotton—to the Confederacy, but more than 2,000 Floridians, both African American and white, joined the Union army. Confederate and foreign merchant ships slipped through the Union navy blockade along the coast, bringing in needed supplies from overseas ports. Tallahassee was the only southern capital east of the Mississippi River to avoid capture during the war, spared by southern victories at Olustee (1864) and Natural Bridge (1865). Ultimately, the South was defeated, and federal troops occupied Tallahassee on May 10, 1865.

Before the Civil War, Florida had been well on its way to becoming another of the southern cotton states. Afterward, the lives of many residents changed. The ports of Jacksonville and Pensacola again flourished due to the demand for lumber and forest products to rebuild the nation's cities. Those who had been slaves were declared free. Plantation owners tried to regain prewar levels of production by hiring former slaves to raise and pick cotton. However, such

programs did not work well, and much of the land came under cultivation by tenant farmers and sharecroppers, both African American and white.

Beginning in 1868, the federal government instituted a congressional program of "reconstruction" in Florida and the other southern states. During this period, Republican officeholders tried to enact sweeping changes, many of which were aimed at improving conditions for African Americans.

At the time of the 1876 presidential election, federal troops still occupied Florida. The state's Republican government and recently enfranchised African American voters helped to put Rutherford B. Hayes in the White House. However, Democrats gained control of enough state offices to end the years of Republican rule and prompt the removal of federal troops the following year. A series of political battles in the state left African Americans with little voice in their government.



Florida Development

During the final quarter of the nineteenth century, large-scale commercial agriculture in Florida, especially cattle-raising, grew in importance. Industries such as cigar manufacturing took root in the immigrant communities of the state.

Potential investors became interested in enterprises that extracted resources from the water and land. These extractive operations were as widely diverse as sponge harvesting in Tarpon Springs and phosphate mining in the southwestern part of the state. The Florida citrus industry grew rapidly, despite occasional freezes and economic setbacks. The development of industries throughout the state prompted the construction of roads and railroads on a large scale.

Beginning in the 1870s, residents from northern states visited Florida as tourists to enjoy the state's natural beauty and mild climate. Steamboat tours on Florida's winding rivers were a popular attraction for these visitors.

The growth of Florida's transportation industry had its origins in 1855, when the state legislature passed the Internal Improvement Act. Like legislation passed by several other states and the federal government, Florida's act offered cheap or free public land to investors, particularly those interested in transportation. The act, and other legislation like it, had its greatest effect in the years between the end of the Civil War and the beginning of World War I. During this period, many railroads were constructed throughout the state by companies owned by Henry Flagler and Henry B. Plant, who also built lavish hotels near their railroad lines. The Internal Improvement Act stimulated the initial efforts to drain the southern portion of the state in order to convert it to farmland.

These development projects had far-reaching effects on the agricultural, manufacturing, and extractive industries of late-nineteenth-century Florida. The citrus industry especially benefitted, since it was now possible to pick oranges in south Florida; put them on a train heading north; and eat them in Baltimore, Philadelphia, or New York in less than a week.

In 1898 national attention focused on Florida, as the Spanish-American War began. The port city of Tampa served as the primary staging area for U.S. troops bound for the war in Cuba. Many Floridians supported the Cuban peoples' desire to be free of Spanish colonial rule.

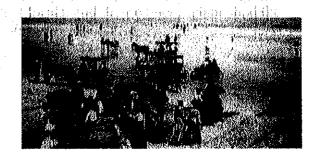
By the turn of the century, Florida's population and per capita wealth were increasing rapidly; the potential of the "Sunshine State" appeared endless. By the end of World War I, land developers had descended on this virtual gold mine. With more Americans owning automobiles, it became commonplace to vacation in Florida. Many visitors stayed on, and exotic projects sprang up in southern Florida. Some people moved onto land made from drained swamps. Others bought canal-crossed tracts through what had been dry land. The real estate developments quickly attracted buyers, and land in Florida was sold and resold. Profits and prices for many developers reached inflated levels.

