2014

HIST 340: American Legal History: A Peer Review of Teaching Project Benchmark Portfolio

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Course Portfolio Objectives

Because I am teaching HIST 340: U.S. Legal History for the first time and plan to make it a signature course of mine, I am using the course portfolio and peer review teaching workshop to carefully chart effective teaching strategies for this course. My goals are threefold: 1) to more deeply consider the constituency and position of this course as an important component of the Pre-Law Program and imagine ways to strengthen the History Department's presence in that area; 2) to ensure the efficacy of teaching strategies and assessments in giving students the opportunities they need to meet course objectives; and 3) to build reflection on course successes and shortcomings that will encourage continued improvement in teaching and learning. Readers will see that throughout this portfolio I have determined particular assessments to be more or less fruitful and that I have found specific gaps between assessments and objectives. These findings are addressed in the course reflection, where I propose ways to resolve these issues for subsequent semesters.

This portfolio and the workshop experience allow me to address a number of concerns. Not only is this my first time teaching the course, but the course has not been offered for five years. As a result, students' and my own perceptions of and expectations for the course are not likely to coincide. My primary concern, then, is in finding a balance between student curiosity about U.S. legal history and students' understandings of what U.S. legal history entails. The **course description** below characterizes the students attracted to this course and the challenges their misguided perceptions and expectations pose. To address this concern, I am interested in being strategic about building a constituency for this course as I also improve my own pedagogical skills.

Once I have determined the composition of students who benefit most from this course, I can begin to address another, related concern, which is my interest in expanding Legal History offerings within the History Department to build a stronger major for Pre-Law students and to reinvigorate graduate-level legal inquiry. The skills I am developing in writing a portfolio for HIST 340 will not only help me to improve that course in subsequent offerings, but will help me to design a 100-level Law and Society in US History course and to build a Legal History curriculum for upper-level and graduate students as well.

Description of the Course

HIST 340: American Legal History is an upper-level history course that trains undergraduate students (the course also includes a graduate section, HIST 840) to historicize and critique the law and its discourses, and serves as an introduction to the practices and structures of the American legal system. This course introduces students to the law as both a cultural and political discourse central to American

history and society, and as a concrete body of federal, state, and territorial statutes; legislation and executive acts or treaties; and judicial rulings. The course is organized into three sections, beginning with an introduction to the structures and practices of American law that ensures students know the hierarchy of courts, the balance of jurisdictions and shared role of the executive, judiciary, and legislature in making and interpreting law, and can use modern research practices to access significant documents in U.S. legal history. Section two of the course introduces students to the practices of legal historians, emphasizing the inverse relationships between law and history and exploring recent models in legal history, such as critical legal history, indigenous legal traditions, and/or legal borderlands. Students are encouraged to explore the role of law in society and to critique historians' techniques of chronicling and explaining changes in American legal tradition. Readings selected for this semester emphasize the themes of race, gender, and citizenship. Section three of the course prepares students to combine their technical knowledge of the law from section one with their analytical understanding of the law from section two and prepare their own legal history portfolio. All students are expected to participate in discussion and debate, take quizzes, and compile a legal history portfolio that demonstrates their legal research and analysis skills.

Because there is so much ground to cover, I have chosen to select particular areas of emphasis for each semester the course is offered. In the Spring 2014 offering for which this portfolio has been developed, our course theme was Race, Gender, and Citizenship from the Colonial Period to the Civil Rights Era (1608-1968). Assigned readings allowed students to develop an expertise in the legal history of citizenship exclusion and inclusion with particular attention paid to the experiences of female and racial/ethnic members of the U.S. body politic. Though discussed at length **below**, it is worth noting here that I have realized restrospectively that final projects should be based on the selected theme to ensure cohesion between assigned readings and assessments and the student's independent work. Based on students interests expressed throughout this semester, future areas of emphasis might include: 1) tensions between federal and state legislation and courts, 2) contract and labor law, 3) western legal history, or 4) major Supreme Court rulings of the nineteenth and twentieth centuries.

The following objectives are stated in the syllabus and are built strategically into the course:

1. Students will be able to identify the various bodies that orchestrate the law within the American legal system and identify the specific components that make up the body of law itself.
2. Students will become proficient in advanced legal history research skills.
3. Students will be able to discuss key issues in the relationship between law and history.
4. Students will be able to discuss significant events and debates that have altered our notions of "the rule of law" in American history.

Objective 1 requires that students be able to explain how laws are made, and explain

how legal challenges are heard in local, state, and federal courts. This fundamental understanding of how the legal system works in the United States allows students to not only think analytically and critically about the way law functions in society, but also allows students to carry out the basics of legal research. If a student does not know what court has ruled on a case, they will not be able to historicize that case's trajectory or assess the legal questions and tensions at hand. If a student does not know how law is made in legislative bodies, they will not be able to formulate historical questions about law and policy or research the debates and interests that prompt and shape legislation.

Objective 2 builds directly on objective 1 in that students must understand the structures and practices of the American legal system in order to research its history. In addition to that structural understanding, however, students must acquaint themselves with the standard legal history databases that are common to the profession of legal history and legal study. For the purposes of this 300-level class, those databases include, but are not limited to: HeinOnline, LexisNexis, HathiTrust, JSTOR, EbscoHost, Historic American Newspapers. Public access databases that are also important to legal history include American Memory, Chronicling America, and the Legal Information Institute. Students will develop the skills to identify and search for primary and secondary sources within these databases and then will demonstrate their ability to analyze those sources and cite them according to Chicago and Bluebook citation styles.

Objective 3 informs Pre-Law undergraduates of the very fraught relationship between history and the law. Through assigned readings, lectures and group discussion, students come to understand that legal opinions and legislative actions are often based on what is referred to as "tradition" or "common knowledge," which are coded words for judicial or legislative understandings and interpretations of history. To demonstrate this phenomenon, students read particular judicial opinions and legislative debates that reference key events or trends in history and then discuss whether the historical logic being applied is in fact accurate. A second aspect of this objective is to consider how historians influence the law as key or expert witnesses in trials. A series of readings encourages students to think about historical "data" as legal evidence. Finally, this is a portion of the course where students learn about the various approaches, methods, and theories of legal history—as compared to legal practice or legal advocacy—and are then trained in the field of critical legal history. Critical legal history rests on three key assumptions: 1) that application and interpretation of law is historically and socially contingent, 2) that the law reflects social and political interests that can be identified, and 3) that the law changes in direct response to social and political pressure, not independently or objectively.

Objective 4, which builds on all three of the previous objectives and is meant to take up the bulk of the semester, includes readings and discussions that prepare students to critically analyze shifts in the law as reflections of social and historical debates. The shifts that are chosen as focal points vary each semester. In this past semester we considered the racialized and gendered shifts in citizenship law from the colonial

period to the present. As a subtheme of citizenship debates, we also read about and discussed the uneven construction and application of contract law, since individual's ability to defend and dispute contracts has historically hinged on their citizenship status; and because contract law has sometimes been more explicit than defined rights of citizenship in the law. Within these conversations, we highlighted the various components of civic, cultural, social, and political citizenship and the tensions between the rights and obligations of citizenship. Throughout these discussions, students were urged to base their arguments on the readings and in legal rulings or legislation, and to consider change over time as a primary mode of analysis rather than right over wrong, which was somewhat of a struggle at times. It may be that another objective needs to be added regarding the methodological and theoretical contours of legal history practice.

