

Constitutional History of the U.S.

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Colonial Era

I. Start of Colonies

- a. English settle colonies in 17th century
- b. Jamestown, 1607
- c. Plymouth, 1620
- d. Plymouth, Mass. Bay, R.I., CT, NH, MD (1620 – 1642)
- e. NY, NJ, Delaware (New Netherlands)
- f. Delaware, 1638 founded by Swedish
- g. King Charles II, 1664 seized New Netherlands for the British
- h. Carolina, founded 1603
- i. South Carolina, founded 1670
- j. Carolina separates into North and South, 1692

II. Charters and Land Grants

- a. VA – Investment Colony
 - b. Plymouth – Started by Puritans (under James I)
 - c. Mass. Bay – Started by Puritans (under Charles I)
 - d. Rhode Island – Started to establish Freedom of Religion
 - e. New York – Given to Duke of York (Brother of King)
 - f. Maryland – Started by Lord Baltimore (for Catholics)
 - g. Pennsylvania – Started by William Penn (for Quakers)
- Convicts from Great Britain sent to Australia in 1788 after American Revolution
- Before Revolution, Convicts were sent to Georgia

III. Navigation Laws (start in 1651)

- a. Limit Colonist trading of certain goods
- b. **enumerated goods** (tobacco, sugar) – can't be sold outside British empire
- c. non-enumerated goods (other items) – can be sold to anyone
- d. All goods sold must first stop at British Port for inspection to insure that no enumerated goods were being sold
- e. Enforced until 1689

IV. Problems with Port Checks

- a. Delayed goods from being delivered
- b. Reloading Fee of Goods
- c. Fee and Spoilage makes products more expensive or accept a loss of profit

V. Inter-Colonial Wars (French & Indian Wars): 1689 – 1763

- a. French are West of Mississippi River Valley
- b. 1689, Son King Louis XIV who built Versailles fought battles against G.B.
- c. British couldn't enforce Navigation Laws during Wars

VI. Era of Salutary Neglect (Autonomy in Colonies) – 1689 – 1763

- a. Era which English didn't enforce Colonial Laws
- b. After all, what good would enforcing laws be if colonies weren't protected?

VII. Battle of Quebec, 1759

- a. British seize Montreal and Quebec
- b. British will control India until 1957
- c. Ultimately led to French Revolution

VIII. Governments in the Colonies

A. Royal Colonies

- Governed in Name of King/Queen
- All but 3 colonies end up Royal

1. Executive Branch

- a. called Governor – Appointed by King/Queen
- b. Governor – Life-time Term, unless Problems Arise
No New is Good News
- c. William Barkley – Gov. of VA for 30yrs
- d. Bacon's Rebellion – seizes power from Barkley

2. Legislative Branch

- a. Upper House (more elite) - House of Burgesses
- b. Lower House (voice of people – voted by people) – Assembly
- c. Assembly has "Power of the Purse"

3. Judicial Branch

- a. Judges chosen by Governor

B. Proprietary Colonies

- Governed in Name of Owner or Proprietor & Family
- Colonies: MD, PA
- Proprietor: Lord Baltimore (Family Name – Calvert)

1. Executive Branch

- a. Governor chosen by Proprietor
- b. Proprietor Lived in Colonies, but may travel
- c. Governor had less power than in Royal Colony
- d. Governor had shorter terms b/c Proprietor lived there

2. Legislative Branch

- a. Council and Assembly
- b. Governor picks Council Members (that Proprietor wants)
- c. Assembly is voted on by the People
- d. Greater # of People can vote in Assembly than in Royal Colonies

3. Judicial Branch

- a. Picked by Governor (Proprietor)

C. Charter Colony

- Rhode Island (40 miles – Smallest State in U.S.)
- Started by Roger Williams / Anne Hutchinson
- Williams – Liberal Puritan Minister (Believes in Separation of Church and State)
- Hutchinson – Outspoken Women against Puritans
- a. Open to all people who have been persecuted
- b. No official Religion
- c. Greatest # of people can vote in R.I.
- d. Government of the People

1. Executive Branch

- a. Governor selected by Council
- b. Governor faces Recall or Re-election every year
- c. New Selection of Governor every year

2. Legislative Branch

- a. Assembly and Council
- b. Assembly Members voted in by People
- c. Assembly selects Governor and Council every year

3. Judicial Branch

- a. Judges selected by People for a set-term

IX. People Who Can't Vote

- a. Women
- b. Blacks
- c. Native Americans
- d. Under 21
- e. Anyone not from British Isles
- f. Non-Property Owners
- g. Anyone who didn't own __ actress
- h. Anyone not Puritan or Anglican in Royal Colonies
- i. Indentured Servants
- j. Past Criminals

Rhode Island –15% of people could vote
 MD/PA - 10% of people could vote
 Royal - 5-8% of people could vote

X. George III

- a. 1760, Becomes King after Death of George II.
- b. Has trouble dealing w/ Reality
- c. Eventually Declared Insane
- d. Fired William Pitt (Prime Minister during F & I Wars)
- e. Appoints new Prime Minister to be a "Yes" Man
- e. Tries to enforce Royal Laws after Era of Salutary Neglect

XI. Writs of Assistance, 1761 (like USA Patriot Act)

- a. Any person working for British Government (civilian/military) can enter any hose on suspicion of illegal activity without a warrant
- b. Not Repealed
- c. Intervention for the Next 15 years
- d. Reason for 4th Amendment to US Constitution – No illegal Search and Seizure

XII. Sugar Act

- a. Attempt to Enforce Navigation Act

XIII. Quartering Act, 1765

- a. To crack down on Autonomy, George III sends more British troops to colonies to act as Occupation Army
- b. Colonies paid taxes to pay for soldiers
- c. Reason for No Quartering of Soldiers in U.S. Constitution

XIV. Stamp Actm 1765

- a. Tax to Pay for British Soldiers

XV. Patrick Henry (VA)

- a. Condemns King
- b. Condemns Stamp Act
- c. VA accepts Resolution to Reject Stamp Act
- d. Other Colonies then Reject Stamp Act
- e. Congress is First Formed

XVI. NYC Stamp Act Congress

- a. 1st Colonial Congress
- b. Makes agreement that merchants won't trade with England until Stamp Act is Repealed
- c. Makes sure Stamp Tax is not collected
- d. Colonists Terrorize Stamp Tax Collectors

XVII. Sons of Liberty

- a. Out to Intimidate Tax Agents
- b. Tar and Feather Tax Collectors
- c. Early 1766 – Stamp Act is Repealed

XVIII. Doctrine of Virtual Representation

- a. Colonists don't vote, but British Parliament says they Represent British Everywhere
- b. But Colonists didn't want Regulation
- c. Colonists wanted "No Taxation and Regulation without Representation"

XIX. Townsend Acts

- a. New Tax by New British Prime Minister

XX. Boston Massacre, 1770

- a. Samuel Adams Provokes Boston Massacre
- b. Rocks were thrown by Both sides

XXI. John Adams

- a. Cousin of Sam Adams
- b. Defended British Soldiers, saying it was an act of Self-Defense
- c. British Soldiers were Being attacked
- d. British Soldiers found Not Guilty

XXII. Boston Tea Party then Occurs**XXIII. Intolerable Acts (Coercive Acts), 1774**

- a. Boston Port is closed down
- b. Governor of Mass. Bay will now have Martial Law
- c. More Quartering of Soldiers
- d. Writs of Assistance still being enforced
- e. No Trials in Colonies – Sent home to England

XXIV. First Continental Congress, 1774

- a. 12 colonies (not Georgia) Present
- b. Georgia didn't have time to get there
- c. Conservatives – Wanted Negotiation to Solve Issues
- d. Radicals – Wanted Independence
- e. Conservatives dominate and arrange for **Olive Branch Petition** to King

XXV. Declaration of Rights & Grievances

- a. Petition of Grievances to King
- b. Conservatives arrange for **Olive Branch Petition**

XXVI. Lexington and Concord, (April 19, 1775)

- a. "Shot Heard 'Round the World'"
- b. Colonies are Declared Traitors

XXVII. Second Continental Congress, 1775

- a. All 13 colonies present
- b. Named Founding Fathers

XXVIII. Founding Fathers

- a. Elite, Upper Class
- b. While Male – WASP
- c. Committed to idea of Freedom
- d. Property Owners, educated, wealthy, served in F& I Wars
- e. Served in Colonial Legislatures, People of Reputation and Courage
- f. (Sam Adams, John Adams, P. Henry, J. Dickinson, J. Madison, B. Franklin, G. Washington, T. Jefferson)

XXIX. Ben Franklin

- a. Sage (Wise old man)
- b. Ambassador to France
- c. Convinced Marie Antoinette to get Louis XVI to back Colonies

American Revolution – Constitution

I. Second Continental Congress, May 1775

- a. Decide to create Continental Army
- b. George Washington (VA) – Commander in Chief
- c. Untrained Army

II. Declaration of the Cause and Necessity of Taking up Arms, July 1775

- a. Authored by: Jefferson (VA), John Dickinson (PA)
- b. Claim that Congress is not seeking independence, just wishing to defend themselves
- c. King George III declares that a rebellion has begun

III. British Blockade Colonial Ports

- a. Some goods still get in
- b. Colonists appeal to Europe for help
- c. Colonists started looking at Independence as their only option

IV. Common Sense – by Thomas Paine

- a. Paine Left Britain in 1774
- b. Said that We should not let Britain, an island control us
- c. Pamphlet that promoted independence

V. Founding Father Committee to draft Declaration of Independence

- a. Thomas Jefferson, VA
 - b. Benjamin Franklin, PA
 - c. John Adams, MA
 - d. Robert Livingston, NY
 - e. Roger Sherman, CT
- (Avg. Founding Father was 30-40 yrs. Old)

VI. Declaration of Independence

- a. July 2, 1776 – Final Copy is finished
- b. July 4, 1776 – 1st Signature on Declaration
- c. Deals w/ Rights and Grievances
- d. “These United Colonies ought to be Free and Independent States”
- e. Creates name: United States of America

- **States did not want to give Nat’l Gov. much power b/c they feared becoming strong Central Government like England**

VII The States:

- a. 13 state governments, 3 branches each
- b. 12/13 state Constitutions create weak Executive branch
- c. New York created the only strong governorship (as well as strong legislature)
- d. GA and PA start w/ Unicameral Legislature then abandon it

VIII. Articles of Confederation – Federal Government

- a. Will not go into effect until every state ratifies it
- b. No U.S. government until 1781
- c. Articles by 1778 were approved by 11/13 states
- d. Delaware, Maryland held out till March 1781

IX. Treaty of Paris

- a. 1783-84: U.S. rips up treaty b/c U.S. doesn't want to compensate Loyalists and Torres for lost property in America
- b. England starts an embargo w/ U.S. which puts U.S. into a depression

X. Articles of Confederation

- a. Federal Gov. had no real power over the states
- b. No Executive Leader – only a Presiding Officer in Congress
- c. 9/13 required for a bill to pass
- d. All 13 needed to amend Articles of Confederation
- e. Feds could not impose tariffs on foreign goods
- f. Feds could not control money supply (13 states + U.S. money)
- g. Feds could not tax citizens directly (only beg states for money)
- h. U.S. Gov. received \$0.16/\$1.00 requested
- i. States were not supporting Nat'l Gov. sufficiently

XI. Shay's Rebellion

- a. Poor vs. Elite of Massachusetts

XII. Need for Change: Drafting Our Constitution

- a. Philadelphia – Draft a Constitution
- b. 39/55 Delegates sign Constitution
- c. Delegates: Benjamin Franklin, Washington (Presiding Officer),
James Madison (secretary – minutes): Father of Constitution
Alexander Hamilton – (suggested Washington be King for Life)
Roger Sherman, William Patterson

Articles of Confederation

<p>National Government Promoted:</p> <ol style="list-style-type: none"> 1. Defense of Nation 2. Well-Being of Nation 	<ol style="list-style-type: none"> 1. Worked through state cooperation 2. Could not tax citizens directly 3. Could not prevent states from coining money 4. Could not control interstate trade and travel 5. Could not prevent states from taxing each other 6. Could not prevent states from negotiating trade agreements w/ other nations 7. Could not impose tariffs 8. Could not pass laws 9. Could not enforce national laws
<p>Legislature</p>	<ol style="list-style-type: none"> 1. Unicameral Legislature (Confederation Congress) w/Delegates based on State Population 2. 2/3 of States needed to vote to pass new laws 3. All 13 States needed to vote to amend Articles of Confederation 4. Handled all administrative duties
<p>Judiciary</p>	<ol style="list-style-type: none"> 1. No Federal Court System 2. State Courts enforced national laws 3. State Courts settled disputes between states 4. State Courts could overturn national laws
<p>Chief Executive</p>	<ol style="list-style-type: none"> 1. No Leader of the Country – No President 2. Only a Presiding Officer over Confederation Congress – 1 yr. Term

XIII. Constitutional Convention

- a. May 1787 – Sept. 1787 (16 weeks)
- b. Hot Summer in Philadelphia
- c. White Males
- d. Each Delegate get his own vote
- e. 12/13 states attend – R.I. did not attend
- f. No info on close to half of signers of Constitution

XIV. Not at Constitutional Convention

- a. Thomas Jefferson – Ambassador to France (w/Sally Hemmings)
- b. John Adams – Ambassador to Great Britain
- c. Sam Adams – Not selected as Delegate
- d. Patrick Henry – Selected as Delegate, but didn't attend (anti-federalist)

XV. Set up of Legislature in Constitution

- a. 2 House Legislature – called Congress
- b. VA Plan: 2 Houses w/ Representation based on State Population
- c. NJ Plan: 2 Houses w/ Equal Representation
- d. Ben Franklin/ Roger Sherman – Great Compromise

XVI. Great Compromise (Franklin or Connecticut Compromise)

- a. Lower House (House of Reps.) – Based on Population
- b. Upper House (Senate) – Based on Equal Representation
- c. House is accelerator – Senate is the breaks
- d. Until 1913, only House of Reps. Was voted by people
- e. 1913 – 17th Amendment – Direct Election of Senators

XVII. Federal Government under Constitution

- a. Can Tax us
- b. Controls money supply
- c. Controls Tariffs
- d. **Elastic Clause** (Article I, Section 8) – Congress Shall make all laws which are necessary and proper and Congress shall provide for the common defense and general welfare

XVIII. Executive Branch

- a. Leader Separate from Legislature
- b. Executive – Named President of the U.S.
- Limited w/ Checks and Balances

XIX. Electoral College

- a. Picks President to make sure Voters don't mess up election
- b. Until 1824, only rich, property owners could vote
- c. In 1824, an white male over 21 could vote regardless of property

XX. Judiciary (Article 3)

- a. Supreme Court and Lower Courts
- b. Laws created by 1st Congress

XXI. How to add Constitutional Amendments

- a. 2/3 vote in House
- b. 2/3 vote in Senate
- c. 3/4 state legislatures (or conventions): each state with 1 vote – (50% + 1 needed)

XXII. Ratification of the Constitution

- a. 11/13 Ratify Constitution
- b. 10th State – VA 11th State – NY
- c. March 4, 1789 – Constitution Day
- d. Delaware: 1st State to ratify Constitution
- e. R.I. – independent until Bill of Rights were Ratified

XXIII. U.S. Capitols

- a. First Capitol – NYC
- b. Second Capitol – Philadelphia
- c. Third Capitol – Washington D.C.