The Great Depression in Florida

Florida's economic bubble burst in 1926, when money and credit ran out, and banks and investors abruptly stopped trusting the "paper" millionaires. Severe hurricanes swept through the state in the 1926 and 1928, further damaging Florida's economy.

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By the time the Great Depression began in the rest of the nation in 1929, Floridians had already become accustomed to economic hardship.

In 1929 the Mediterranean fruit fly invaded the state, and the citrus industry suffered. A quarantine was established, and troops set up roadblocks and checkpoints to search vehicles for any contraband citrus fruit. Florida's citrus production was cut by about sixty percent.

State government began to represent a larger proportion of its citizens. Female citizens won the right to vote in 1920, when the Nineteenth Amendment to the U.S. Constitution became law. In 1937, the requirement that voters pay a "poll tax" was repealed, allowing poor African American and white Floridians to have a greater voice in government. In 1944 the U.S. Supreme Court outlawed a system of all-white primary elections that had limited the right of African Americans to vote.

World War II and the Post-war "Boom"

World War II spurred economic development in Florida. Because of its year-round mild climate, the state became a major training center for soldiers, sailors, and aviators of the United States and its allies. Highway and airport construction accelerated so that, by war's end, Florida had an up-to-date transportation network ready for use by residents and the visitors who seemed to arrive in an endless stream.

One of the most significant trends of the postwar era has been steady population growth, resulting from large migrations to the state from within the U.S. and from countries throughout the western hemisphere, notably Cuba and Haiti. Florida is now the fourth most populous state in the nation

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The people who make up Florida's diverse population have worked to make the Sunshine State a place where all citizens have equal rights under the law. Since the 1950s, Florida's public education system and public places have undergone great changes. African American citizens, joined by Governor LeRoy Collins and other white supporters, fought to end racial discrimination in schools and other institutions.

habeas corpus

Latin for "You have the body." A prisoner files a petition for writ of habeas corpus in order to challenge the authority of the prison or jail warden to continue to hold him. If the judge orders a hearing after reading the writ, the prisoner gets to argue that his confinement is illegal. These writs are frequently filed by convicted prisoners who challenge their conviction on the grounds that the trial attorney failed to prepare the defense and was incompetent. Prisoners sentenced to death also file habeas petitions challenging the constitutionality of the state death penalty law. Habeas writs are different from and do not replace appeals, which are arguments for reversal of a conviction based on claims that the judge conducted the trial improperly. Often, convicted prisoners file both. (Source: nolo.com)

The Franco Prussian War

The Franco-Prussian War, was a war in 1870-1871 lost by France to the German states under the leadership of Prussia. The underlying causes of the conflict were the determination of the Prussian statesman Prince Otto Edward Leopold von Bismarck to unify Germany under Prussian control and, as a step toward this goal, to eliminate French influence over Germany. On the other hand, Napoleon III, emperor of France from 1852 to 1870, sought to regain both in France and abroad the prestige lost as a result of numerous diplomatic reverses, particularly those suffered at the hands of Prussia in the Austro-Prussian War of 1866. In addition, the military strength of Prussia, as revealed in the war with Austria, constituted a threat to French dominance on the continent of Europe.

INITIATING INCIDENTS

The event directly precipitating the Franco-Prussian War was the candidacy of Leopold, prince of Hohenzollern-Sigmaringen, for the throne of Spain, rendered vacant by the Spanish revolution of 1868. Leopold had accepted the candidacy under persuasion from Bismarck. The French government, alarmed at the poibility of a Prusso-Spanish alliance resulting from the occupancy of the Spanish throne by a member of the Hohenzollern dynastic family, threatened Prussia with war if Leopold's candidacy was not withdrawn. The French ambassador to the Prussian court, Comte Vincente Benedetti, was dispatched to Ems, a spa in northwestern Germany being visited by William I, king of Prussia. Benedetti had been instructed to demand that the Prussian monarch order Prince Leopold to withdraw his candidacy. William, although angered, gave Benedetti permission to communicate directly with Leopold by telegraph. Leopold could not be reached, but his father, Prince Charles Anthony, wired a retraction of the candidacy in the name of his son.