The students who took this course were roughly half History majors and/or minors, along with a handful of Political Science, Global Studies, and Criminal Justice majors. In addition, I had students from Psychology, Education, and Business Administration. The students were roughly half Seniors, some Juniors, three Sophomores and two Graduate Students (though they did not enroll at the 840 level). Ideally the course will attract Junior and Senior Pre-Law students in the future, encouraging many to think of History as an ideal major for the Pre-Law track, and more graduate students will enroll at the 840 level. As discussed in the **analysis of student learning** below, I anticipated that History students would perform better than those from other departments, but this was not necessarily true. While I think there were some extenuating circumstances involved there, it is clear that the course should be developed with non-majors in mind, and be built as an essential component for students from a variety of disciplinary backgrounds. In addition to students, key campus stakeholders in this course include the Pre-Law advising program, along with the History Department and Law College; while key community stakeholders include non-profit legal advocacy groups such as Nebraska Appleseed and governmental legal and history professionals, such as members of the Nebraska Unicameral and staff of the Nebraska State Archive.

This course should remain at the 300-level, but will do much better when it is offered in tandem with a 100-level Law & Society class that introduces students to historical analysis of the law, and with a 400-level (perhaps just as a rotating 450 Capstone theme) Legal History course that offers deeper analysis as well. Together, classes at these three levels would provide a firm Legal History emphasis for Pre-Law students. In addition to these courses, the Department also offers HIST 341: US Constitutional History, and faculty in the History Department are developing a 100-level course in Mexican legal history and a 300-level course in Roman legal history, which would give students a comparative context within which to better understand US Legal History. Such cohesive offerings will no doubt help the History Department attract more Pre-Law students (of which there were 525 in 2013-2014) into the History major (there were only 25 Pre-Law History majors in that year). In fact, one measure of the success of these curricular innovations and revisions would be whether Pre-Law enrollment in History grows over the next four to five years. HIST

340 should be offered every other Fall semester, rotated with a 100-level Legal History course in alternate years. This would ensure regular offerings at a variety of levels to attract incoming and upper-level students.

Teaching Methods/Course Materials/Course Activities

I delivered course content through a variety of means in phases throughout the semester. These included lectures and workshops, along with discussions led by myself and by student groups. Assessments included online quizzes, visual diagrams, digital presentations, and written work varying from 1 to 10 pages. Course materials included a textbook (that I will not adopt again), a monograph, and a total of fourteen book chapters and articles. Students read additional material on their own in preparation for a 10-page final paper.

The first few weeks of the semester comprised mostly of lectures that expanded on assigned readings to outline the relationship between the American, British, and Roman legal systems, and then explained the characteristics of the American legal system at the close of the Revolutionary and Early Republic periods. This section of the course ended with a readings-based quiz to ensure that students had absorbed key aspects of the formation of the American legal system, assessing Objective 1.

Although course evaluations have not come in, I anticipate this to be the least successful portion of the course for two reasons: 1) students did not see how these early developments were relevant to subsequent debates in the law, or in relationship to the work they continued to do in the semester; and 2) though I tried to integrate multimedia into these presentations, the lectures and textbook (which they read more of throughout the semester) failed to attract attention or inspire discussion and in future iterations of this course, the lectures will tend more toward Socratic discussion and I will use a different textbook. The goal of these lectures and readings was to provide a foundation for understanding the historical context of the American legal system, but I cannot say with confidence that this goal was met, except that students did seem to understand that Americans adopted heavily from the British common law system, making the addition of Roman codification and concept of citizenship. In addition to the readings quiz, students had to design a visual diagram of their legal history research project, which was expected to also reflect the structure of the American legal system as outlined in these lectures and readings. Students were much more successful in their visual diagrams than in their quiz, though this did not necessarily correspond to high achievement in the course overall. It seems that there were elements in this course section not reflected in the course objectives and therefore not fully articulated and perhaps not fully essential.

The next section of the course featured workshops that were meant to train students in the research methodologies and theoretical approaches of American

legal history in accordance with Objective 2. While the workshops seemed to benefit the students, it became clear later in the semester that some students had not actually developed these research skills, lacked essential familiarity with online legal research databases. and needed an even more basic introduction to historical methods altogether. There was no assessment specific to this section of the course, since students later had to turn in an annotated bibliography that would have demonstrated their research proficiency. To bridge the gap that became apparent this semester, these research workshops will be more fully developed to reach all skill levels, and will include an assessment specific to this objective that is separate from work that builds toward their final project. Such an assignment might require that in the class immediately following a workshop, students demonstrate on their own how they were able to find primary and secondary legal history sources using the databases specific to the discipline.

In-class discussion of the assigned readings constituted the remaining half or perhaps two-thirds of the course. These readings and discussions centered on the themes outlined above in **Objectives 3 and 4**. Content delivery methods here involved shorter and more interactive lectures on my part, and student-led discussion on their part. The student-led discussions were graded assessments, but students did fairly poorly here for the first few rounds of discussion. To counteract this trend, I joined the discussion groups more explicitly as a moderator and outlined the conversation on the dry erase board to show the development of ideas and critique in each class period. This response seemed to help, but still the discussions were less than impressive. In future semesters, I will adopt a practice that has been successful in other classes, which is to start discussions in small groups and then turn that work over to large group conversations, all the while maintaining my active role as moderator and note-taker for the class. This will also ensure that I have a stronger, though perhaps less visible, hand in guiding the discussion of readings and development of themes from class to class. In addition to their discussion group work, students also took an online quiz that required them to identify the authors of quotes drawn from assigned readings. Students either did extremely well (perhaps too well, actually) or somewhat poorly, and as discussed in the **analysis of student learning** below, these quiz scores did not indicate overall performance in the class. In tandem with the weak correlations of the previous online quiz, this seems to indicate that the quizzes are not adequate assessments for these objectives and I will likely not adopt them in this form for future semesters.

The last two weeks of class were spent in workshops preparing students to submit their final essays. At the mid-semester point, students completed digital presentations using PowerPoint that outlined and summarized their final projects. Those were also peer-reviewed. Given the extent of time that students spent on peer review, it would be wise to include an objective around those skills in future offerings of the course. In any case, these workshops helped students to revise for content—being sure they had enough evidence to support their characterization and critique of the legal history topic they chose—and for quality—being sure they met the grammatical standards and minimum requirements of the assignment.

Students had their own choice of topics, each approved by me early in the semester to ensure historical relevance and availability of primary and secondary sources. Although I strongly encouraged them to do so, few students chose topics that were at all related to citizenship—the central theme of our class—and as a result, they had little context for their legal history topics provided in the assigned readings or class discussions. For some students, this did not bar them from success—a student's work on abortion law in Nebraska was fairly strong—but for most this proved detrimental. As shown in the **analysis of student learning** below, students who fared best on their final papers had a topic in some way related to the citizenship theme—even if this connection was unknown to them in their initial project conception. In future semesters, it would be best to offer students a pre-selected list of topics to choose from that are bound to the semester theme to ensure a higher quality final project. To support their final 10-page essay, students carried out the **digital poster** discussed above, along with an annotated bibliography of 15 sources and a case brief related to their legal history topic. Students who did poorly on their final papers did not actually use these preparatory materials in the final paper, suggesting that these assessments need to be more fully refined as this course continues to develop.