XXIV. George Washington – Our First President

- a. Vice President – John Adams
- b. Washington wanted to be called “Mr. President”

XXV. Judiciary Act of 1789 - Congress sets up Courts:

A. Federal District Courts

- a. Lowest Courts (Trial Level)
- b. Called Judges
- c. Appointed by President, confirmed by Majority Vote in Senate
- d. Appointment by Vacancy or Expansion of Court for a Lifetime Term

B. Federal Circuit Courts

- a. “Court of Appeals”
- b. Called Judges (100) – Appointed for Life
- c. All Current Supreme Court Justices previously were Circuit Court Judges

C. Supreme Court

- a. Top Court
- b. Called Justices – Appointed for Good Behavior for Life
- c. Originally 5 Associate Justices – 1 Chief Justice
- d. Washington – Only President to appoint all justices
- d. Now: 108 Justices Total – 16 Chief Justices

Chief Justices:

- John Marshall – 34 yrs. as Chief Justice
- Roger Tawny – 29 yrs. as Chief Justice
- 5 Chief Justices picked within Supreme Court
- 11 Chief Justices picked outside Supreme Court

Federalist Era and the Marshall Supreme Court

I. **Battle over Ratification: Federalists vs. Anti-Federalists**

- By March 4, 1789 (Constitution Day) – 11 States Ratified (not N.C. or R.I.)
- Ratified with the Promise to add a Bill of Rights

A. **Federalists**

- a. Believed in the Constitution as Necessary
- b. Understood Constitution wasn't perfect, but it could be amended
- c. **Federalist Papers** – by Madison, Hamilton, Jay
 - Letters written under Pen Name – *Publius*
 - One of the Most Published Books (next to Bible)
 - Madison – 1/2 of Essays
 - Hamilton – 1/3 of Essays
 - Jay – 1/6 of Essays
- d. Heated battle over Ratification by many State Conventions
 1. Massachusetts – 19 vote victory
 2. New York - 3 vote victory

B. **Anti-Federalists**

- a. Led by Patrick Henry – Condemned Constitution
- b. Document Ok, but not acceptable in the form that it was
- c. Did not want mention of God (Separation of Church and State)
- d. Believed National Gov. would be so powerful, it would devour States Rights
- e. Feared Big States Ruling over Small States
- f. Feared South would have unfair edge b/c of Slavery
(Only 2 Presidents from North until Civil War)
- g. Feared Executive Branch would become a Dictatorship
- h. Feared that Courts would become a threat (legislating, not judging)
- i. **NO GUARANTEE OF FREEDOMS or CIVIL LIBERTIES**

II. **Bill of Rights, 1789**

1. Freedom of Religion, Speech, Press, Assembly, and Right to Petition Gov.
2. Right to Bear Arms (For a regulated Militia)
3. No Quartering of Soldiers
4. No unreasonable Search and Seizures
5. Right not to testify against self-interest. No Double Jeopardy.
6. Right to Speedy and Public Trial. Right to Confront Witnesses.
7. No Excessive Bail or Fines
8. No Cruel and Unusual Punishment
9. These are not the only rights retained by the people
10. Powers not delegated in the Constitution, nor prohibited are reserved to the States

III. Rise of Political Parties

- a. Debate over who should be in control?
- b. What needs to be done?
- c. Questions of how to look at Constitution and it's role?
- d. Alexander Hamilton (Treasury Secretary)
- e. Thomas Jefferson (Secretary of State)
- f. Washington, while not joining a party, sides w/ Hamilton
- g. Jefferson resigns in 1794 and starts opposition party
- h. John Adams – Sides w/ Federalists, J. Madison – Co-founder: Dem. Republicans

IV. Hamilton (Federalist) – Father of Modern Liberalism

- a. Broad Interpretation of Constitution (Elastic Clause¹ – Art. 1, Sec. 8)
- b. Strong National Government
- c. More Business, Industry, Commerce (Diverse Economy as well as agriculture)
- d. Wants to be close to Britain b/c of common ancestry
- e. Distrusts French b/c they are in the midst of their own Revolution

V. Jefferson (Democratic-Republicans) – Father of Modern Conservatism

- a. Strict Interpretation of Constitution
- b. More State and Local Control (Changes View as President)
- c. Against Industrialization b/c it brings corruption
- d. Wants a Nation of Farmers – “Farmers are God’s Chosen People”
- e. Distrusts British
- f. Wants to wish the French the best in their Revolution

VI. Hamilton’s Upbringing

- a. Born illegitimately in British W. Indies
- b. Never knows his father
- c. Grows up in poverty
- d. Migrated to NY – Went to Columbia University
- e. Made Good Connections
- f. Married Wealth – Elizabeth Skyler
- g. Moves up in social status as a result of marriage
- h. Didn’t Trust Masses – Feared the Masses

VII. Jefferson

- a. Believed People could govern
- b. Believed a Revolution (change in Political Party leading country) is needed once a generation

¹ Elastic Clause – Congress shall make all laws, which are necessary and proper, and Congress shall provide for the common defense and general welfare.

VIII. Washington's Cabinet (in order of creation)

- a. **Secretary of State** (Jefferson)
- b. **Secretary of the Treasury** (Hamilton)
- c. **Secretary of War** (Henry Knox)
- d. **Attorney General: Justice Department** (Edmund Randall)
- e. **Postmaster General**, until 1790

IX. Presidential Succession Law, 1792

- Order of Succession if President is out of office:
 - 1. Vice President
 - 2. President Protempore of Senate (Longest member of Majority Party)
 - 3. Speaker of House
 - 4. Cabinet Positions in order of creation

X. Succession Law (1886-1947)

- Order of Succession if President is out of office:
 - 1. Vice President
 - 2. Cabinet Positions in order of creation

XI. 1947 Succession Law

- Order of Succession if President is out of office:
 - 1. Vice President
 - 2. Speaker of House
 - 3. President Protempore
 - 4. Cabinet Positions in order of creation

XII. First Contested Election, 1796

- a. Federalists vs. Democratic Republicans
Adams vs. Jefferson

XIII. Electoral College, 1796

- a. Adams – Most Electoral Votes (Becomes President)
- b. Jefferson – 2nd Most Electoral Votes (Becomes Vice President)
- c. 1804 – 12th Amendment: President cannot be elected w/ Opposition candidate

XIV. Alien and Sedition Acts (1st Violation of Bill of Rights), 1798

A. Alien Laws

- a. Government Raised Residency Status from 5 yrs. – 14 yrs to become citizen
- b. Allows for the arrest and deportations of all nationals from Country which U.S. is going to War with
- c. Immigrants started supporting Jefferson
- d. Adams intended to weaken opposition to his party

B. Sedition Act

- a. Anyone who speaks, publishes, or writes anything against US gov. or leaders is subject to prosecution, fines, and/or jail time
- b. 25 people went to trial
- c. Journalists – Thrown into jail and fined \$10,000
- d. During “Unofficial” War against France – B. Franklin’s Grandson arrested for violation of sedition act

XV. VP Jefferson Condemns Alien and Sedition Act

- a. Prints VA and KY Resolution in Newspapers
- b. Claims that States have ability not to follow certain laws and if government insists, states have the right to secede

XVI. President Jefferson Seeks Revenge

- a. Samuel Chase – Presided over some of Sedition Trials – He is Outrageous
- b. Jefferson, as President, gets Alien and Sedition Act Repealed
- c. Jefferson then declares war on judges who convicted people w/ Act
- d. Jefferson brings Charges against Samuel Chase for Impeachment
- e. Senate: w/ Chief Justice Presiding (Marshall) found Chase - Not Guilty

XVII. Federalist Era

- a. Constitutional Debate
- b. Attack on Bill of Rights
- c. Attack on Judiciary

XVIII. John Marshall's "Midnight Appointment"

- a. Jefferson becomes President, March 4, 1801
- b. Oliver Ellsworth – 2nd Chief Justice leaves Court right before Jefferson Enters
- c. Should Adams, a lame duck president, w/a lame duck Congress have appointed him?
- d. Federalist Senate Confirms Marshall (VA) – longest lasting effect Adams had
- e. Marshall – 3rd longest Justice on Court (1/6 of history)
- f. Hated by 2nd Cousin Jefferson, along w/Madison, Monroe, Jackson
- g. Appointed at age 44, died at 78
- h. Often achieved unanimous decisions (like Earl Warren, in the 1960s)

XIX. Marshall's Beliefs

PROMOTES JUDICIAL NATIONALISM

- a. Federal Supremacy
- b. Broad Interpretation of Constitution
- c. Property Rights & Contractual Agreements Inviolable

XX. Joseph Story

- a. Youngest Supreme Court Justice – 32 yrs. old
- b. Appointed by James Madison (Dem-Republican)
- c. Soon began voting more like Marshall (Federalist)
- d. (Justices don't necessarily vote the same as initially believed)
- e. Justices have no loyalty to presidents, even the one who appointed them
- f. Story Died at age 65

XXI. John Marshall and the Supreme Court (1801 – 1835)

a.	Marbury	v.	Madison	1803
b.	U.S.	v.	Peters	1809
c.	Fletcher	v.	Peck	1810
d.	Martin	v.	Hunters Lessee	1816
e.	Cohens	v.	Virginia	1821
f.	McCulloch	v.	Maryland	1819
g.	Dartmouth College	v.	Woodward	1819
h.	Gibbons	v.	Ogden	1824
i.	Worcester	v.	Georgia	1830
j.	Cherokee Nation	v.	Georgia	1831

XXII. Marbury v. Madison, 1803**BACKGROUND**

Judiciary Act of 1801 adds new Federal District Judges/Circuit Court Judges to Judiciary.
 ==Passed by a Lame Duck Congress after Marshall's appointment

- a. 1 of Adam's Midnight Appointments is accidentally not delivered (or confirmed) by the time Jefferson takes over on March 4, 1801
- b. Jefferson refuses to deliver Marbury's appointment
- c. Marbury sues new Sec. of State – James Madison to get his appointment
- d. **C. Justice - Marshall rules that while Marbury may be entitled to Judgeship, he can't force President to deliver appointment b/c it's too late and too long since the incident occurred (1 ½ years by the time it got to Court)**

XXIII. Doctrine of Judicial Review

- a. Supreme Court has Final Authority over all Federal laws and actions
- b. Can declare actions of Congress Unconstitutional
- c. Can order President to do something or to stop doing something

XXIV. U.S. v. Peters, 1809

- a. PA took seized and sold a man's ship from Amer. Revolution w/o compensation
- b. Peters demanded to receive proceeds from the ship's sale, but PA refused
- c. **PA was forced to give proceeds to man b/c he hadn't committed any crime**
- d. Precedent set where Feds could interfere in State Matters

XXV. Fletcher v. Peck, 1810

- a. Corrupted GA legislature sold 35 million acres of land around Yazoo in 1794
- b. 1796 GA Legislature, rescinded the Grant
- c. However, some land had already been sold to innocent 3rd Parties
- d. Can a State take back land grants after they've been issued?
- e. **Court backed the right of 3rd Parties – Property could not be taken away**

XXVI. Martin v. Hunters Lessee, 1816

- a. State of VA says an Alien can't inherit property
- b. Alien in question was a Loyalist
- c. **Supreme Court 6-0 votes that an alien can inherit property b/c U.S. had already compensated Loyalists/Torres for their lost land** (meaning that they still had a right to the land, but the U.S. bought their interest in the land)

XXVII. Cohens v. VA, 1821

- a. Issue over Can Supreme Court overrule State Courts?
- b. **If State courts enforce laws against Constitution, Supreme Court can overrule**

XXVIII. McCulloch v. Maryland, 1821

- a. Deals w/ National Bank of U.S.
- b. Is 2nd National Bank Constitutional?
- c. Can a State tax a Federal Bank within their State?
- d. **State cannot tax Bank or any Federal Property**
- e. **Rules that 2nd National Bank is Constitutional** (using the Elastic Clause)

XXIX. Dartmouth College v. Woodward, 1819

- a. Dartmouth – college in Hanover, NH started in 1769 to train Native Americans
- b. Given land grant in 1769 by Colonial Government, then ½ century later, State of NH wants to take away land grant
- c. **Supreme Court rules NH can't take away grant, unless it has a date in agreement b/c of Property Rights**
- d. Land Grants also cannot be taxed

XXX. Gibbons v. Ogden, 1824

- a. Issue over Monopoly Grant (Interstate Commerce)
- b. Can NY Legislature give monopoly along Hudson River to one company?
- c. **Supreme Court says NY can't regulate Hudson River b/c it's Interstate w/ NJ**
- d. **Interstate Commerce can only be controlled by Feds, so Monopoly is Illegal**
- e. Led to later Economic activities, like the creation of Minimum Wage b/c most companies use products from other states

XXXI. Worcester v. Georgia, 1830**Cherokee Nation v. Georgia, 1831**

- a. Native Americans want to stop their land from being taken away
- b. GA argued that Cherokee Lands were Illegal, so they could rightfully be seized
- c. **Supreme Court under Marshall says Gov. can't take away property rights just b/c they're Native Americans**
- d. Andrew Jackson was furious and condemned Marshall and Court
- e. Jackson said, "Supreme Court made their judgment, now let them enforce it."