Charlemagne (Charles the Great or Charles I) (shar loman) [O,Fr.,=Charles the great], 742?-814, emperor of the West (800-814), Carolingian king of the Franks (768-814).

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In his government Charlemagne continued and systematized the administrative machinery of his predecessors. He permitted conquered peoples to retain their own laws, which he codified when possible, and he issued many A noteworthy achievement was the creation of a system by which he could supervise his administrators in even the most distant lands; his *missi dominici* were personal representatives with wide powers who regularly inspected their assigned districts. He strove to educate the clergy and exercised more direct control over the appointment of bishops and he acted as arbiter in theological disputes by summoning councils,

Soc Science 6-12 test includes 132 questions

Here is what I remember:

- > Difference between values and norms (thinking psychology)
- > Supply and demand
- > Isthmus
- > Water mostly surrounded by land is...
- > Absolute vs. comparative advantage
- ➤ Voting Right Act 1965
- > Why US joined WWI
- > Preamble of the Constitution---limitation of government
- > WWI know who joined, its effects
- > Feudalism—interpretation
- ➤ John Locke, Thomas Hobbes, Jan-Jacques Rousseau -(Q. was more specific/not as general in the p6-12 practice test)
- > Article II
 - > 1st Amendment clauses
 - > Scandinavia—know its location
 - ➤ Marshall Plan
 - > Truman Doctrine
 - > Wealth of Nation
 - > Neolithic era
 - > Middle Ages(know that period)
 - > Heliocentric
 - > Know the powers of the Federal Government and that of the State (know what they share)
 - > Townshend Act
 - > French and Indian War
 - > The Compromise of 1850
 - ➤ Know the 3 Henrys (Plant, Sanford, Flagler)
 - > Opportunity Cost (the test has a scenario and you define the opportunity cost)
 - ➤ Women right to vote—1920 by the 19th amendment
 - > Religion with caste system---Hinduism(that was on the test!!!)
 - > Sumerians invented the cuneiform
 - > Industrial revolution—its effects
 - > Zimmermann telegragh (Germany/Mexico
 - > Fall of Bastille (its effects)
 - > Hellenistic
 - > Manifest destiny
 - > Wealth of Nations
 - ➤ NAFTA
 - > What led to the Renaissance
 - > Protestant Reformation—Martin Luther plays a major role in it
 - > There were a few excerpts and was asked to compare and to draw conclusion

> Also the differences b/w the study of anthropology, sociology and psychology (the test gives you scenarios and/or example and you choose the respective field of study)

May 12, 2011 9:59:33 AM Page 1 of 2

Printed by: Linda Medvin

From:

Rachelle Louidor

May 11, 2011 9:19:40 AM

)ject:

Re: Soc Sci 6-16

Sheelah Franck

Cc:

Linda Medvin

🛊 Chicara M. Patterson 🛮 🟺 madihax09@hotmail.com

I took the test yesterday afternoon & I passed. Here's a list of what I remembered, thats different from the 2 lists from class & the emailed one. Those 3 lists really helped!

- -water from ocean to land, what is it called?
- -Monroe Doctrine
- -Marshall Plan
- -Truman Doctrine
- -Machiavelli (what subject is he known for?)
- -who set Spain free
 - ho is from the island of Crete?
- -5 parts of geography (know them!)
- -know who was in WW2 & who fought on what side
- -enlightenment (know who & what)

Respectfully Yours,

Ms. R. Louidor, MPA

West Broward High School

World Languages ~ American Sign Language-

Jrls Track Team Coach

ASL Club/H.A.N.D.S. Sponsor

2012 Class Sponsor