I chose this range of methods, materials, activities, and assessments to anticipate a broad range of learning styles and legal interests among my students. The most successful method by far were the interactive discussions that I led and students participated in as a large group and I will continue to develop these modules to cover more portions of the course content. Of the reading materials assigned, the chapters that most clearly built on one another and that most clearly addressed the semester theme were the most deeply read and discussed. The textbook bored the students and its coverage disappointed me for a number of reasons. I will concentrate on finding more articles and book chapters that will both engage the students and discuss important and central themes in US Legal History; a case reader would also be helpful in the course, but its contents would depend on the semester theme selected. Of the assessments that were most successful, the visual diagram at the beginning of the semester, in-class presentations on their legal history research topics, and the digital poster session drew the most vibrant participation from students. The final papers demonstrated a broad range of skill strengths and deficits and I am considering using smaller writing assignments to build and assess skill development rather than relying so heavily on the 10-page essay. As noted **above**, I will not let students choose their own topics so broadly in the future, and will offer a pre-determined and more concentrated set of topics for them to choose from that are tied directly to the semester theme. In another 300-level course that I teach successfully, students develop an in-depth research proposal as their final assignment and submit shorter writing assignments throughout the semester, and it may be that this is a better model for courses that attract so many non-History majors (though as noted **below**, non-majors did as well as History majors). Finally, rather than basing participation exclusively on the student-led discussions, I will reassign points in the grading scale for interactive

discussion since those opportunities for verbal participation were far more successful.

Analysis of Student Learning

The course started with 20 students and 16 students finished the semester (one student did all work except the final paper, so I did not include him in these statistics). There were 4 women and 12 men; 3 sophomores, 4 juniors, 7 seniors, and 2 graduate students. 10 students were either History majors or minors. Given the small sample I have from this semester, I am hesitant to draw any major conclusions from the data below, but will use these findings as a baseline and as an opportunity to formulate more questions in future semesters.

The first level of quantitative analysis of student learning that I conducted for this portfolio focused on answering the question, "Which students did better than others?" The first two charts ask that question by distinguishing among students by their academic year (Fig. 1) and then by their major, though I chose not to count minors or graduate students there (Fig. 2).

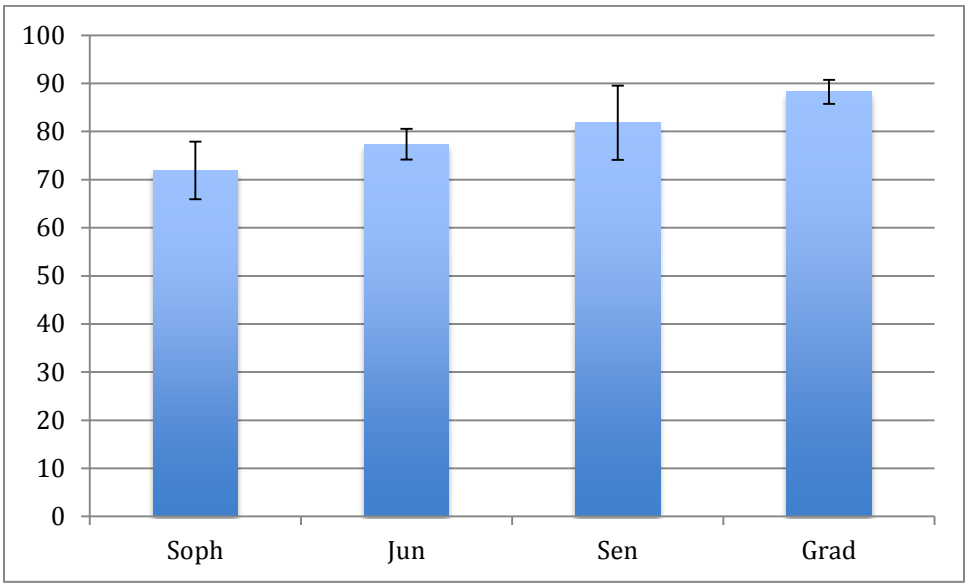

Fig. 1: Student performance by year

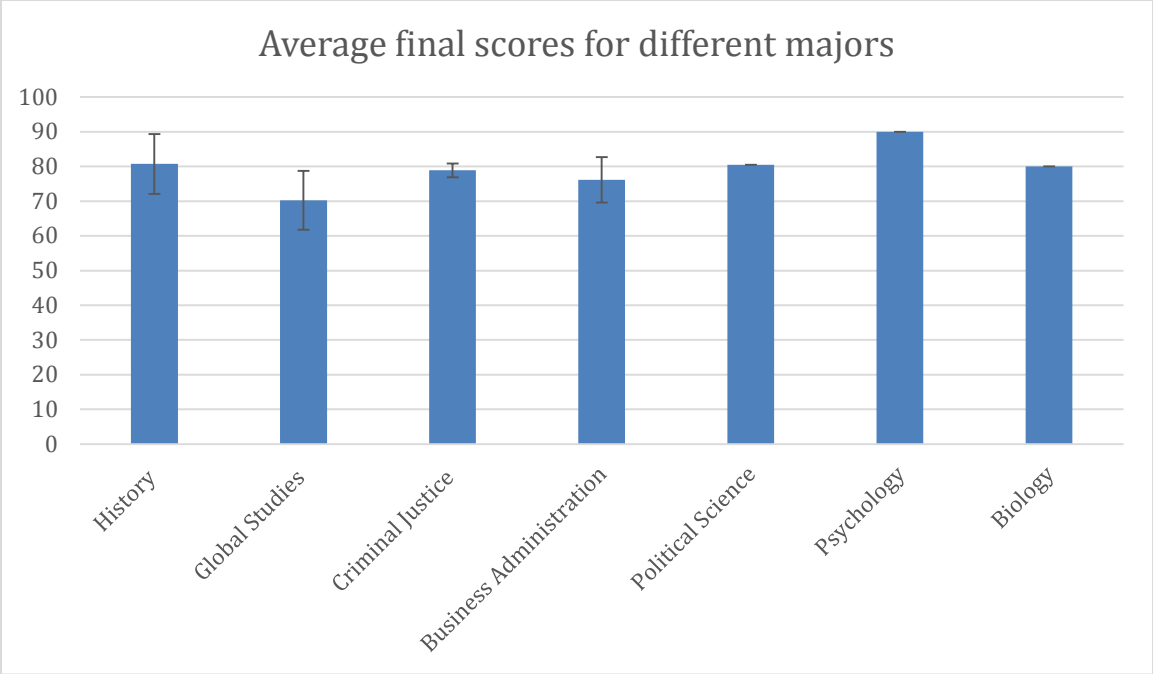

Fig. 2 Student performance by Major

What is clear is that Seniors and Graduate students did better than their junior colleagues, though not dramatically better, and that History majors fared as well as other majors associated with Pre-Law, such as Psychology or Criminal Justice. This second finding, that History majors did not do better than non-majors, surprised me somewhat. A colleague suggested, however, that non-majors enrolled in a 300-level History course that is not a requirement for their degree may be more motivated than History majors taking 300-level courses to complete their major. That is, because non-majors self-selected this course for personal interest, they may be more invested in the class and therefore perform at a higher level. Because I did not record evidence regarding student's motivations, this hypothesis cannot be tested, though it is worth considering in the future.

In addition to knowing more about the profiles of more and less successful students, I wanted to know which assessments predicted overall performance in the class. To do this, I correlated the relationship between quiz scores and final grades, between visual diagrams and digital posters and final grades, and between final paper topics tied to citizenship or not and the final grade. These results are outlined and discussed below in Figures 3-5.