XXXII. Jackson defies Supreme Court

- a. Jackson forces Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians off their lands leading them out West to Oklahoma
- b. Oklahoma - (Indian Land Forever until 1889 when Oil is discovered there)
- c. "Sooners" – People who "jumped the gun" before they were supposed to and forced Native Americans into Reservations

XXXIII. Trail of Tears

- a. 1833 – 1838
- b. Some Native Americans die b/c of long grueling trek to Oklahoma, starvation, harsh environment in Oklahoma, inability to adjust to weather

Andrew Jackson/The Taney Supreme Court/ Slavery in America

I. Roger Taney

- a. 2nd longest Supreme Court Chief Justice
- b. 1835 – 1865 (Jackson – Lincoln)
- c. Believed in State sovereignty and slave ownership rights (like Jackson)
- d. Hated in the North
- e. Jackson, who appointed Taney was the strongest President after Jefferson until Lincoln, who replaced Taney

II. Significant American Presidents

- a. Washington
- b. Jefferson
- c. Jackson
- d. Lincoln
- e. Polk

III. Andrew Jackson – The Road to the White House

- a. 1st President not born to aristocracy
- b. 1st President not born in original state – born in Tennessee
- c. 1st President with popular appeal
- d. 1824 – Jackson won the popular vote, but lost election
- Jackson had most electoral votes, but no majority

IV. 1829 Inauguration

- a. Becomes President after defeating John Quincy Adams
- b. Jackson invited all the American people to the White House for a party and they destroyed all the China and started a riot

V. Andrew Jackson as President

- a. Became spokesman for the common man, not special interests
- b. Jackson is the old “Jefferson” – State’s Rights
- c. Clay is the old “Hamilton” – Strong National Government
- d. Believed that Indians were subhuman
- e. Believed in slavery
- f. Promotes States’ Rights
- g. Says that states don’t necessarily have to follow National government, which sets up Nullification crisis
- h. Pro Slavery
- i. Adds power to the Presidency

VI. “King Andrew”

- a. Jackson challenges the limit of Presidential power
- b. One of the first to use Veto power
- c. Called “King Andrew” b/c he vetoed a lot of acts (including – Nat’l Bank) by Henry Clay
- d. Clay challenged Jackson for the Presidency in 1832, but lost

VII. Spoils System

- a. Promotes giving jobs to Presidential supporters based on political affiliation
- b. Ends in the 1880s with the creation of the Civil Service

VIII. Trail of Tears

- a. Jackson forces Indians out West to Oklahoma, defying the Supreme Court
- b. Some Seminoles in Florida scattered and headed towards the swamps so they were never captured

IX. Jackson and Internal Improvements

- a. Vetoed an Internal Improvements (Roads & Canals) bill in 1830, which would have gone to Kentucky for *Maysville Road*, which was the beginning of the Kentucky Turnpike – claiming that he didn’t believe in Federal Funding
- b. When members of Jackson’s party created internal improvement bills, he signed them (even though he supposedly didn’t believe in giving states Federal Funding for Internal Improvements)

X. Jackson and 2nd National Bank

- a. Jackson felt that National Bank was unconstitutional, even though *McCulloch v. Maryland* ruled it constitutional
- b. Jackson asked his Treasury Secretary to remove all money from National Bank
- c. Treasury Secretary wanted to do it casually, so as to not upset the economy, so he was fired
- d. Jackson’s next Treasury Secretary also refuses, so he is fired also
- e. Jackson’s third Treasury Secretary takes out funds, bankrupting the Second National Bank and privatizing the funds
- f. Privatizing funds leads to Panic of 1837

XI. Roger Taney

- a. Treasury Secretary for Jackson, who removed funds from National Bank
- b. As a reward, Jackson made Taney the Chief Justice of the Supreme Court after Marshall died

XII. South Carolina Exposition and Protest

- a. Secretly published by Calhoun (anonymously authored by him)
- b. Claims that state can nullify (refuse) to obey/enforce federal laws or court orders
- c. Claims that a state has the right to secede from union if forced to enforce laws
- d. Calhoun was Vice President when it was discovered that he wrote the Doctrine
- e. 1830 – Jackson threatened Calhoun, saying that if Calhoun takes one step toward secession, he'd hang him from the nearest tree.

XIII. Nullification Crisis in South Carolina (11/1832 – 01/1833)

- a. There was a tariff passed which would help industry
- b. South Carolina, not having industry, refuses to obey tariff law
- c. James C. Calhoun says that if the U.S. wants to enforce the law, they'll have to fight them
- d. Calhoun was the most controversial Southern political figure in U.S. History
- e. Jackson referred to George Washington's intervention in the "Whiskey Rebellion"
- f. Jackson planned to lead troops in personally to stop secession and hang Vice President Calhoun in the process

XIV. Compromise Tariff, 1833

- a. U.S. Senator Henry Clay negotiated between U.S. government and South Carolina government
- b. Resolved with the U.S. promising to gradually lower the tariff
- c. South Carolina then would start enforcing tariff and stay in the Union

XV. Richard Lawrence

- a. First assassination attempt against a President (Jackson)
- b. Bullet missed
- c. Jackson hit assassin with a cane and held him down until help came

XVI. Vice Presidents under Jackson

- a. Calhoun resigns w/ 3 months left as Vice President
- b. Martin Van Buren selected as Vice President

XVII. Jackson and Van Buren's Supreme Court appointments

- a. Jackson had 4 appointments to Supreme Court
- b. Van Buren had 2 appointments to the Supreme Court
- c. When Taney died in 1864, his death was cheered in the North
- d. Taney was 87 when he died – oldest Justice until T.R.'s appointment of Oliver Wendell Holmes who died at age 92

XVIII. Charles River Bridge Co. v. Warren Bridge, 1837

- a. Charles River Bridge Company was incorporated by Massachusetts Legislature in 1785 and given a 40-year charter to build bridge and charge tolls
- b. 1792 – Charter was expanded to 70 years, until 1855
- c. But in the 1820s, Massachusetts gives Warren Bridge the right to build a new bridge, along Charles River without tolls
- d. Charles River Bridge Co. sued saying that they had a contract with the ability to collect tolls and that the new toll-free bridge would affect their revenue and contract
- e. **Taney said that if Charles River Bridge Co. prevents Warren Bridge from building, they are preventing progress**
- f. Taney claimed that States have the Final Right

XIX. West River Bridge Co. v. Dix, 1848

- a. State of Vermont gave West River Bridge Co. the right to build a bridge with tolls, and then took it away, (even though their contract doesn't set a date)
- b. Vermont decides to build a Free Public Bridge without tolls for people
- c. **State has the final say to do what's right for the people**

XX. Slave Trade Compromise

- a. Slavery was supposed to end 20 years after 1789, in 1809
- b. Not enforced because there were mostly Southern Presidents and 2 weak Northern Presidents
- c. Quakers became very active abolitionists after 1750, constantly keeping the issue growing, with a growing resentment by the South

XXI. Slavery in the South

- a. Slavery was well accepted
- b. Coloreds were slaves until determined to be worth something
- c. Slave owners had right to property and right to recapture their property (slaves) if they escape

XXII. Black Freedom in the North?

- a. If blacks escaped to the North, they were to be assisted in keeping their freedom
- b. But what if a slave is brought to a free state by their owner to live permanently. Is the Slave Free?
- c. What if the Slave owner temporarily brings a slave to the North?
- d. What if owner passes through a Free State?
- e. What if Fugitive Slave Enters the North?
- f. What if former slave returns to the South?
- g. 1820s – 1830s – Strong anti-slavery movement
- h. Early 1830s – Abolitionists were seen as a threat to slavery by the South

XXIII. William Lloyd Garrison

- a. Boston Minister and Abolitionist
- b. Publishes *The Liberator*
- c. Delivers fiery newspaper writings
- d. Grabbed by a mob in Boston and was going to be lynched before Boston's Mayor stopped the lynching
- e. Garrison wanted to immediately stop slavery without compensation to slave owners

XXIV. Elijah Lovejoy

- a. Lynched by mob in S. Illinois
- b. Andrew Jackson – condemned abolitionists as terrorists

XXV. Fugitive Slave Law, 1793

- a. States had to help apprehend and return Fugitive slaves

XXVI. Pennsylvania's Personal Liberty Law

- a. Pennsylvania legislature did not want to help return fugitive slaves
- b. Pennsylvania claimed that if a slave is caught, he has a right to a trial to testify and try to prevent his return to slavery in the South

XXVII. Prigg v. Pennsylvania, 1842

- a. Pennsylvania's Personal Liberty Law was overruling Federal Law
- b. Taney upheld (federal) Fugitive Slave Law and shoots down Pennsylvania's (state) law
- c. Taney upholds Federal Supremacy (for Southern Interest)

XXVIII. Expansion of Slavery into New Territory

- a. Missouri – First Territory to become State
- b. But should Missouri be a Free or Slave state?
- c. Jefferson writes to Adams: "If we don't resolve issue, Civil War will occur."

XXIX. Missouri Compromise, 1820

- a. This Compromise was a delay tactic to prevent a Civil War
- b. Missouri – Became a Slave State
- c. Maine – Created as a Free State by taking land from Massachusetts

XXX. Louisiana – A Divided Purchase

- a. North of 36 degrees, 30 minutes – were Free States
- b. South of 36 degrees. 30 minutes – were Slave States

XXXI. Kansas

- a. Slavery officially extended into Kansas, but Kansas only had a few slaves
- b. A fight erupted between Northerners and Southern in Kansas as a result

XXXII. Martin Van Buren

- a. Herbert Hoover of the 19th Century
- b. After Jackson, Deals w/ Panic of 1837
- c. William Henry Harrison – President after Van Buren - One Month as President before he dies

XXXIII. John Tyler

- a. Succeeded to Presidency after death of Harrison – First un-elected President
- b. Only President with no Recognition at his death because he traded to the Confederacy during Civil War

XXXIV. Manifest Destiny

- a. America's Desire to Expand from the Atlantic Ocean to the Pacific Ocean
- b. Democrats nominate James Knox Polk
- c. Polk – 1st Dark Horse Presidential Candidate and wins
- d. Polk – wants to take over Pacific Northwest from Britain, but settles

XXXV. James K. Polk

- a. Polk wants to buy California from Mexico
- b. Mexico breaks off relations with Texas after they become independent and US becomes belligerent
- c. U.S. buys Arizona, New Mexico, California, and Texas from Mexico after winning the Mexican War

XXXVI. David Wilmot Provisal (PA)

- a. No Expansion of slavery allowed in New Territories bought from Mexico
- b. Calhoun opposed, wanting all land to be slave land
- c. Popular Sovereignty, letting the people decide whether they want a free or slave state was an alternative to the Wilmot Provisal

XXXVII. Popular Sovereignty wins

- a. Let the people decide whether to be slave or free state

XXXVIII. Zachary Taylor

- a. Victorious general in Mexican War
- b. Never registered to vote
- c. Elected for being victorious in the war

XXXIX. Compromise of 1850

- a. Absolute Pro Slavery – Absolute Abolitionism wasn't accepted
- b. California – Free State (w/ Gold Rush in 1848 – became a State)
- c. Arizona, New Mexico – Left to Popular Sovereignty once they became states

Taylor is a slave owner who doesn't want to compromise over the issue of slavery, but was willing to preserve the Union

- c. Taylor died July 1850 before Compromise Bill passed.

XXXX. Millard Fillmore

- a. From Buffalo, NY
- b. Anti-Slavery, but signs Compromise of 1850 as President due to pressure
- c. Compromise delayed the Civil War

XXXXI. Fugitive Slave Act, 1850

- a. Federal Marshalls will now go into North to gain cooperation for southern slave owners to help them capture their slaves and any northerner who refuses to cooperate with the Marshalls would be arrested

XXXXII. Railroads repeal Missouri Compromise

- a. 1854 – Congress Repeals the Missouri Compromise
- b. Stephen Douglass – wants railroads built mostly through his home state, Illinois
- c. Southerners didn't care about railroads so they agreed, with the repeal of the Missouri Compromise

XXXXIII. Kansas-Nebraska Act

- a. Allows slavery into Kansas and Nebraska
- b. Slave owners and Abolitionists fight over the principle of slavery in Kansas, which causes *Bleeding Kansas*

XXXXIV. John Brown

- a. White Man – sets out to Destroy Slavery, in 1856
- b. Involved in Pottawattomoe Massacre (which includes women and Children)

XXXXV. Charles Sumner

- a. Senator from Massachusetts
- b. Condemns Slave owners, supports John Brown
- c. House member Preston Brooks whacks Sumner in the Head with a cane (putting him out of commission for several years, but he lived)
- d. Sumner becomes more anti-South afterwards

XXXXVI. Franklin Pierce

- a. President after Millard Fillmore

XXXXVII. James Buchanan

- a. Inaugurated in March 1857
- b. 2 Days into Term, Supreme Court hands down *Dred Scott – Sanford* decision

Civil War and Reconstruction

I. Bleeding Kansas

- a. Free soil v. Slave owners
- b. Kansas-Nebraska act expanded slavery into these states in exchange for transcontinental railroad

II. Kansas' effect on the country

- a. Slavery in Kansas divides the country
- b. By 1860, 2000 people were killed in Kansas fighting
- c. Kansas had some slaves, but not much
- d. 1860 census – showed only 2 slaves in Kansas
- e. Battle over principle of extending slavery to Kansas

III. Dred-Scott Decision

- a. 2 Days after James Buchanan becomes President, March 6, 1857, Dred Scott decision is given – worst decision in U.S. history
- b. Dred Scott was a slave taken North by his owner
- c. After owner died, his widow married an abolitionist who wanted to give him his freedom
- d. 1857, (7-2) Supreme Court rules Dred Scott cannot sue in Federal Court b/c he is not a citizen
- e. **Taney and Majority said that a Slave owner can move slaves anywhere they want, even to the North b/c they are property**
- f. Northerners opposed the decision, citing racial economic, and moral arguments
- g. Northerners felt angry and uncomfortable having inferior blacks amongst them

IV. Lincoln challenges Douglass in the Senate

- a. 1858, Lincoln challenges Douglass for Senate Seat
- b. Lincoln (Republican) v. Douglass (Democrat)
- c. Lincoln attacked Dred-Scott decision and condemned the Taney Court

V. Lincoln – Douglass Debates

- a. In 1858, Senators were elected by State legislatures
- b. Campaigns were run to vote for each party and each party had its own list of candidates for various positions
- c. Lincoln said, “A House divided against itself can’t stand and we can’t stay half slave – half free forever.”
- d. Douglass won Senate seat b/c Republicans had only been around for a few years

VI. Harper's Ferry

- a. John Brown raided Harper's Ferry, leading to the murder of 160 men, women, and children
- b. Virginia militia captured John Brown and conspirators
- c. They were found guilty and subsequently hanged
- d. Religious leaders in the North mourned Brown's death

VII. Ableman v. Booth, 1859

- a. Deals with Fugitive Slave Law
- b. 1859 – Booth from Wisconsin helps Fugitive Slave to escape, then brought to court, convicted in Federal District Court and fined \$1000
- c. Wisconsin State Courts claim that conviction is illegal and that Wisconsin does not have to obey Fugitive Slave Law
- d. **Taney upholds Fugitive Slave Law, saying that a State Court cannot interfere with a Federal Court**

VIII. 1860 Election – Democratic candidate

- a. 1860, South Carolina threatens to secede
- b. Douglass – official Democratic candidate
- c. But Douglass loses nomination for denouncing Dred-Scot decision
- d. John C. Breckinridge is chosen to represent the Democrats
- e. Breckinridge at 36 – was the current Vice President under James Buchanan

IX. 1860 Election – Constitutional Union Party

- a. Runs with John Bell
- b. Bell's running mate is Edward Everett
- c. 1863, Everett goes to Gettysburg to give speech

X. 1860 Election – Republican Party

- a. Nominated Abraham Lincoln
- b. Republicans felt that William Seward was too abolitionist to run

XI. Ballots for the 1860 Election

- a. In North, Breckinridge was not on the ballot
- b. In South, Lincoln was not on the ballot
- c. Douglass and Bell were on the ballot in both the North and South
- d. Lincoln won every Northern State, except for New Jersey (39.5% electoral vote)

XII. Lame Duck period

- a. South is breaking away
- b. December 1860, South Carolina secedes from the Union
- c. Alabama, Georgia, Florida, Mississippi, Louisiana, Texas, South Carolina break away before March 4th – Inauguration day
- d. States take Federal Forts in their states and Buchanan does nothing
- e. Buchanan in closing address says that North should stay out of slavery issue

XIII. Crittenden Resolutions

- a. Extend Missouri Compromise to Pacific Ocean
- b. Prevent Congress from Ending Slavery
- c. Prevent Congress from interfering with Slave Trade
- d. If Fugitive Slaves cannot be returned, Federal Government will compensate slave owners
- e. *The Crittenden Resolutions would only help the South and not benefit the North*
- f. Lincoln refused to accept the Crittenden Resolutions because he says that he doesn't intend to end slavery, but he will preserve the Union (Gettysburg Address)

XIV. Lincoln's Pledge to keep the country united

- a. In the Gettysburg Address, Lincoln says, "If I could save the Union without freeing any slave, I would do it; if I could save it by freeing *all* the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that."
- b. Republican Platform – was to prevent the expansion of slavery, not to end slavery

XV. The Confederate States of America

- a. Alabama, Georgia, Florida, Mississippi, Louisiana, Texas, South Carolina form the Confederate States of America before Lincoln becomes President
- b. In the Confederacy, Presidents were to be elected to one 6-year term only
- c. President – Jefferson Davis (MS)
- d. Vice President – Alexander Stephens (GA)

XVI. John Tyler (former U.S. President)

- a. Gave up his U.S. citizenship to be a Confederate Senator
- b. Died the following year
- c. Tyler's death was not recognized by Union
- d. 4/5 living former Presidents of the time supported the Union

XVII. Various Names for the Civil War

- a. War for Southern Independence
- b. War between the States
- c. War against Southern Aggression

XVIII. Fort Sumner – opening shot of the Civil War

- a. Lincoln re-provisions Fort Sumner intending not to restock the Fort
- b. April 12, 1861 – Near Charleston Harbor, South Carolina, governor orders cannon shots at Ft. Sumner to destroy it

XIX. Justifying Lincoln’s use of power during the Civil War

- a. Controversial
- b. Not out for power
- c. He did what he had to do to preserve the Union

XX. Issues of the Civil War

- a. Civil Liberties
- b. End of Slavery/Slavery Issue
- c. How to Reconstruct Union?
- d. Civil War began without being declared

XXI. Lincoln’s Censorship

- a. Lincoln was accused of breaking Civil Liberties/Civil Rights
- b. Suspends Writ of Habeas Corpus – People were now being detained incommunicado and without a trial
- c. Lincoln also shut down Newspapers that were going to Print Union battle plans that would help the South win

XXII. The Union Draft

- a. Lincoln established a draft using the Elastic Clause
- b. In the North – if a person pays \$300 or gets someone to replace them, they could get out of the Draft
- c. Rich people were able to get out of serving in the war by helping to fund the war

XXIII. Copperheads

- a. Northerners who wanted to let the South go free
- b. Don’t support the South, but don’t want a war

XXIV. Clement Vallandigham

- a. Former Ohio Congressman and Copperhead
- b. Lincoln arrested and detained him for denouncing him and the war, because he was undermining the war effort

XXV. Preliminary Emancipation Proclamation

- a. September 1862 warning to the South that if they don't rejoin the Union, then he will move to end slavery

XXVI. Emancipation Proclamation

- a. January 1, 1863 pledge to end slavery in the areas of rebellion (not in states not in rebellion)
- b. Constitutional amendment was the only real way to end slavery
- c. Lincoln pledge to end slavery without compensation for slaves if the North won
- d. Leaders of Confederacy would also lose their citizenship

XXVII. 13th Amendment

- a. Amendment passed after Civil War by Republican Congress, which ends slavery

XXVIII. Gettysburg Address

- a. Unprepared Speech written on a napkin only minutes before the speech, given in Gettysburg after a victory in a battle by the North
- b. Lincoln stated that his main goal was to preserve the Union

XXIX. Lincoln's Reconstruction Plan

- a. Lincoln wanted to have at least ten percent of the Confederate males in each Confederate State who voted in the 1860 presidential race to sign an oath of loyalty to the Union to restore their rights as American citizens
- b. Lincoln also wanted to prevent former Confederate Leaders from having any role in the rebuilding process
- c. "With malice towards none, with charity for all, let us heal the wounds of the nation"

XXX. Radical Republicans

- a. Opposed Lincoln's 10% plan – Radicals wanted a higher oath of loyalty
- b. Led by Benjamin Wade, Charles Sumner, Thaddeus Stevens

XXXI. Wade-Davis Bill, 1864

- a. Called for a 50% oath of loyalty, higher than Lincoln's 10% plan
- b. Lincoln pocket-vetoed bill after Congress ended its session

XXXII. Wade-Davis Manifesto, 1864

- a. Wade-Davis denounced Lincoln for pocket-vetoing their bill

XXXIII. Vice President Andrew Johnson

- a. Military Governor of Tennessee
- b. Vice President for 6 weeks
- c. Replaced Hannibal Hamlin as Vice President

XXXIV. Johnson and Reconstruction

- a. 1865 – Johnson uses Lincoln's 10% plan to bring South back into Union
- b. Johnson gives amnesty to poor in South; He gives pardons to rich and leaders
- c. Black Codes and old Confederate Leaders re-emerge with power
- d. As a result, Congress refuses to seat any member of South into Congress
- e. Johnson also vetoes the renewal of the Freedman's Bureau and Civil Rights Act
- f. KKK also began in Tennessee in 1866

XXXV. 14th Amendment

- a. Johnson campaigns against 14th amendment as a political move (and because he was a racist) in a move to get Southern Senators seated by Congress
- b. 14th Amendment – No State shall deprive any person of life, liberty, or property without due process of law...No State shall deprive any person of equal rights

XXXVI. Congress takes away Presidential Power

- a. Army Appropriations Act – Congress takes away President's job as Commander-in-Chief of the Armed Forces
- b. Tenure of Office Act – President cannot fire a cabinet member he has chosen without the backing of the House and Senate
- c. Congress also overrides most of his vetoes

XXXVII. Impeachment Proceedings against Johnson

- a. Johnson is charged with 11 articles of impeachment, only 2 were ever tried
- b. Articles are mainly repetitive and rephrased
- c. Johnson is charged with breaking the *Tenure of Office Act* by firing his Secretary of War, Edward Stanton
- d. Johnson is also charged with speaking bad things of Congress
- e. 7 conservative Republicans oppose impeachment
- f. Impeachment Vote in Senate: 35-19 for impeachment (1 short of 2/3 needed to impeach)

XXXVIII. Congressional Reconstruction

- a. Johnson's Reconstruction is done away with and Reconstruction begins again
- b. Carpetbaggers – Northerners who went into South during Reconstruction
- c. Scalawags – Middle Class Southerners who helped to rebuild South
- d. Blacks – A small number helped in Reconstruction
- e. There were some corrupt Carpetbaggers and Scalawags, but not many
- f.

XXXIX. Southern Improvements

- a. Educational reform
- b. Healthcare, Social agencies
- c. Judicial and Legal Reform
- d. Road and Railroad Building
- e. Industry
- f. Birmingham – Steel Capital of South

XXXX. Myth of Reconstruction (started by South after 1877)

- a. Blacks were evil...Out to impregnate white women
- b. Blacks were out for power
- c. D.W. Griffith (Producer) – *Birth of a Nation* – shows myth of Reconstruction
- d. Clark Gable – Vivian Lee – *Gone with the Wind* – shows myth of Reconstruction

XXXXI. Florida election controversy, 1877

- a. Democrats and Republicans claimed they won Florida
- b. Samuel Tilden (Democrat) wins Popular Vote against Rutherford B. Hayes
- c. Electoral Votes before Compromise of 1877: Tilden 184, Hayes 165

XXXXII. Electoral Commission

- a. A special Electoral Commission was set up to decide Florida
- b. Commission was made up of 7 Republicans, 7 Democrats, & 1 independent
- c. David Davis (Independent Justice picked by Lincoln – Former campaign manager of Lincoln)
- d. Davis resigns when he realizes that he will be the deciding vote
- e. A partisan Republican on Court replaces Davis
- f. March 2, 1877 – Hayes is awarded Florida's 20 electoral votes to win election
- g. Electoral Votes: Hayes 185, Tilden 184
- h. Samuel Tilden and Al Gore – only 2 Presidents who won popular vote, but not presidency

XXXXIII. Compromise of 1877

- a. By letting Hayes become President, Reconstruction would end
- b. Hayes would appoint Democrats to political positions (patronage) – which ends the Spoils System
- c. North agrees to give Federal funding for Railroads and Industry to the South
- d. Redeemers – Former white leaders in the South re-emerge with power (no longer believed to be against the Union)
- e. Black Rights are forgotten by both sides after 1877, with Jim Crow Segregation starting.
- f. 14th and 15th amendment are disregarded and not applied to blacks
- g. Reconstruction ends with a Raw Deal

Gilded Age

I. Gilded Age

- a. 1868 – 1900 (Election of Ulysses S. Grant – 2nd Inauguration of William McKinley)
- b. Named after Mark Twain Novel, *Gilded Age*, which discusses Twain's social criticism of his era
- c. Time in which Big Business and Government were openly connected
- d. Laissez Faire government dominated
- e. Monopolies were developing
- f. Workers, Immigrants were exploited – Labor troubles
- g. Urbanization started to grow during this time period
- h. Agriculture was declining and Industrialization was increasing
- i. 14th Amendment to Constitution is manipulated in favor of Corporations
- i. Farmer's create Populist Party

II. Presidents YEARS PARTY

- | | | | |
|----|---------------------|---------------|------------|
| a. | Ulysses S. Grant | (1869 – 1877) | Republican |
| b. | Rutherford B. Hayes | (1877 – 1881) | Republican |
| c. | James A. Garfield | (1881) | Republican |
| d. | Chester Alan Arthur | (1881 – 1885) | Republican |
| e. | Grover Cleveland | (1885 – 1889) | Democratic |
| f. | Benjamin Harrison | (1889 – 1893) | Republican |
| g. | Grover Cleveland | (1893 – 1897) | Democratic |
| h. | William McKinley | (1897 – 1901) | Republican |
| i. | Theodore Roosevelt | (1901 – 1909) | Republican |

III. Urbanizing Begins

- a. 1870 – 20% of Population
- b. 1890 – 33% of Population
- c. 1928 – Over Fifty Percent