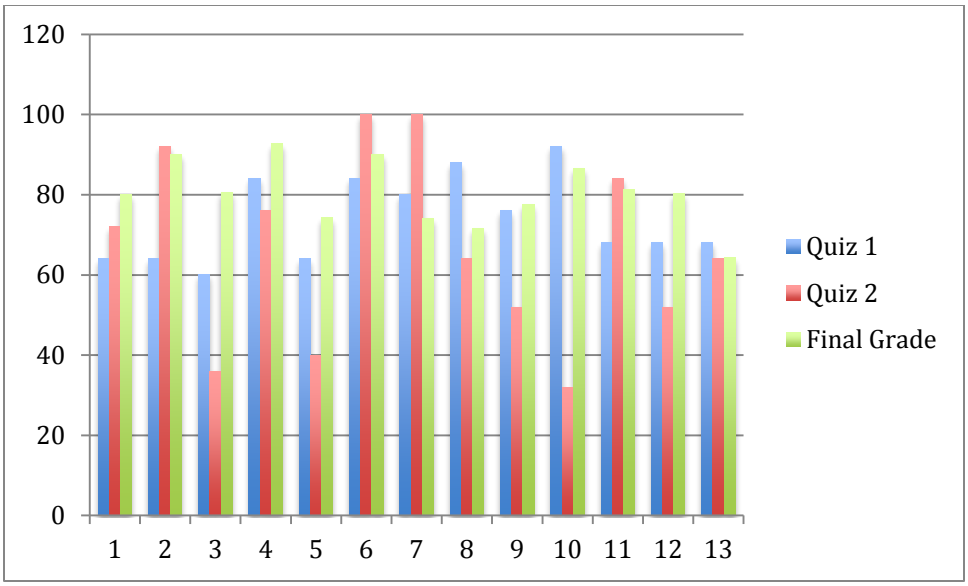

Fig. 3 Quiz performance and final grade (students who did not complete one or more of the two online quizzes were omitted from this sample)

The data regarding the relationship between quiz performance and final grade illustrates that poor quiz scores did not predict poor performance in the class and that excellent quiz scores did not equate to overall success. These quizzes asked 20 multiple-choice questions of the readings and students had 40 minutes to complete them online. Meant as a quick and objective means to determine whether students were completing the reading, they did not reflect students' performance during in-class discussions nor did they correlate to overall performance. These assessments were tied to objectives one, three, and four, but because they proved such poor indicators of learning, it is worth evaluating whether they should be continued in this form, or at all, in subsequent semesters.

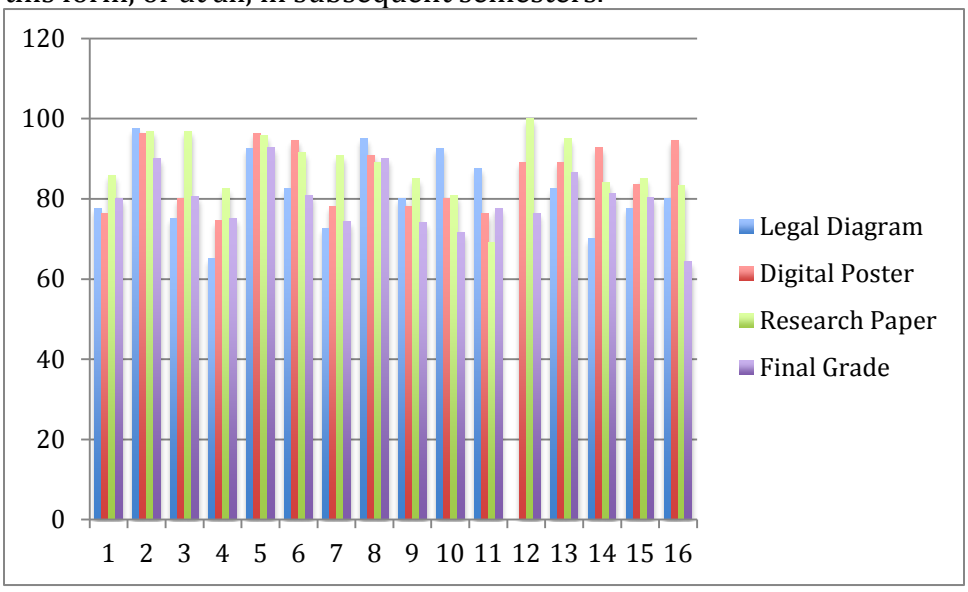

Fig. 4 Legal diagram (see **Appendix B**), digital poster (see **Appendix C**), research paper, and final grades

As with the quiz scores and the final grade, it is difficult in many cases to predict final scores based on the preliminary legal diagram and digital poster grades. The first two assignments were meant to build toward the final paper, which counted for 30% of the final grade. The legal system diagram correlated to the final grade at .30267, the digital poster correlated to the final grade at .436054, and the research paper correlated to the final grade at .468141. The research paper should have the highest correlation, since again, it comprised 30% of the final grade. One obvious problem with this data set is that the student with the highest research paper score did not submit the first visual diagram assignment, which skews the correlation data. For those students who did much better on the final paper than their earlier drafting assignments, one explanation might be that we spent four class periods revising the papers in workshop fashion, thus allowing students who had not spent adequate time on earlier assignments to do important work on their research papers in class. Not surprisingly, these workshops did much to improve the quality of the research papers overall. On the other hand, we also held in-class workshops (of one and three class periods, respectively) for the visual diagram and digital poster, so students should have been well-prepared for those assessments as well. It may simply be that students not doing well throughout the semester saw the final research paper as a last opportunity to increase their final grade.

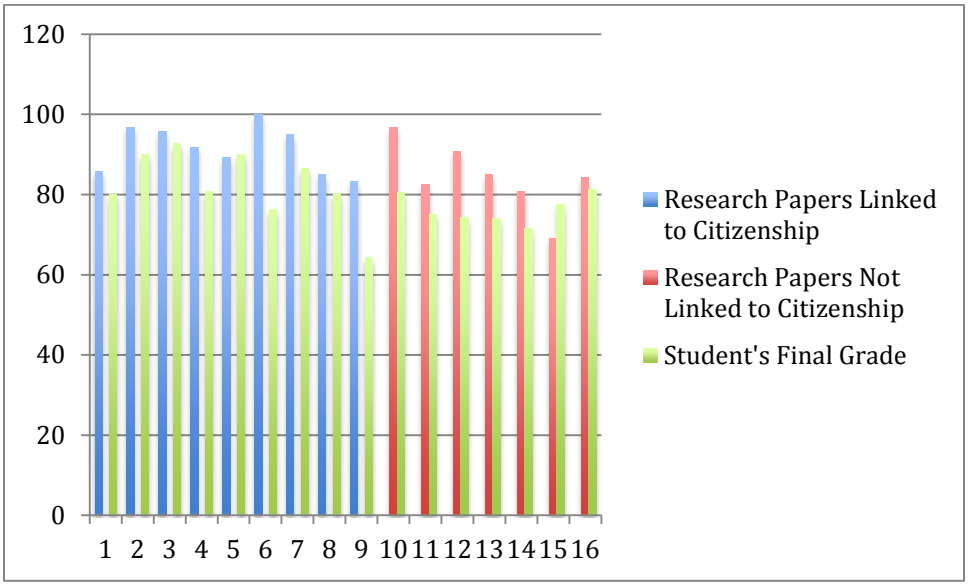

Fig. 5 Research paper grades for topics linked to citizenship, grades for papers not linked to citizenship, and final grades

Overall these scores seem to show that students with research papers more closely linked to the semester's legal history theme of citizenship (broadly defined) did better in the class as a whole; they certainly had a higher correlation (papers linked to citizenship correlated at a rate of .492488, while papers not linked to citizenship only correlated at .200208). Students with papers not linked to citizenship seemed to perform comparably with the others on their research paper grade, but their final

grades were not as high. This may reflect their interest in their own paper topics and a lack of interest in the course themes, though it is difficult with such a small sample to extrapolate findings from the data.

Discussion is an important way of assessing student learning, but I only graded student-led discussion this semester. What I realized in the quantitative analysis of these discussion scores is that student performance here did in fact correlate very highly toward their final grades. Here is a chart illustrating student-led discussion grades (these do not reflect participation in large group or teacher-led discussions) and final grades.

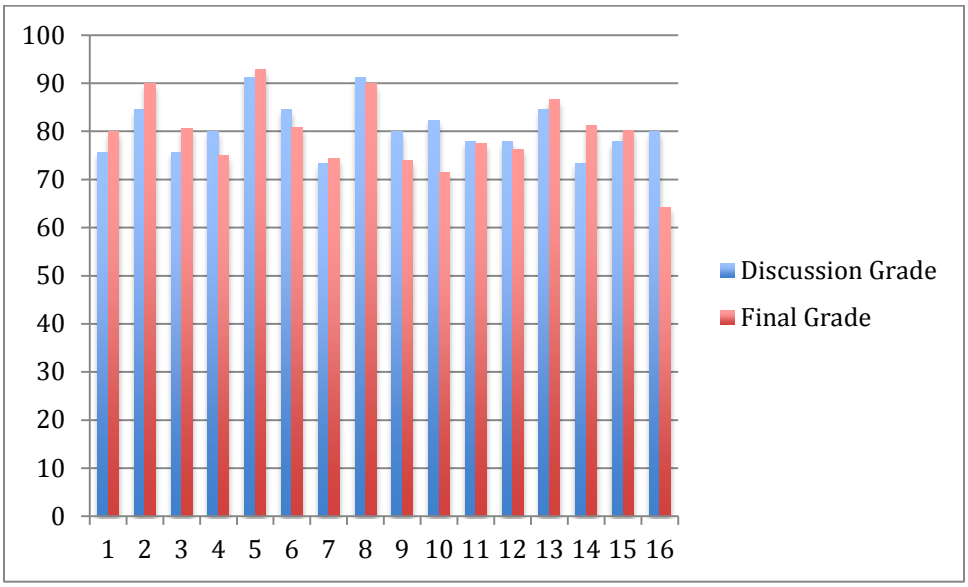

Fig. 6 Student-led discussion grades and final course grade

As with other analysis of student learning carried out here, it is difficult to make any significant conclusions from such a small sample of students, though the correlation between discussion grade scores and final grades is not only statistically significant (.5766), it is higher than any of the other assignments—including the final paper! Given its significance in indicating success in the course overall, I will work in future semesters to expand student's opportunity for a broad range of discussion-based exercises. Like this chart, this portfolio has given me an important set of baseline data that will help in future comparisons over time and will inform my decisions to make changes in content delivery, course materials and activities, and assessments and assignments.

Reflection on the Course

This course will not be taught again until Fall 2015, but it will be offered regularly in odd-numbered fall semesters thereafter. There is a lot of demand for Pre-Law courses, but this one will be offered alternately with a 100-level Pre-Law course to meet the needs of students at a variety of levels. Between now and then, I plan to revisit the readings, the discussions, the quizzes, and the final papers.

As for the readings, the book chapters and articles were far more successful than the textbook readings and so I intend to eliminate the textbook, add a case reader, and add more chapters and articles. To ensure that this course is given the appropriate attention toward its development, I will offer the course with the same theme again, that is, on Race, Gender, and Citizenship from the Colonial Period to the Civil Rights Era (1608-1968), and should have no difficulties finding appropriate readings that are both broad and critical in their coverage. I do feel the reading load was appropriate, so I intend to keep that aspect of the readings the same.

The discussions need to be made more focused and more guided. My efforts to require student-led discussion did not succeed. As an alternative, I plan to use small group exercises that will build into large group discussions regularly in the class. I will balance these with interactive lectures (these are essentially a series of questions with answers that convey the material covered in a traditional lecture—if students can answer the questions, it is interactive, if they cannot answer the questions, I offer a brief lecture on that issue). Instead of grading students on their participation in three discussion groups, I will grade them on their regular participation throughout the semester.

Students who did very well during informal discussion (which was not graded) actually did quite poorly on the multiple choice quizzes, while those who did well on the online quizzes did not demonstrate their familiarity with the readings during discussion, making me doubt seriously the efficacy of the online quizzes. I had intended them as a means to ensure the students were keeping up with the readings, but more intensive and interactive discussion would assess that more accurately. Because I always want to be sure that shyness or anxiety is not keeping students from performing in discussion, I will also reserve points in the syllabus for brief in-class writing prompts that allow the students to offer their own analysis of the assigned readings. Both of these measures should take up the place of the online quizzes in future iterations of this course.

That the correlation of the 10-page research paper to the final grade was only at .468141 even though it counted for 30% of the grade suggests it may not be the most effective way to assess student learning of the **objectives**. Although the papers demonstrated students' firm grasp of objective 4, which prepares students to discuss significant events and debates in American history, the papers only included one major event or debate and so did not necessarily indicate a broad understanding of these issues in the course of US history. Students' ability to carry out an effective research paper did depend heavily on their mastery of objectives 1 and 2, which included an understanding of the structures and practices of the

American legal system and a working knowledge of legal history primary and secondary source databases. It is clear that the students who did poorly on their final papers did not effectively use research databases, though they did seem to understand legal structures and practices well. Those objectives can be assessed more effectively through shorter assessments carried out regularly through the semester, however. Objective 3 required that students understand the link between law and history and this proved difficult to assess in the 10-page papers because some students devoted more time to legal analysis than historical context. Of course, some students' legal analysis proved deeply flawed because they failed to note directly relevant historical events shaping the legal histories they researched. This may explain why students whose research topics were more closely linked to the citizenship theme of the class did better than those whose topics were not. I remain unsure what the final assessment will look like in the next semester this course is offered, but I am sure that students will be required to work within the course theme and to do more incremental assignments so that they have better opportunity for success.

In addition to these measures, the course would benefit from some recruitment work with the assistance of campus and community constituents of the course. Legal advocacy groups like Nebraska Appleseed and the facilitators of the Legislative Page program at the Nebraska Legislature should encourage their interns to take this class. Pre-Law advisors on campus should be made familiar with the syllabus and this course's place within the broader legal history sequence offered in our Department, and the History Department is already working to form a joint program with the Law College. Recruitment and partnerships will go a long way in ensuring that students know what to expect from the course, and what is expected of them as well.

In all, this course portfolio has helped immensely in providing a model for asking why certain aspects of the course worked or did not work. As should be expected, it will take some time to answer all of my questions, and teaching the class again will be an opportunity to test some of the suggestions I've made here. It can be frustrating to teach a class for the first time, but knowing that my challenges would be so strategically explored in this portfolio gave me the direction to reflect and document what may not have been the most successful course I've ever taught. With the help of this portfolio and the peer teaching workshop as whole, however, I am fully confident that this and other of my courses will continue to improve with intention instead of merely intuition. My findings in this benchmark portfolio will help me to link assessments and activities to objectives, ensure that relationships between assessments are clear, and to communicate and model analytical and research skills for my students. These aspects of a course can seem all too apparent to the instructor or other faculty, but this exercise has helped me to see where those connections have been lost to students.

Appendices

Appendix A: Syllabus

HIST 340: American Legal History
Spring 2014, TR 9:30-10:45, Avery 110
*changes to this syllabus will be announced in Blackboard

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Office Hours: TR 2-3, or by appointment

Course Description
This course will introduce students to the law as both a cultural and political discourse central to American history and society, and as a concrete body of federal, state, and territorial statutes; legislation and executive acts or treaties; and judicial rulings. The course is organized into three sections, beginning with an introduction to the structures and practices of American law that ensures students know the hierarchy of courts, the balance of jurisdictions and shared role of the executive, judiciary, and legislature in making and interpreting law, and can use modern research practices to access significant documents in U.S. legal history. Section two of the course introduces students to the practices of legal historians, emphasizing the inverse relationships between law and history and exploring recent models in legal history, such as critical legal history, indigenous legal traditions, and/or legal borderlands. Students are encouraged to explore the role of law in society and to critique historians' techniques of chronicling and explaining changes in American legal tradition. Readings selected for this semester emphasize the themes of race, gender, and citizenship. Section three of the course prepares students to combine their technical knowledge of the law from section one with their analytical understanding of the law from section two and prepare their own legal history portfolio. All students will be expected to participate in discussion and debate, take quizzes, and compile a legal history portfolio that demonstrates their legal research and analysis skills.