With Urbanization, Agriculture declined and Industrialization increased

IV. Industrialization

- a. At the end of the Civil War – Top Industrial Nations
 - 1. Britain
 - 2. France
 - 3. Germany
- b. By 1894 – U.S. becomes top Industrial Power
- c. By the beginning of WW1 (1914) – U.S. became more industrial than Britain and France combined

V. Ages in American History

- a. Agricultural
- b. Industrial
- c. Computer/Communications

VI. U.S. Population (census)

- a. 1860 – 31 million
- b. 1910 – 92 million
- c. 2000 – 281 million

VII. Laissez Faire

- a. Hands off Economy – No Government Intervention
- b. Developed by **Adam Smith** – *Wealth of Nations*
- c. Honor private property and wealth
- d. Cannot have government intrude on people's private property

VIII. Spoils System (Spoilsmen)

- a. Creates corruption in government
- b. Office holders desire power – they don't care about people
- b. Government was only serving Big Business

IX. 1884 Presidential Election

A. James G. Blaine

- a. Leader of one faction of Republicans
- b. Most openly corrupt politician to ever run for president
- c. Opposed by "Mudwump" Republicans

B. Mudwump Republicans

- a. Helped get Grover Cleveland elected
- b. Grover Cleveland – Conservative Democrat
- b. Cleveland had 1 scandal in his past, but didn't cover it up
- c. Scandal – Cleveland had a child out of wedlock, but he took care of child

X. Gilded Age Presidents

- a. Weak, boring, dull, unimaginative leaders – not good leaders
- b. Did not want to be controversial
- c. Feared being impeached, like Andrew Johnson

XI. Social Philosophy of Gilded Age

- a. Honor the Wealthy
- b. It's the poor people's fault that they are poor
- c. If the poor die, it's a contribution
- d. Government shouldn't help anybody

XII. Andrew Carnegie

- a. Wrote *Gospel of Wealth*
- b. Breaks labor strike
- c. Helps build NY Public Library
- d. Gives back to society so that people forget the bad things he did

XIII. Henry Flagler

- a. Oil Partner w/ John D. Rockefeller's *Standard Oil Company*
- b. Flagler had 3 wives
- c. Had divorce law passed in FL so he could divorce 2nd wife
- d. FL legislature creates divorce law, he divorces that day
- e. Supreme Court declares FL law unconstitutional the day after the divorce

XIV. Social Darwinism

- a. Theory that combines Charles Darwin's *Origin of Species* and Adam Smith's *Wealth of Nations*
- b. Combines Survival of the Fittest w/ Laissez Faire Government
- c. **Herbert Spencer** – promoted theory in England
- d. **William Graham Sumner** – promoted theory in U.S.

XV. Laissez Faire to Limited Government

- a. More literate people start criticizing corruption
- b. Idea of limited government intervention begins in 1880s – 90s

XVI. Pendleton Act, 1883

- a. Ends Spoils System
- b. Creates Civil Service Reform
- c. Civil Service workers required to pass civil service exam
- d. Promoted by Mudwump Republicans
- e. Signed by President – Chester Alan Arthur

XVII. Chester Alan Arthur

- a. Corrupt politician until he became the Vice President for James Garfield
- b. Succeeded to President after assassination of Garfield

XVIII. Railroad

- a. Railroads begin – 1830s
- b. 1830 – 1860 – 30,000 miles of track
- c. South – gets tracks as a result of Radical Republicans after Civil War
- d. 1914 – 251,000 miles of track

XIX. Discriminatory Railroads

- a. Big Businesses charged lower prices for their shipments
- b. Farmers Paid More
- c. This was a clash between an Agricultural America and an Industrial America

XX. Populist Party

- a. Created by Farmers who were angry that Big Businesses were getting better rates
- b. Help get railroad regulation

XXI. Munn v. Illinois, 1877

- a. Supreme Court says States have the right to regulate railroad

XXII. Wabash v. Illinois, 1886

- a. Supreme Court says State cannot regulate railroad b/c it is interstate commerce
- b. Only National government can regulate railroads
- c. Grover Cleveland – pushes for Railroad Regulation

XXIII. Interstate Commerce Act, 1887

- a. Sets up Interstate Commerce Commission
- b. Commission investigates violations on rates, complaints, watch over illegal pricing
- c. I.C.C. is weak originally (not enforced properly), but a start
- d. 1st Regulatory Commission in America
- e. 1987 – Ronald Reagan wanted to abolish I.C.C.
- f. 1995 – Bill Clinton ended I.C.C.
- g. 1996 – Bill Clinton ended Federal Guarantee of Welfare

XXIV. Sherman Anti-Trust Act, 1890

- a. “Every Contract, Combination in the form of trust or otherwise or conspiracy in restraints of commerce among the several states with foreign nations in hereby declared illegal.”
- b. Breaking the law - \$5,000 fine

XXV. Supreme Court Distorts 14th Amendment

- a. 14th Amendment – “No State shall deprive an person of life, liberty, or property, without due process of law”
- b. Originally intended to give equal rights to Blacks after the Civil War
- c. Supreme Court distorts by favoring Corporations over Labor
- d. Corporations were being defined as “persons”

XXVI. Pullman Strike, 1894

- a. Pullman Car Company (made Railroad Cars)
- b. 1894, Pullman cut workers’ wages and raised rent
- c. Feeling sympathy, all Railroad workers went on strike
- d. Strike in the middle of Panic of 1893

XXVII. Effects of Strike

- a. No goods delivered to market
- b. No raw materials get to factories
- c. Passengers can’t use transportation
- d. U.S. Mail cannot get delivered

XXVIII. A Call to End the Strike

- a. Cleveland orders the end of the strike b/c it’s affecting U.S. Mail
- b. **Eugene Debs** – Union leader of strike said he would end strike if the wages and rent returned to normal
- c. Rent and Salaries don’t change
- d. Cleveland intervenes and put Debs in jail for 5 years
- e. Debs is convicted of breaking the *Sherman Anti-Trust Act*
- f. Debs becomes a Socialist while in jail

XXIX. Eugene Debs

- a. Forms Socialist Party of America
- b. Presidential Candidate – 1900, 1904, 1908, 1912, 1920
- c. 1916 – Backs Woodrow Wilson
- d. Socialist Movement grows in U.S. – more people start to agree w/ him
- e. 1912 – gets highest % votes Socialist Would ever get
(950,000 votes) – 6% of vote

XXX. Panic of 1893

- a. Laws not being enforced by Court

XXXI. Populist Party

- a. Radical for the time – idea that Government must intervene
- b. Move away from Laissez Faire
- c. Promote Direct Election of Senators
- d. Promote Women’s Rights
- e. Promote Direct Primaries
- f. Promote 8 hour work day
- g. Promote Worker’s Compensation
- h. Believe that Women must not be mistreated by giving them dangerous job
- i. Promote Ending Child Labor
- j. Child Labor – 1916 – Outlawed by Wilson
1922 – Declared Unconstitutional by Taft Supreme Court
1938 – Outlawed by FDR
- k. 1892 – Win 4 States (Farm Belt) – 22 Electoral Votes

XXXII. Jacob Coxey

- a. 1894 – led Poor People’s March on Washing while Cleveland was President
- b. 1929 – led another March while Herbert Hoover was President

XXXIII. 1896 Presidential Race

- William Jennings Bryan vs. William McKinley
- Corporations scare workers, saying that if Bryan wins, the Corporations would go Bankrupt and workers would be out of a job
- As a result, most workers voted for McKinley
- McKinley – 2/3 Pop. Vote;
- Bryan – 1/3 of Pop. Vote

A. William Jennings Bryan

- a. Member of House of Representatives
- b. Democrat, but a Populist-type Candidate
- c. 36 yrs old when he run for President
- d. Gives famous “Cross of Gold” Speech
- e. 1st Presidential candidate to travel cross-country (by train)
- f. Traveled more than 30,000 miles by train

B. William McKinley

- a. Gave news conferences to media – “Front Porch Campaign” from his house to inform the public on his views, did not travel

XXXIV. Progressives

- a. Pick up Populist ideas
- b. Populist Party ends with 1896 election, with them supporting Bryan

XXXV. McKinley Presidency

- a. Supreme Court is conservative
- b. Country has industrialized
- c. McKinley gains new colonies in Spanish American War (Philippines, Guam, Puerto Rico, sphere of influence over Cuba)
- d. Increased U.S. imperialism
- e. 1900 – beats Bryan again in election
- f. 1st Vice President – Garrett Hobart (Dies in office)
- g. 2nd Vice President – Theodore Roosevelt (hero of Spanish-American War)
- h. Roosevelt originally said, “If nominated, I will not accept,” but he did
- i. McKinley is assassinated, leaving Theodore Roosevelt to become President

XXXVI. Theodore (Teddy) Roosevelt

- a. Calls himself a Progressive – making the term fashionable
- b. Believed Presidency is an office of power
- c. Believed President needs to lead, not follow Congress
- d. Becomes expert on everything and gives likes giving his opinions
- e. Used media to get his way over Congress
- e. Believed in a strong constitutional role

XXXVII. T.R. type Presidents (Aggressive)

- a. Lead, not follow Congress

Woodrow Wilson, FDR, Truman, JFK, LBJ, Nixon, Reagan, George H.W. Bush (sometimes), Clinton, George W. Bush

- b. More historically important

XXXVIII. Taft type Presidents (Passive)

- Follow Congress, not lead

Warren G. Harding, Calvin Coolidge, Herbert Hoover, Dwight D. Eisenhower (Ike), Jimmy Carter

XXXIX. Beginning of Modern Era (Progressive Era)

- a. Move toward regulation of Big Businesses
- b. Social Justice
- c. Political Democratization
- d. Courts start to liberalize
- e. Country further develops into Industrial, Urban nation – transition phase
- f. Courts start to become Humane (especially in the 1950s)
- g. Chief Justice Earl Warren – Called himself a Progressive Republican

Progressive Era

I. Presidents

- a. Teddy Roosevelt (1901 – 1909)
- b. William Howard Taft (1909 – 1913)
- c. Woodrow Wilson (1913 – 1921)

II. Progressivism

- a. (1900 – 1920)
- b. Term coined by Teddy Roosevelt
- c. Deals w/ Rapid industrialization and urbanization
- d. Changes Gilded Age ideology and mentality

III. Progressive Ideas

- a. Promote many ideas of the defunct Populist Party
- b. Believed in Government intervention for economy b/c it was in Public's interest
- c. Stop monopolies, desired image of small businesses
- d. Promote Government and Constitutional Reform
- e. Make Government more Representative of People
- f. Democratize Government More
- g. Promotion of Social Justice
- h. Wanted a Reinterpretation of Constitution
- i. Desired to return country like it was before Civil War, except without Slavery

IV. Reform Darwinism

- a. Created by Lester Frank Ward – Sociology Professor
- b. Believed society benefits by helping the lower classes b/c they have untapped talent that could be useful to the world
- c. Helping less fortunate, helps everyone

V. Rise of the Middle Class

- a. Middle Class ends up in Government
- b. Have Religious Training
- c. Afraid of Social Uprising
- d. Concern for those below them, fear of Upper Class

VI. Robert La Follette Sr.

- a. Progressive Senator
- b. Tries Running on third party ticket for President in 1924, but loses

VII. Hiram Johnson

- a. Governor of California
- b. Senator
- c. Could have been Vice President for Harding, but decided against it
- d. If he was VP for Harding, he would have succeeded to become President after Harding died

VIII. William Jennings Bryan

- a. Runs for President on 3rd Party in 1896, 1900, 1908

IX. TR and Reform

- a. Much of his Party (Republican) didn't like him b/c he was too into reform
- b. Promotes regulation on National level, which changes interpretation of Constitution

X. TR and Anthracite Coal Miners Strike, 1902

- a. Open minded view towards labor
- b. Invites Management and Labor to White House
- c. Management was not willing to compromise or offer better working conditions or money
- d. Sends Sec. of State Eli Root to tell management that they are not considering National Interest and if they don't compromise through arbitration, he would nationalize Coal Mines in the Public Interest
- e. TR – first president to not be against Labor
- f. Led to Corporations having to consider the public interest

XI. Bureau of Corporations, 1903

- a. First government agency created since Civil War
- b. Passed by Congress, increasing the bureaucracy
- c. Bureau investigates and reports illegal practices and improper behavior by Corporations.
- d. Exposes bad behavior, but doesn't change or enforce anything
- e. TR believed Corps. would change after being exposed

XII. Good and Bad Corporations

- a. Good – Contributed to 1904 TR Campaign
- b. Bad – Didn't contribute to campaign
- c. Issue of self interest

XIII. Elkins Act, 1903

- a. On paper, gave Interstate Commerce Commission more power to control Railroads
- b. Really a Placebo law

XIV. Sherman Anti-Trust Act, 1904

- a. Created to Regulate Monopolies
- b. Used against Northern Securities Railroad Monopoly

XV. Northern Securities Railroad Monopoly

- a. Sherman Anti-Trust Act (1904) used in Case
- b. Harriman Family – owners of all Railroads
- c. Spring 1904 case – made TR a “**Trust Buster**”
- d. Political cartoons portrayed TR as a knight slaying a dragon
- e. Case may have been set up w/ Supreme Court to help him get re-elected so that a democrat wouldn't become President

XVI. Hepburn Act, 1906

- a. Stronger law to Regulate Railroads
- b. Senator La Follete Sr. vetoed law b/c he saw it as too much of a compromise & another Placebo law

XVII. *The Jungle*

- a. Book written by Uptain Sinclair
- b. Talks about immigrants working in Meat Packing Plants in Chicago
- c. Discusses bad sanitation, dangerous equipment, fingers ending up in meat & packed, and vermin ending up in meat
- d. Meat inspection law is created as a result of this book

XVIII. Pure Food and Drug Law, 1906

- a. Requires inspection of all food and drugs in the public interest
- b. Food and Drug Administration (FDA) created to enforce Law