Course Objectives
- Students will be able to identify the various bodies that orchestrate the law within the American legal system and identify the specific components that make up the body of law itself.
- Students will become proficient in advanced legal history research skills.
- Students will be able to discuss key issues in the relationship between law and history.
- Students will be able to discuss significant events and debates that have altered our notions of "the rule of law" in American history.

Course Readings
Kermit Hall, *The Magic Mirror,* 0195081803
Linda Kerber, *No Constitutional Right to be Ladies,* 0809073846
*additional readings on Blackboard under "Course Documents"

Course Assignments

*each of these assignments is outlined in greater detail on Blackboard

2 Quizzes (25 pts each)	50 pts	12.5%
3 Class Discussions (15 pts each)	45 pts	11.25%
American Legal System Diagram	40 pts	10%
Gaughan Presentation	55 pts	13.75%
Legal Case Brief	40 pts	10%
Annotated Bibliography	50 pts	12.5%
Legislative Chronology or Case History	120 pts	30%
Total	400 pts	100%

Grading Scale

*rubrics are included in the assignment descriptions posted on Blackboard, and students are expected to keep track of their own semester progress using the grades that are posted on Blackboard

376-400	A
360-375	A-
348-359	B+
336-347	B
320-335	B-
308-319	C+
296-307	C
280-295	C-
268-279	D+
256-267	D
240-255	D-
0-239	F

Course Policies

Attendance Students are expected to attend class and it is your responsibility to be on the sign-in sheet used to record attendance each day. Three unexcused absences will result in a 3-point deduction from your final grade, with a one-point deduction for every unexcused absence thereafter. Absences are excused with documentation according to the University policy: http://www.unl.edu/facultysenate/class-attendance-policy

Email and Blackboard Students will receive important class announcements and updates via the email address associated with their Blackboard profile and should check their email regularly. Students are expected to be familiar with Blackboard and will use the platform to review the syllabus, access required readings, and track their progress throughout the semester. When students wish to contact the instructor, they should use email to do so and should allow for a 48-hour turn-around on responses. Students are also encouraged to visit the instructor during posted office hours or use email to make an appointment.

Accommodations Students with disabilities are encouraged to contact the

instructor for a confidential discussion of their individual needs for academic accommodation. It is the policy of the University of Nebraska-Lincoln to provide flexible and individualized accommodation to students with documented disabilities that may affect their ability to fully participate in course activities or to meet course requirements. To receive accommodation services, students must be registered with the Services for Students with Disabilities (SSD) office, 132 Canfield Administration, 472-3787 voice or TTY.

Late Assignments Assignments are due on the dates posted below in the course schedule and will not be accepted late unless students can document a reason identified in the above noted attendance policy. Students may not submit any paper late without expecting a three-point deduction per day and they will not be accepted more than one week late at all. Students facing extreme duress may file for an incomplete at the end of the semester according to University policy, which notes that students should have a passing grade (higher than a C) in order to qualify for an incomplete. http://www.unl.edu/regrec/grade-information

Students should be aware of the last day to withdraw and receive a "W" grade for the course, since incompletes will not be granted prior to that date in any case.

Academic Misconduct Students should be informed that all work submitted via Blackboard is automatically screened for plagiarism and offenders will receive an automatic F for any plagiarized work. More severe offenses will incur more severe penalties. All students should make themselves familiar with the academic dishonesty policies outlined in the student conduct code: http://stuafs.unl.edu/ja/code/three.shtml

Classroom Conduct Students are expected to treat ideas and people with respect and to promote their own and their peers' learning experience. Those engaged in disruptive or disrespectful behavior will be asked to meet individually with the instructor to avoid further consequences, though continued inappropriate behavior will result in disciplinary action as outlined in the student code of conduct and may include dismissal from the course. In addition to the student code linked above, you may go to http://stuafs.unl.edu/ja/community/two.shtml to review your classroom rights and responsibilities.

Students are prohibited from using cell phones in class. Those who use laptops for notes or readings must submit a usage contract that requires you to provide me with digital copies of your notes, and you should expect that your in-class computer usage will be monitored throughout the semester. Violators will be asked once to discontinue use and will be asked to leave the classroom upon a second violation. Absences resulting from a violation of this policy will be unexcused. http://www.insidehighered.com/news/2013/10/21/study-documents-how-much-students-text-during-class#ixzz2iSdiJ25R

Peer Review of Teaching Project

This semester, I have elected to take part in the Peer Review Project, a University-wide, on-going attempt to develop new and better methods for promoting student learning. This is a year-long process in which participants in the project (professors) put a great deal of thought into the design of a single course (in this case HIST 340) including syllabus, exams, class activities and written assignments. One of the

project's ultimate goals is to improve student learning, and we cannot accomplish this goal without student input.
For the project, I will need to select several students whose work would be copied and included in my course portfolio as an archive of student performance for the course. These examples are a very important piece of the project for professors to show how much and how deeply students are learning. Once the course portfolio is completed, it will be put on a project website: www.courseportfolio.org so that it can be shared, used, and reviewed by other faculty.

Course Schedule

*read closely, noting that we do not always meet in our regular classroom; readings and assignment explanations are available on Blackboard, except for Hall & Kerber, which you must buy; students must bring printed versions of Blackboard readings to class

Section 1: Framing the Law & Legal Research
Tues, January 14: "Introduction to Legal Study"
Thurs, January 16: Hall, Chaps 1-2: Common Law Origins
Tues, January 21: Nebraska State Historical Society & Archive
Thurs, January 23: Hall, Chaps 3-4: The Rise of the American Legal System
Tues, January 28: Schmid Law Library Orientation
Thurs, January 30: Diagramming the American Legal System: Workshop
Section 2: Historicizing the Law: What Do Legal Historians Do?
Tues, February 4: Diagrams & Discussion of the Role of Law
Thurs, February 6: Critical Legal History & Law as History Readings/Discussion
Tues, February 11: Gaughan Workshop
Thurs, February 13: Online Legal Databases, Legal Chronologies, & Case Histories
Tues, February 18: Legal Briefs, Chronologies, and Case Histories: Workshop
Thurs, February 20: Annotated Bibliography & Legal Citation Systems
Section 3: Major Themes in American Legal History: Race, Gender, and Citizenship
Tues, February 25: Brown & Kerber, Chap 1 & 3: Colonial Law & Gender
Thurs, February 27: Hall, Chap 6 & 7: The Individual, Racial Identity, & the Law
Tues, March 4: Schmidt: Nineteenth-Century Labor Law
Thurs, March 6: Gaughan Rehearsals
Tues, March 11: Gaughan Rehearsals
Thurs, March 13: Gaughan Sessions
Tues, March 18: Edwards & Kerber, Chap 2: Reconstruction & Gender
Thurs, March 20: Glenn: Citizenship, Labor, Gender, and Race
Mar 23-30: Spring Break
Tues, April 1: Hall, Chap 8; American Indians & the Law: Lecture
Thurs, April 3: Pascoe & Harring Discussion
Tues, April 8: Hall, Chap 9 & 10: The Immigration Acts & Whiteness
Thurs, April 10: Shah & Lopez: Discussion
Tues, April 15: Portfolio Updates & Discussion
Thurs, April 17: Hall, 13 & 14: New Deal Legal Philosophies
Tues, April 22: Kerber, Chap 4 & 5: Debating Gendered Rights & Legal Practice

Thurs, April 24: Hall, 15 & 16: Civil Rights & Interest Convergence Theory
Section 3: Legal Portfolios
Tues, April 29: Portfolio Workshops: Research Questions
Thurs, May 1: Portfolio Workshops: Writing Concerns
Thurs, May 8: Portfolio Due in my mailbox by 12 Noon

Assignment Due Dates (remember that each assignment will have its own explanation on Blackboard)

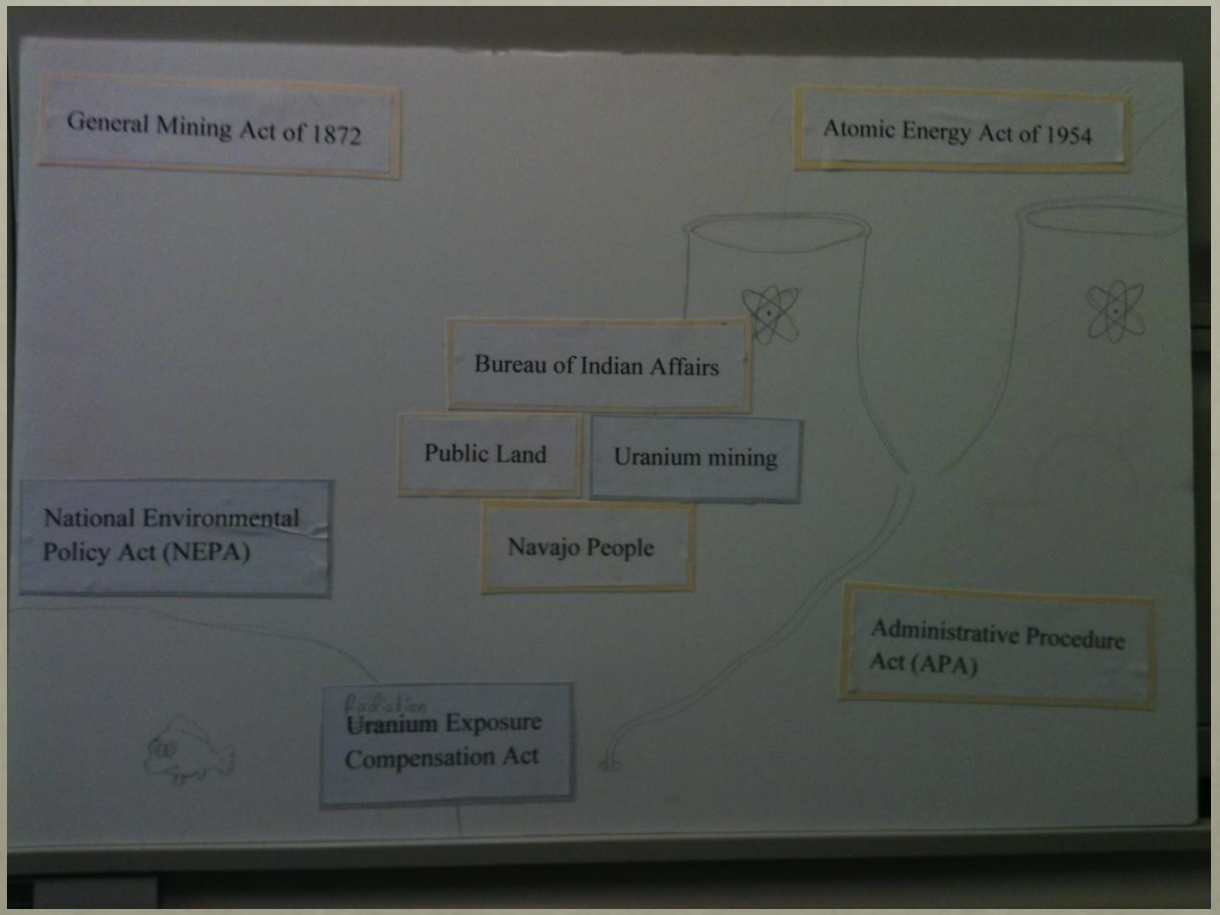
- 3 Class Discussions: rolling deadlines; your topics will be assigned to you early in the semester
- Quiz on American Legal System: via Blackboard by 5 pm on Weds, Jan 29
- American Legal System Diagram: due in class on Tues, Feb 4
- Gaughan Presentation: draft due in class on Thurs, March 6
- Legal Case Brief & Annotated Bibliography: both due in class on Tues, April 1
- Quiz on American Legal History, Race, Gender, & Citizenship: via Blackboard by 5 pm on Mon, April 14
- Legislative Chronology or Case History: rough draft due in class on Tues, April 29; final draft due in my mailbox on Thurs, May 8 by noon; you will choose your topics in office hour meetings with me prior to Feb 20

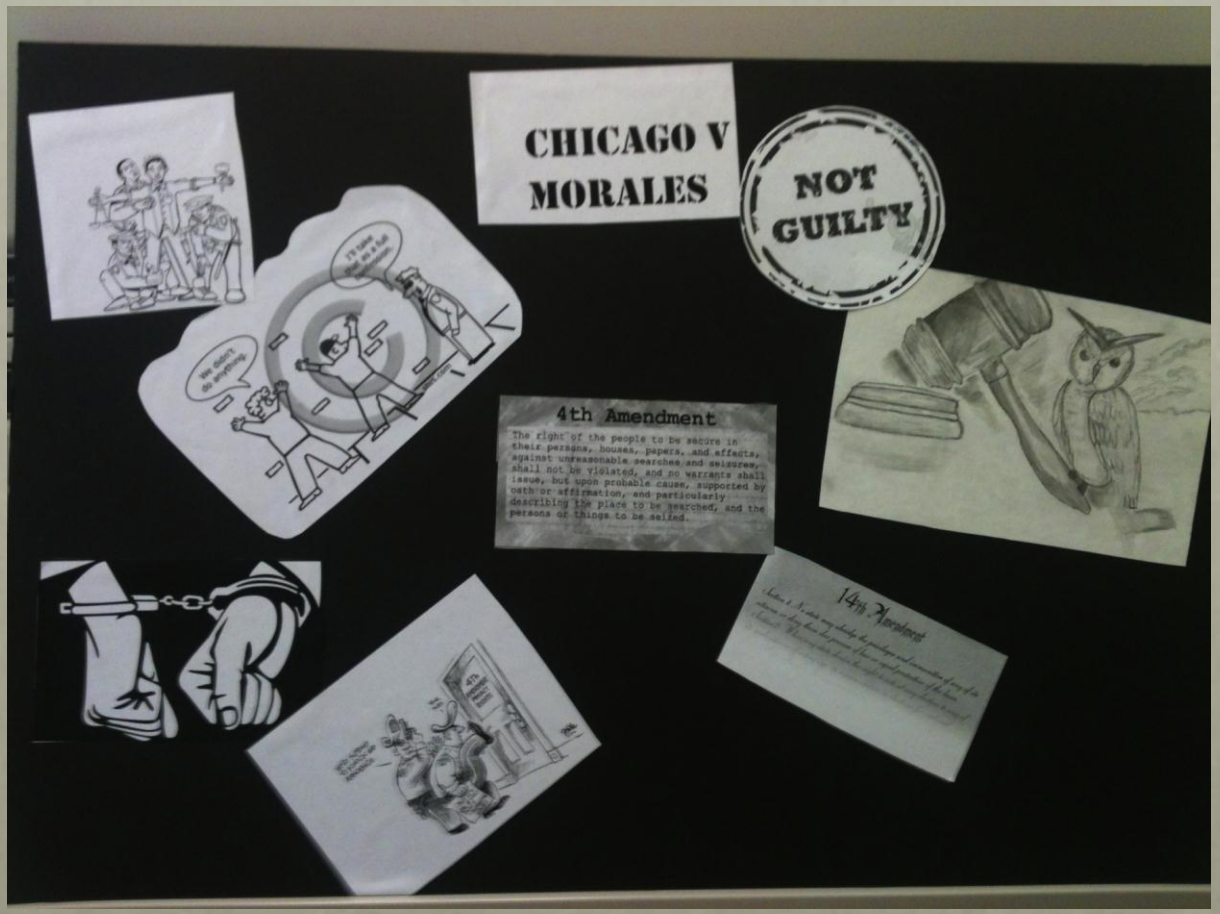
Appendix B: American Legal System Diagrams