XIX. TR and Environment

- a. Says Government must preserve environment
- b. Made Environment a Big Issue – First to do so since J Q Adams who was ridiculed
- c. Creates Endangered Species law
- d. Quadruples National Park Land
- e. Becomes Great environmentalist

XX. TR leaves office

- a. Promoted Economic Regulation
- b. Reformed Government
- c. Talked more than he got accomplished
- d. Left after 1908 b/c he didn't want to break 2 term precedent

XXI. TR in 1912

- a. TR who backed Taft in '08 wanted to replace him
- b. Formed Progressive Party at 54 yrs of age
- c. Hiram Johnson – running mate
- d. Nicknamed “Bull Moose” Progressives b/c TR killed a Bull Moose in Africa
- e. Only 3rd Party candidate to be a National figure
- f. Comes in 2nd Place – 1st time in History major party (Republican) comes in last
- g. Won 9 states: with 88 electoral votes – 1/3 of vote

XXII. Woodrow Wilson uses TR's ideas

- a. To help in Wilson's attempt at re-election in 1916, he starts borrowing ideas that TR promoted in his 1912 campaign
- b. Wilson gave TR credit, but TR was still angry at him for taking his ideas

XXIII. William Howard Taft

- a. TR pushes Taft into presidency over William Jennings Bryan in 1908
- b. Comes out against environment
- c. Passes big tariff which helps corporations
- d. Opposed by La Follette in 1912

XXIV. Mann-Elkins act, 1910

- a. Promotes effective regulation of Railroad

XXV. Taft's Constitutional Amendments

- a. 16th Amendment – Income Tax
- b. 17th Amendment – Direct Election of Senators

XXVI. Taft's Antitrust Cases

- a. 1910-11 - Breaks up **U.S. Steel** owned by JP Morgan
- b. 1911 – Breaks up **Standard Oil** case started by TR)

XXVII. Woodrow Wilson

- a. 2 year governor of NJ
- b. College Professor

XXVIII. Wilson promotes

- a. New government agencies
- b. More government intervention
- c. Social Justice
- d. 1916 - "New Freedom" – Wilson campaign picks up ideas from Roosevelt's 1912 "New Nationalism" campaign

XXIX. Federal Reserve Banking System created, 1913**XXX. Clayton Anti-Trust Act, 1914 Federal Trade Commission, 1914 created**

- a. Law usually cited today in anti-trust cases
- b. Usually enforced by Democrats
- c. Attack on Big Business ends w/ WWI because they are need for war effort

XXXI. 1916

- a. **Keating-Owen Act** - Prohibits Child Labor
- b. **Adamson Act** – creates 8 hr. work day for workers on Railroad in the public interest because longer hours could be dangerous

XXXII. Workers Compensation Act

- a. Covers Federal Workers who get injured on the job
- b. Part of TR "New Nationalism" which Wilson gets credit for
- c. TR ranked 4th among scholars – Wilson – 5th

XXXIII. Joseph Cannon Controversy

- a. 1890s – Thomas Reed – Dictator of House of Reps.
- b. 1910 – Revolt against Speaker Joseph Cannon for taking away democracy in House
- c. Rules of House are changed – No Speaker would ever be as powerful again

XXXIV. George Norris

- a. Congressman and later Senator
- b. Helps get rules of the House changed
- c. Rules are liberalized
- d. Speaker of House couldn't control everything that went on now

XXXV. Women's Suffrage, 1920

- a. 19th amendment passed under Wilson
- b. Wilson signed, but had resisted Women's Suffrage, as well as having been a white supremacist

XXXVI. Direct Primary created (Intra-Party election)

- a. Registered voters in party pick candidate
- b. Recall Method – if someone is outrageous in office, elected official can be recalled by people
- c. Referendum Method - (Propositions) Added
- d. Australian Ballot created – secret ballot so that people could not look over each other's shoulder

XXXVII. Theodore (Teddy) Roosevelt

- a. Calls himself a Progressive – making the term fashionable
- b. Believed Presidency is an office of power
- c. Believed President needs to lead, not follow Congress

World War I – End of Prohibition

I. Wilson and the State of the Union

- a. Wilson gives State of the Union I Person
- b. Not given in Person from (Jefferson – Taft)
- c. Jefferson had message sent up and read by House Clerk
- d. Wilson believed in close contact with member so f Congress and invited Congressional Leaders to White House

II. Wilson Wants Neutrality

- a. Didn't know War was about to erupt
- b. Wants neutrality and to trade with all nations

III. Zimmerman Telegram, 1917

- a. 1917, Germany declares unrestricted naval warfare
- b. Germany sent a note to Mexico telling them that if they bother US, then Germany would help Mexico get back the land they lost in the Mexican War
- c. Leads to US getting into WWI

IV. Lincoln Precedent – Suspending Civil Liberties

- a. Suspends Writ of Habeas Corpus
- b. shuts down newspapers
- c. Promotes Draft

V. Selective Service Act, 1917

- a. Calls for a draft by lottery

VI. No Land warfare by U.S. until 1918

- a. In 1917, US builds ships, get supplies ready
- b. US wasn't prepared to get into war
- c. Apr. 1917 – only fight naval war against Germany until 1918

VII. Central Government gains power

- a. Lever Act
- b. War Labor Board
- c. War Industries Board
- d. Overman Act

VIII. Lever Act, 1917

- a. Food Supply and fuel supply is to be controlled by National Government
- b. Government wants to ensure enough supplies for war effort
- c. Civilians in US get rations (what is left over)
- d. Feds control manufacturing and distribution of supplies

IX. Big Business Re-emerges

- a. Businesses are relied on by Government
- b. Government and Businesses are leagued together
- c. Progressives were angry b/c it was causing big businesses to take over again

X. War Labor Board

- a. Regulates Labor Conditions
- b. Bans Strikes
- c. Not out to promote better conditions or wages, but obedience

XI. War Industries Board

- a. Government works with industries to make sure more war goods are produced than Civilian goods

XII. Government Censorship

- a. Censors foreign language media
- b. Censors mail (sometimes opening)
- c. Controls Radio Communication
- d. Regulates Exports and Where
- e. Opposed by Progressives

XIII. Overman Act

- a. Gives Wilson control to reorganize Government in any way that he wants
- b. Gave Wilson power to suspend Congress' opinion and override them

XIV. Committee on Public Information

- a. Promotes Propaganda
- b. Emphasized how bad Germany is and how good G. Britain and France are

XV. German Foods change Name

- a. German-Americans were attacked during war
- b. Frankfurter becomes Hotdog
- c. Sauerkraut becomes Liberty Cabbage
- d. Hamburger becomes Chop Meat
- e. German Bread becomes French Bread

XVI. Sedition Law, 1918

- a. If anyone speaks publicly against war, advocate not joining draft, or participate in anti-war demonstrations, then the person is subject to arrest, trial, and conviction
- b. Passivists wound up in Jail

XVII. Eugene Debs

- a. Speaks against War and is Jailed
- b. Ran for President from Jail in 1920
- c. Harding Pardoned Debs in 1921

XVIII. Bill Hayward – Industrial Workers of the World

- a. Hayward was head of IWW
- b. Jailed for speaking against War
- c. Agreed to leave country, denounce citizenship, and go to Soviet Union to get out of jail
- d. US was going to war to save democracy in the world, but were we saving our own democracy?

XIX. Ben Lindsey – Children's Court

- a. Judge from Denver, Colorado
- b. Deals with issues of Children and Crime
- c. Before him, Children, especially in South could be convicted and executed by age 10, being tried as an adult
- d. Believes in Reforming Children and having Juvenile Courts
- e. Many parts of country, except South, started going with that philosophy

XX. Reversing Lindsey – the 1960s

- a. Belief was 12-13-14 yrs or older should be looked at as an adult

XXI. Louis Brandeis – Sociological Jurisprudence

- a. People's lawyer
- b. Jewish Supreme Court Justice – which was a controversy
- c. Argued that laws shouldn't just be set by legal precedence, but based upon social structure of society

XXII. Brandeis appointed to Supreme Court

- a. appointed by Wilson
- b. pushed through a Senate with openly Semitic Southern Senators
- c. Became one of top ten Justices
- d. Fights for labor, women, and children's rights

XXIII. Holden v. Hardy, 1898

- a. Utah law limits miners to 8hrs/day
- b. **Supreme Court upholds Utah law b/c mining is dangerous to do for more than 8 hrs**

XXIV. Muller v. Oregon, 1908

- a. Oregon passes law limiting Women in factories and laundries to 10 hrs/day (only for women)
- b. **Supreme Court upholds Oregon law**

XXV. Bunting v. Oregon, 1917

- a. Oregon passed 10 hrs/day law for men and women
- b. **Upheld by Court**

XXVI. Lochner v. NY, 1905

- a. NY creates law regulating conditions of work in Baking industry to no more than 10 hrs/day for 6 days/week to protect the health and safety of working men
- b. **Supreme Court ruled that NY law was unconstitutional interference of Liberty of Contract.** A Person doesn't have to work more than 60 hrs a week, but if employer wants him to, then he doesn't have to take job

XXVII. Oliver Wendell Holmes

- a. Supreme Court Justice who claimed Lochner v. NY as a contradiction of Holden v. Hardy and that it was a mistake

XXVIII. Hammer v. Dagenhart, 1918

- a. Deals with Child Labor Law under Wilson (Keating-Owen Act) outlawing child labor under 14
- b. **Law declared unconstitutional by Court**
- c. **Said Children can work, but if corporations hire children, they will be taxed for hiring children under 14**

XXIX. Barley v. Drexel Furniture Company, 1922

- a. With TAFT as Chief Justice
- b. Child Labor Tax is Declared Unconstitutional
- c. Immigrant children were working at 6-7-8 yrs old

XXX. Adkins v. Children's Hospital, 1923

- a. Washington DC creates minimum wage law for women to make sure they weren't exploited
- b. **Court Rules that Law is Unconstitutional b/c it interferes with Liberty of Contract**

XXXI. Conservative Republicans and the Roaring 1920s

- a. Harding – Coolidge - Hoover
- b. Anti-labor
- c. Pro Big Business
- d. No use of anti-trust laws
- e. FTC, ICC were stacked w/ people who didn't want to regulate anything

XXXII. Prohibition, 1919

- a. 18th Amendment
- b. Outlawed manufacture of alcohol
- c. Tried to prevent health problems, family breakups, and horse and buggy accidents
- d. Bootleggers paid cops bribes so that they could operate

XXXIII. Urban vs. Rural America

- a. Urban American wanted liquor
- b. Rural America didn't want liquor

XXXIV. President Harding

- a. Drank liquor in White House every night
- b. Fooled around w/ Anne Britton
- c. Attorney General under Harding stole government liquor and sold it for profit and eventually was indicted and put in prison

XXXV. President Coolidge

- a. Ended National Debt
- b. Boring President
- c. Never Drank Liquor
- d. Sour look on his face all the time

XXXVI. 1928 Election

- a. Alfred E. Smith vs. Herbert Hoover
- b. “Wet” vs. “Dry” Campaign over alcohol
- c. Smith wanted alcohol – Hoover didn’t
- d. Smith lost b/c he was Irish-Catholic and people believe that Pope would come and reside in the White House
- e. Hoover won election on issue of Dry
- f. Republican who won South b/c they believed in “Dry”

XXXVII. Hoover’s Vision

- a. 2 chickens in every pot
- b. 2 cars in every garage
- c. Didn’t consider labor
- d. Great Depression starts, but not caused by him

XXXVIII. Great Depression

- a. 600% increase in unemployment (2 million – 12 million)
- b. 1930 – said Prosperity was around the corner
- c. 1932, Hoover starts abandoning Laissez Faire and starts to be a progressive, but too little too late for him because unemployment has already skyrocketed
- d. Gives Free Wheat to needy
- e. Conservatives condemned him for abandoning Laissez Faire
- f. Hooverilles started popping up – welfare neighborhoods

XXXIX. End of Laissez Faire – Reconstruction Finance Corporation

- a. Government gives low interest loans to corporations in danger of going bankrupt
- b. Allowed companies to stay in business to keep more people working
- c. It was a controversy whether government should help corporations

XXXX. End of Prohibition

- a. Prohibition ends quickly after FDR is elected
- b. State conventions set up to end Prohibition
- c. Alcohol sales raise Federal Revenue (Liquor Taxes)
- d. Also, miserable people could at least have liquor to forget their problems

FDR and the New Deal

I. Reconstruction Finance Corporation

- a. Started by Hoover
- b. Continued by FDR
- c. Start of abandonment of Laissez Faire

II. Public Works Program

- a. Started by Hoover
- b. Unemployment rose from 2 million – 12 million
- c. Republicans were upset that Hoover began abandoning Laissez Faire

III. A New Deal, 1933

- a. FDR wins all but 6 states
- b. Promises a “New Deal”
- c. Experiments with New ideas
- d. FDR condemned Hoover for having \$19 million deficit
- e. New Deal changed Constitutional Philosophy

IV. New Deal and Depression

- a. change in the Supreme Court and country is coming
- b. FDR abandons Laissez Faire moving towards full scale big government – more Presidential power
- c. Welfare State – Took care of poor and weak

V. FDR’s first 100 Days

- a. 15 major laws
- b. FDR talked congress into everything he wanted fast, saying that immediate change was necessary
- c. FDR asks Congress for a lot of power

VI. *Imperial Presidency*

- a. Book written by Arthur Schlesinger Jr.
- b. Claims President gets more power from Congress until Nixon (1933-1973)
- c. Depression, Cold War, WW2 increased Presidential power

VII. National Industrial Recovery Act

- a. Cooperation between coporations and government

VIII. Agricultural Adjustment Act

- a. Regulation of Farmers
- b. Pay them to not produce certain goods as well

IX. Tennessee Valley Authority

- a. Gives electricity to South
- b. Provides low cost electricity to areas in South that didn't have electricity to help overcome poverty

X. National Labor Relations Act

- a. Labor gets equal bargaining power with management

XI. Social Security Act

- a. Helps provide money for elderly, widows, and orphans

XII. Unemployment Compensation

- a. Created to temporarily give money to people who were recently fired or let go by their companies, until they could find a new job

XIII. New Deal Agencies

- a. Aid to Dependent Children (Welfare) – Social Services
- b. Public Housing Begins
- c. Federal Deposit Insurance Corporation (FDIC)
- d. Reforms Federal Reserve Banking System
- e. Works Projects Administration – Government promoted Public Works
- f. Public Works Administration – Gov. and Business promoted Public Works

XIV. Civilian Conservation Core

- a. Puts young people to do environmental tasks
- b. Gets young people working, away from trouble
- c. New Deal changes economy and makes it centralized

XV. Supreme Court when FDR becomes President

- a. 9 Justices: 4 Conservatives, 3 Liberals (Progressives), 2 Moderates
- b. **Conservatives** - *nicknamed 4 Horsemen of the Apocalypse*
 Willis Van Devanter – appointed by Taft – reactionary member, pro laissez faire
 James McReynolds – appointed by Wilson
 Pierce Butler
 George Sutherland
- c. **Liberals**
 Louis Brandeis
 Harlan Fisk Stone
 Benjamin Cardozo – accidental liberal appointment by Hoover, Law School in NY
 is named after him
 - Jewish as well
- d. **Moderates**
 Owen Roberts
 Chief Justice – Charles Evans Hughes

XVI. Charles Evans Hughes

- a. Governor of NY – Progressive Republican
- b. Named by Taft as associate Justice
- c. Left Court in 1916 to run for President
- d. Chosen as Sec. of State by Harding
- e. 1930 – Hoover asks Hughes to become Chief Justice
- f. Leaves Court in 1941
- g. Hughes moved from Progressive to moderate
- h. Unhappy with some of Roosevelt's actions
- i. Claimed **“The Constitution is what the Supreme Court says it is”**

XVII. 1916

- a. Wilson claimed in private correspondence that if he lost election to Hughes, he would have asked the Sec. of State to resign, appoint Hughes as Sec. of State. Then he would ask VP to resign and then resign himself, making Hughes the President earlier

XVIII. Roosevelt and Supreme Court

- a. FDR despises having to work with a conservative Court in the time of a crisis in the country
- b. Eventually tries to change Supreme Court

XIX. Louis Brandeis

- a. appointed by Wilson, 1916-139 on Court
- b. Best of 9
- c. Liberal – backs New Deal in Everything
- d. He is an intellectual

XX. Harlan Fisk Stone, 1925

- a. appointed by Coolidge
- b. Believed to be a conservative, but turned out to be liberal
- c. FDR makes Stone Chief Justice after Hughes leave in 1941
- d. Dies in 1946 as Chief Justice

XXI. Jobs of Chief Justice

- a. Leader of Court
- b. Speaks for Court
- c. Assigns majority opinion writing
- d. Can impress and influence others to vote the way he wants
- e. Better remembered and higher salary

XXII. Schechter v. U.S., 1935

- a. Conservative Court Declares *National Industrial Recovery Act* Unconstitutional
- b. Infuriates FDR

XXIII. U.S. v. Butler, 1936

- a. Court Declares *Agricultural Industrial Act* Unconstitutional

XXIV. Congressional Debate of Changing Supreme Court Power

- a. Change could be that Court can't declare law unconstitutional unless 9-0 vote
or possibly 6-3 vote
- b. Congress should be able to pass law over Supreme Court if Congress can get 2/3
vote in each house to bypass unconstitutional law
- c. Possibly not make Court a lifetime appointment

XXV. Askwander v. Tennessee Valley Authority

- a. Supreme Court rules that TVA is constitutional
- b. Weakens opposition from FDR

XXVI. 1936 Election

- a. FDR wins all but 2 states
- b. Roosevelt would lose some of his mandate b/c he believed that he could do anything we wanted as a result of overwhelming victory
- c. First Inauguration to take place on **January 20, 1936**

XXVII. “Packing the Court”

- a. Feb. 5, 1937 – Roosevelt proposes Reorganization of Supreme Court
- b. FDR wants more lower level (circuit and district courts)
- c. Wants more people on Supreme Court
- d. Wants to add 6 Justices to Supreme Court b/c Justices on Court are old and not retiring (and not voting the way that he wants)
- e. Average age of Justice - 70

XXVIII. 9 Old Men

- a. Justices on Court nicknamed “9 Old Men”
- b. FDR said 6 more Justices would help the workload of the 9 old men
- c. Republicans and many Democrats were against starting the trend of having 15 Justices

XXIX. FDR loses mandate

- a. FDR threatens to campaign against people who won't support him
- b. FDR loses the battle (Feb 5 – July 22)
- c. VP of Roosevelt told him that he didn't have the votes
- d. Roosevelt lost mandate after Court packing attempt, but would eventually win the war because he replaced 8 Justices
- e. Tries to reorganize executive Branch, but fails b/c it would give him more power

XXX. National Labor Relations Board v. Jones Laughlin Steel Corp., 1937

- a. Declares National Labor Relations Act is Constitutional

XXXI. Helvering v. Davis, 1937

- a. 7-2, Benjamin Cardozo for the Court
- b. Declares that the old age benefits provisions of the Social Security Act are constitutional pursuant to the elastic clause of Article I, section
- c. Cardozo points out that Social Security was created because of a “nation-wide calamity” that required federal intervention
- d. The federal government could not leave the problem up to the states because if some states did not add payroll taxes to pay for elderly, widows, orphans, people would flock to the states that did not take any extra money out of their salaries

XXXII. Supreme Court Appointments of FDR

- a. 8 appointments:
- b. Hugo Black
- c. Felix Frankfurter
- d. William O. Douglas
- e. Frank Murphy
- f. Robert Jackson

XXXIII. Hugo Black

- a. FDR replaces Vanderbinder w/ Black
- b. Black was a New Deal Democrat
- c. One time member of Ku Klux Klan
- d. To get into politics in the South in the earl 20th century, had to be in KKK

XXXIV. Felix Frankfurter (1939-1962)

- a. Jewish replacement of Jewish Justice Brandeis

XXXV. William O. Douglas (1939-1975)

- a. Douglas replaced Justice Pierce Butler
- b. Second Youngest Justice Ever Appointed
- c. Flaming Liberal
- d. Investigated by J. Edgar Hoover for his marriages
- e. Married 4x while on the Court
- f. Each of his wives got younger as he got older
- g. Gerald Ford and Strom Thurman wanted him impeached

XXXVI. Lyndon B. Johnson

- a. 1937 – campaigned for FDR as a member of the House of Reps
- b. - Brought electric power to his district in Texas
- c. 1941 – Lost to Pappy for Senate Seat
- d. 1948 – beat Texas Gov. Coke Stevenson by 87 votes to win Senate seat
- e. Nicknamed “Landslide Lyndon” after election

XXXVII. Civil Liberties

- a. As Federal Government power increases, individual liberties increase
- b. But during WW1, Federal Government was taking away freedoms

XXXVIII. Sedition Act, 1918 (speech)

- a. Any speech against war was illegal

XXXIX. Overman Act

- a. Wilson gets complete power during War to do anything that he wants

XXXX. Espionage Act, 1917 (action)

- a. Considers it a felony to attempt to promote that people don't join the Armed Forces
- b. Its was a felony to obstruct military in War and a convictable offense
- c. No anti-war material through the mail was allowed either
- d. Lots of censorship

XXXXI. Schenck v. U.S., 1919

- a. Deals with Espionage Act
- b. Schenck is Secretary of Socialist Party, convicted for spreading anti-draft leaflets during war
- c. Convicted for helping enemy by hurting the US war effort

XXXXII. Doctrine of Clear and Present Danger

- a. Written by Oliver Wendell Holmes in Schenck case
- b. If What is said or distributed presents a Clear and Present danger to others, a person can be convicted
- c. If a person yells fire in a crowded theatre, when there is no fire, it can endanger other people, causing a stampede and the person can be convicted
- d. Can't ban a group from meeting, but if they say anything violent, they can be convicted (like, KKK)

Threats to Civil Liberties and the Communist Paranoia

I. **Debs v. U.S., 1919**

- a. Debs was the US Socialist Party's leader
- b. **Court Upholds convictions of Debs for violating Sedition Act**
- c. Pardoned by Harding in 1921

II. **Abrams v. U.S, 1919**

- a. Abrams published pamphlets after WW1
- b. But U.S. with Wilson's backing in 1918 invaded Soviet Union to stop Communism from spreading
- c. France, Italy, G. Britain, Japan helped as well
- d. Invasion failed b/c it was uncoordinated
- e. Abrams pamphlets said that U.S. shouldn't invade Soviet Union
- f. **Sedition Act used to uphold his conviction**
- g. Supreme Court backed government during war and even after
- h. Any Alien who spoke against U.S. was deported, as well, leading to Palmer Raids

III. **Palmer Raids – 1st Red Scare**

- a. A. Mitchell Palmer – US Attorney General wanted law and order
- Had a desire to one day be President
- b. Palmer decides to save country from Communism
- c. Arrests and detains any radical that by their behavior was Communist, Socialist, Marxist, Anarchist
- d. Anyone at Socialist or Marxist Headquarters was arrested, including people who just happened to be passing by Headquarters
- e. Raids lasted for 8 months (Summer 1919 – early 1920) creating “**Dragnet Affect**”
- f. People arrested were held incommunicado, without a lawyer or trial
- g. All, but a small number of people were released
- h. People detained unjustly lost their jobs b/c they didn't show up for work
- i. Only 1% were illegal aliens, who were deported

IV. **J. Edgar Hoover emerges**

- a. Palmer had lots of young zealots in his camp
- b. Palmer became especially impressed with 24 yr old – J. Edgar Hoover
- c. 1929, while in retirement, Palmer writes Hoover a recommendation and sends it to President Hoover
- d. FBI created in 1929 and he is appointed to become the head of the FBI
- e. After WW2, Truman kept him on, then the 2nd Red Scare happened and he stayed on, Kennedy kept him on because of his affairs, LBJ and Nixon kept him on
- f. Hoover dies in 1972 at 77 years old
- g. Good at first, but then changed and became very powerful manipulator

V. **American Civil Liberties Union founded, 1920**

- a. At end of Palmer Raids in 1920, ACLU is created to defend everyone's Civil Liberties
- b. Defend people in popular and unpopular cases
- c. Civil Liberties were under attack before and after WW1

VI. **Gitlow v. NY**

- a. Involves Communist Part
- b. Communist leader convicted in NY based on the fact that he was promoting "Criminal Anarchy"
- c. **Supreme Court upheld his conviction**

VII. **Supreme Court Increases Civil Liberties**

- a. Court moves towards Civil Liberties in late 20s, Thirties, until WW2 with appointment of Charles Evans Hughes as Chief Justice by Hoover.

VIII. **Pearl Harbor**

- a. December 7, 1941 attack on military base in Hawaii by Japan

IX. **Price Control**

- a. Government bureaucrats start controlling prices, wages, and production of goods with War at hand

X. **Japanese Internment Camps**

- a. After Pearly Harbor, Japanese were thought to be dangerous
- b. *Executive Order 9066* (Feburary 19, 1942) – orders that 110,000 American Born Japanese and Japanese immigrants be removed from homes, forced to sell property, and put in relocation centers in several different states in Desert States (low-population)
- c. Earl Warren in California backed FDR's decision
- d. Japanese were kept under Barb wire
- e. Philippinos and Chinese were accidentally arrested
- f. Sons of Japanese were sent into the War in Europe, not Pacific
- g. Internment camps possibly saved Japanese from being attacked and lynched
- h. Japanese released after War ended in '45, but had to start lives over with nothing
- i. 1988 – US apologized and gave each living Japanese prisoner \$20,000 in a lump sum for the 4 years that they lost their freedom

XI. Korematsu v. U.S., Dec. 1944

- a. Deals with Internment Camps
- b. 6-3 Court upheld that Camps were a military necessity, and backed the government during War

XII. U.S., Soviet Union, and Communism

- a. At end of WW2, US and Soviet Union have trouble at Yalta
- b. Lots of mistrust between US and Soviets

XIII. Communist Daily Worker

- a. Newspaper that condemned Hitler until Aug. 1939 b/c Stalin was against Hitler
- b. August 23, 1939, Hitler and Stalin become Allies and invade Poland
- c. Overnight, paper hailed alliance between the two leaders
- d. Many in US Communist Party resigned over the alliance
- e. 1940 – Leon Trotsky murdered in Mexico – celebrated by paper
- f. 1941 – Hitler invades Soviet Union
- g. Paper then condemned Hitler

XIV. Wendell Wilkey

- a. 1940 Presidential opponent of FDR
- b. 1943 – Wrote bestseller – *One World*, which made him very popular
- c. Died in 1944

XV. Henry Wallace

- a. Promoted *One World*

XVI. Tehran Summit, Nov-Dec 1943

- a. Nov-Dec 1943 meeting in Tehran, Iran by FDR, Stalin, and Churchill
- b. Time Magazine started showing Stalin as kind
- c. Years later, Time became anti-Stalin

XVII. Yalta Agreement, 1945

- a. Agreement that ends WW2
- b. Stalin breaks agreement, leading to Truman getting tough with Soviets

XVIII. Communism Paranoia Begins

XIX. Alger Hiss

- a. Accused by Nixon of being a Communist, but found not guilty
- b. Found guilty of perjury
- c. Truman called Nixon a “Son of a bitch” b/c he believed Nixon was unfair to Hiss

XX. Joe McCarthy

- a. For 5 yrs (Feb. 1950 – Dec. 1954) ran rampant accusing everyone of being Communist or connected to Communists
- b. Names people as “Red,” “Pinko,” or “Fellow Traveler”
- c. Backed by Republican Party
- d. Joe Kennedy helped to fund McCarthy
- e. McCarthy started a list of Communists
- f. List started with 205 people in State department, then goes down to 57, then up to 81
- g. One Senator passed by McCarthy and saw that the list he was holding didn’t really have names on it
- h. Truman condemned McCarthy, but Eisenhower didn’t speak against him

XXI. Army – McCarthy Hearings

- a. McCarthy accuses certain people from the Army of being Communist

XXII. McCarthy is Censured

- a. Seeing McCarthy on TV made people turn against him
- b. Censured by the Senate

XXIII. Internal Subversion – Move to Outlaw Communist Party**XXIV. House Un-American Activities Committee (HUAC)**

- a. Martin Dies (from Texas) – long time Chairman
- Foretold McCarthy

XXV. Smith Act

- a. Unlawful to advocate or teach the overthrowing of the US government by force or violence
- b. Act forbade organizing a group or printing material against US form of government
- c. Members of Nazi and Communist Parties, or anyone associated to them were convicted
- d. Loyalty oaths to US government were required for Government jobs after WW2

XXVI. McCarran Internal Security Act, 1950

- a. Communist Party members have to register with government
- b. But if they register, they would be arrested
- c. If they don't register, they will be in more trouble

XXVII. Dennis v. U.S., 1951

- a. Case involving the Smith Act and the McCarran Internal Security Act
- b. 12 Communist Party leaders convicted of Conspiracy against US
- c. **Supreme Court 7-2 upholds conviction**
- d. Hugo Black dissented and William O. Douglas vigorously dissented

XXVIII. Korean War

- a. June 25, 1950 – N. Korea invades S. Korea
- b. Truman enters war without a declaration from Congress
- c. He uses his powers as Commander in Chief to enter war
- d. Never asked for authority after the fact, because he felt he may not have gotten it
- e. Truman fired General McCarthur for publicly stating that US should bomb China

XXIX. Steel Strike During War

- a. During War, Steel Workers went on Strike
- b. Truman orders that the Steel Mills be nationalized during War
- c. Sec. of Commerce Sawyer seizes the Steel Mills

XXX. Youngstown Sheet & Tube Co. v. Sawyer, 1952

- a. Supreme Court Rules that Truman can't take control of Steel Mills, even during the War
- b. Court didn't back President, even though country was at war

XXXI. Eisenhower Supreme Court appointments

- a. Earl Warren (Chief Justice 1953-69) Believed to be a safe person and a moderate
- Ike later said choosing Warren was the worst decision he ever made
- b. William Brennan (1956-90) – Irish Catholic
- c. Potter Stuart

Civil Rights / Warren and Burger – Supreme Courts

I. Eisenhower’s Supreme Court appointments

- a. William Brennan (1956-90)
- b. Earl Warren (1953-69)
- c. Potter Stuart

II. Nixon’s Supreme Court appointments

- a. Warren Burger (1969-86) – not reliably conservative
- b. Harry Blackmun (1970-94) – liberal – wrote Roe v. Wade
- c. Louis Powell – moderate
- d. William Rehnquist – reliably conservative
- e. John Paul Stevens – picked by Ford

III. Jim Crow laws

- a. Took away black rights in South
- b. Inter-racial relationships were made illegal
- c. Black lost both the 14th and 15th amendments (equality and voting rights)
- d. White Primaries were created

IV. Poll Tax

- a. Required voters to pay a tax
- b. Blacks were poor and could not afford tax (which was a sizeable amount of money)
- c. Therefore, Blacks and poor whites were mainly prevented from voting

V. Literacy Test

- a. Being literate was a requirement to register to vote
- b. Booker T. Washington, a great black leader was found illiterate through this test
- c. Test is subjective, based upon an interview with someone and that person says whether a person is literate or not

VI. Grandfather Clause

- a. Blacks could only vote if they had a relative who could vote before 1867
- b. No blacks voted before 1867

VII. The Black Vote

- a. Poll Tax, literacy test, White primaries, and Grandfather clause wiped out Black vote by 1900
- b. Blacks in 1900 voted for Republicans b/c of the legacy of Abraham Lincoln (who is given credit by blacks for freeing them slavery)
- c. Blacks in North switched to Democratic Party with New Deal because Republicans had not helped them since the Civil War

VIII. Plessy v. Ferguson, 1896 (Jim Crow Segregation)

- a. Involved Blacks and Whites on Railroad cars
- b. Supreme Court ruled that segregated railroad cars were constitutional as long as there were separate but equal accommodations
- c. After this case, all schools, hospitals, bus depots, bathrooms, water fountains, marriages were segregated

IX. Woodrow Wilson segregated Washington D.C.

- a. In 1913, by Executive Order, Wilson segregated all public places in Washington, D.C.

X. W.E.B. Dubois

- a. Opposed Booker T. Washington's slow approach to integration
- b. Wilson invited WEB Dubois and NAACP into White House and Wilson wouldn't undo his decision of segregating the Nation's Capital
- c. Wilson told them to "get out of MY house" – White House

XI. Truman integrates Washington D.C. and Armed Forces

- a. 1948, Jim Crow laws come under attack when Truman reversed Wilson and integrated Washington D.C. and the Armed Forces
- b. Truman had grown up a segregationist in Missouri, but changed his views
- c. Strom Thurman challenged Truman on the segregation issue as a 3rd Party candidate in the 1948 Presidential Election and won 4 states
- d. Truman was the first President to introduce Civil Rights legislation, but it did not pass

XII. FDR and the Black Cause

- a. FDR does not really try to help blacks, but his *New Deal*, because of its design, helps everyone, including blacks

XIII. Sleeping Car Labor Union

- a. Union led by A. Philip Randolph
- b. They wanted to get jobs for blacks in the defense industry
- c. Randolph was ready to lead a March on Washington for Fair Employment when he met with FDR
- d. Randolph and FDR decide to create Fair Employment Practice Commission

XIV. Fair Employment Practice Commission

- a. Allows no prejudice for Defense jobs
 - b. Opened up more jobs for Blacks in National Government
 - c. Any Defense industry that wanted government contracts had to hire blacks and whites
-
- During WW2, Black person got black person's blood and white person got white person's blood
 - Voting rights were being denied
 - Senate Philibuster would never allow for lynching to be made illegal
-

XV. Sipuel v. Oklahoma Board of Regents, 1948

- a. University of Oklahoma Law School refused admission to a black student who was qualified
- b. Sipuel is allowed to enter school with a unanimous vote by Supreme Court

XVI. Sweatt v. Painter, 1950

- a. University of Texas wanted to create a Black Law School, but it would be unequal to the White School
- b. Supreme Court said that separate school denied equal protection and was unconstitutional

XVII. McLaurin v. Oklahoma State Regents, 190

- a. McLaurin was a segregated Graduate School
- b. Supreme Court ruled that segregation in a Graduate School was unconstitutional

XVIII. Brown v. Board of Education

- a. 8 year old Black girl living in Topeka, Kansas who was unable to go to white school near the house where she lived and was forced to go to black school miles away from her house
- b. Thurgood Marshall is the Plaintiff Attorney (Future Supreme Court Justice)
- c. John Davis is the Defense Attorney (Ran for President in 1924)
- d. Marshall used Louis Brandeis' Sociological Jurisprudence
- e. May 1954 – Segregated schools are declared unconstitutional because by nature they are unequal by affecting the self-esteem of students

XIX. Massive Resistance

- a. Southern schools are closed down to avoid integration

XX. Eisenhower intervenes

- a. Ike who didn't understand the decision in *Brown v. Board of Education* or agree with it, was forced as President to intercede in Arkansas in 1957 when Governor Orville Faubus defied the Supreme Court by refusing to integrate the schools
- b. Ike federalized the Arkansas National Guard in order to integrate Arkansas High School

XXI. James Meredith (in Mississippi)

- a. Meredith was a transfer student from a Community College who was accidentally accepted by the University of Mississippi
- b. JFK, as President federalized the Mississippi National Guard in order to allow James Meredith to integrate into the University of Mississippi at Oxford
- b. Meredith was protected by the National Guard for his First year of attendance at the University

XXII. Segregation Now, Segregation Forever in Alabama

- a. In 1963, Governor George Wallace would not allow two black students who had been accidentally accepted to the University of Alabama to register.
- b. Wallace stated that Alabama would have "Segregation Now...Segregation Forever"
- b. JFK quickly intervened and sent his Undersecretary of State with a message, stating that if Wallace did not let the two students register, he would be arrested
- c. Wallace let them register

XXIII. Civil Rights Act, 1964

- a. Outlaws segregation in public places, schools, and any job that gets Federal Funding

XXIV. Voting Rights Act, 1965

- a. Enforced that Blacks would have the right to vote (created temporarily)
- b. President Reagan temporarily renewed the Act in 1981, even though he was against it
- c. 2006 – Will the Voting Rights Act be renewed ???

XXV. Bakke v. University of California (at Davis), 1978

- a. White male with a high GPA and exceptional grades wants to be a medical student
- b. Bakke is rejected, but discovers that Blacks, Hispanics, Women who had lower GPA's were accepted
- c. This is a reverse discrimination case after Affirmative Action was created in 1969
- d. Supreme Court rules that Bakke is to be admitted, but that it is acceptable for a University to have "set asides" in order to have diversity in the Professional community

XXVI. United Steel Workers v. Weber, 1979

- a. Involves whether preferential hiring is allowed in Private Industry?
- b. Supreme Court rules that Private industry can create a quote
- c. Weber, a white, loses his promotion
- d. In 1996, on affirmative action, Dole said end it, Clinton said mend it.

XXVII. Fullilove v. Klutznick, 1980

- a. Should competitive bidding be allowed for public contracts
- b. 10% of contracts had to go to Minority anyway
- c. Supreme Court rules that there has to be Public Works Contracts available to Minorities, regardless of bidding

XXVIII. Guinn v. U.S., 1915

- a. Outlaws the Grandfather clause

XXIX. Smith v. Allwright, 1944

- a. Outlaws White Primary because Political Parties are Public Groups

XXX. Schell v. Davis, 1949

- a. Outlaws Literacy Test

XXXI. Poll Tax and the 24th Amendment

- a. 24th amendment to Constitution in 1964 ends Poll Tax

XXXII. A “New South”

- a. 1965 – No more barriers to keep blacks from voting
- b. Southern office holders stop talking about segregation because blacks could vote them out
- c. “New South” develops with people who aren’t against segregation
- d. Voting Rights Act, 1965, brings more Blacks to the polls

XXXIII. Baker v. Carr, 1962

- a. State Legislature Reapportionment
- b. Each person in legislature should represent equal # of people
- c. Urban areas didn’t have enough seats to represent their population
- d. Problem began when country began urbanizing and no redistricting was done
- e. Warren said legislators represent people not trees (abandoned land in Rural America)
- f. 1 man = 1 vote = equal representation

XXXIV. Gideon v. Wainwright

- a. Criminal Defendant’s Rights
- b. Defendant was defined as indigent, but he was forced to defend himself
- c. No lawyer was appointed for the Defendant
- d. Supreme Court ruled that an Indigent defendant was entitled to a Court appointed Lawyer

XXXV. Escobedo v. Illinois, 1964

- a. Police refused to allow Escobedo to see his lawyer
- b. Police did not inform Escobedo that he had a right to remain silent
- c. Supreme Court threw out his murder confession

XXXVI. Miranda v. Arizona, 1966

- a. Miranda, an indigent defendant was not told that he had the right to remain silent or that he had a right to consult with a lawyer before answering any questions
- b. He had been put in jail because of a signed confession the police got from him
- c. Supreme Court cleared Miranda because the Police had not advised him of his Rights
- d. Police were subsequently required to read *Miranda Rights* to anyone they arrest

XXXVII. Griswold v. Connecticut, 1965

- a. State of Connecticut prohibits the dispensing of contraceptives and information on them to married couples
- b. Supreme Court rules that people have a right to information and privacy

XXXVIII. Engel v. Vitale, 1962

- a. Case started by an atheist – Madeline Murray O’Haire
- b. Supreme Court banned school prayer
- c. God could not be in public schools

XXXIX. Gregg v. Georgia

- a. Legalizes capital punishment once again (It had been illegal for a certain time)

XXXX. Roe v. Wade, 1973

- a. Decision written by Harry Blackmun
- b. Legalizes abortion in the First 2 trimesters of conception
- c. Justice Harry Blackmun received death threats for the rest of his life after decision

XXXXI. New York Times Co. v. U.S., 1971

- a. Pentagon Papers Case
- b. Daniel Ellsberg, former Defense Department worker released papers to New York Times and Washington Post
- c. Nixon tried to stop the publication of the Pentagon Papers
- d. Supreme Court ruled that Papers might be embarrassing to the office of the Presidency, but they didn’t affect National Security

XXXXII. U.S. v. Richard Nixon, 1974

- a. Special Prosecutor in Watergate Case (Archibald Cox) subpoenaed for Nixon’s secret Tapes
- b. Nixon provided transcripts (mainly with prepositions) that were unsatisfactory
- c. Gov. Reagan (CA) publicly said that Nixon should burn tapes on White House lawn
- d. *July 1974, 8-0 (Rehnquist didn’t vote) ruled that Nixon had to hand over his tapes*
- e. Nixon resigned shortly after he handed over the tapes
- f. He was able to stop tapes from being transcribed during his lifetime
- g. After his death, Nixon daughter Trisha tried to stop transcription, whereas his other daughter Julie, tried to get the tapes transcribed.
- h. Taping were voice activated; Nixon wanted a Historical Record for his Library

XXXXIII. Jones v. Clinton, 1997

- a. Should President have to go to Court for a Non-Criminal case?
- b. Supreme Court unanimously (9-0) votes yes
- c. Leads to Clinton’s testimony where he committed perjury (a later charge of impeachment)

“The Constitution is what the Supreme Court says it is.”
- Former Chief Justice – Charles Evans Hughes