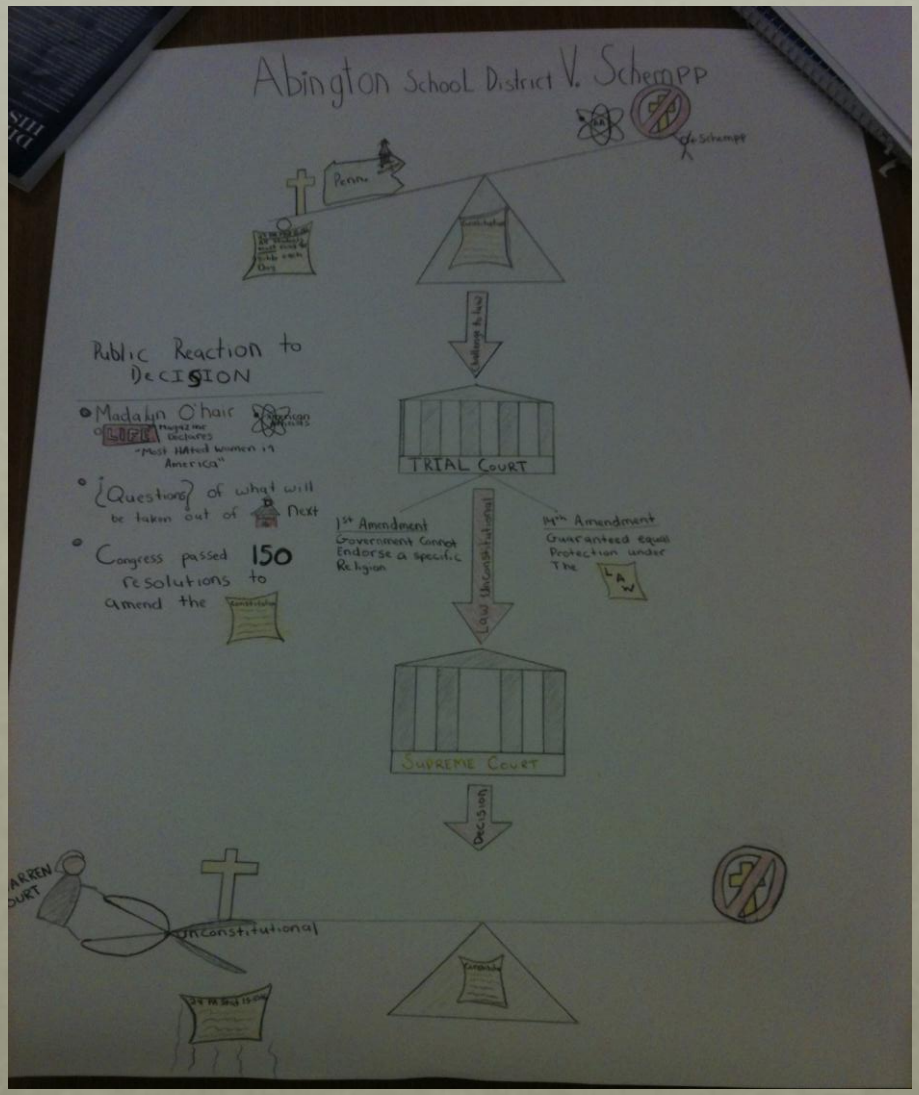
HIST 340: LEGAL SYSTEM DIAGRAMS

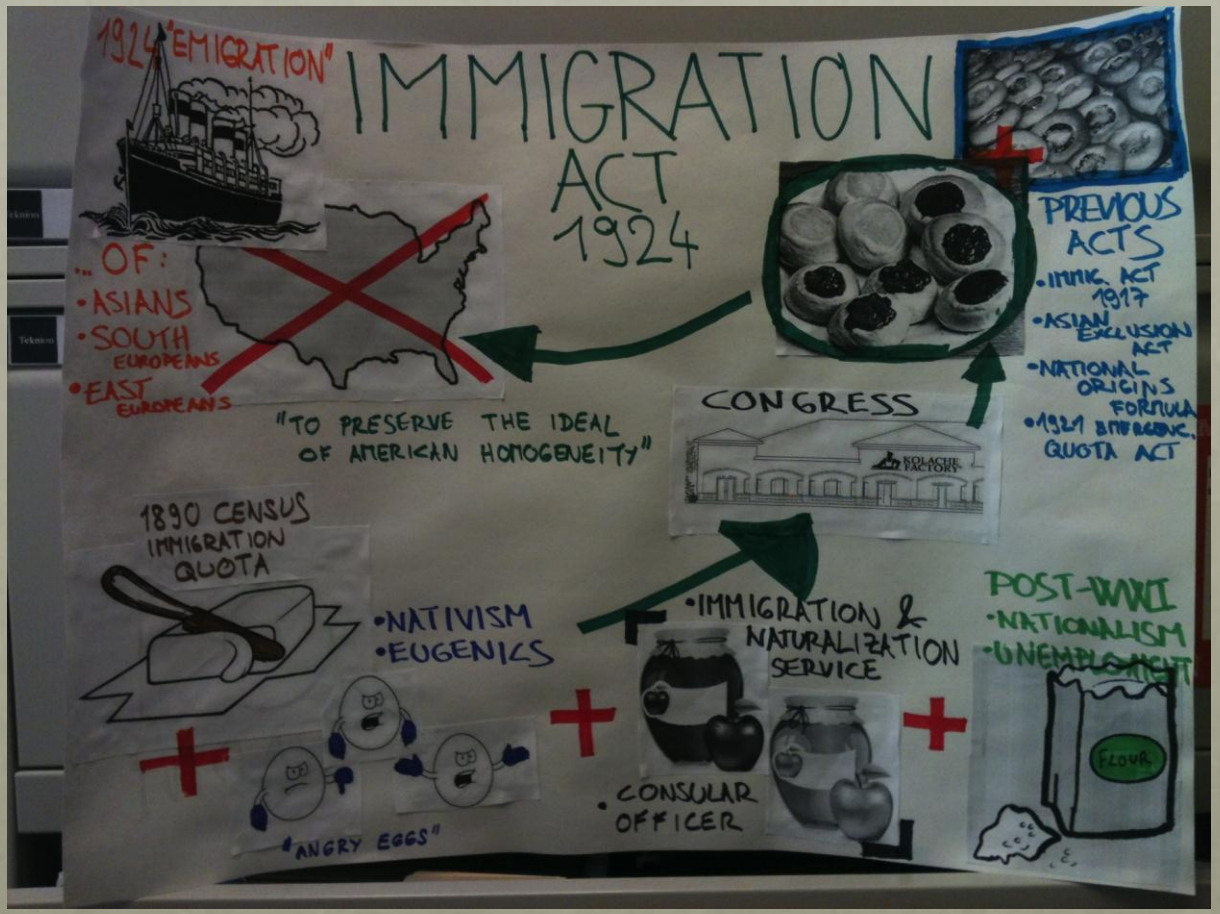
February 6, 2014

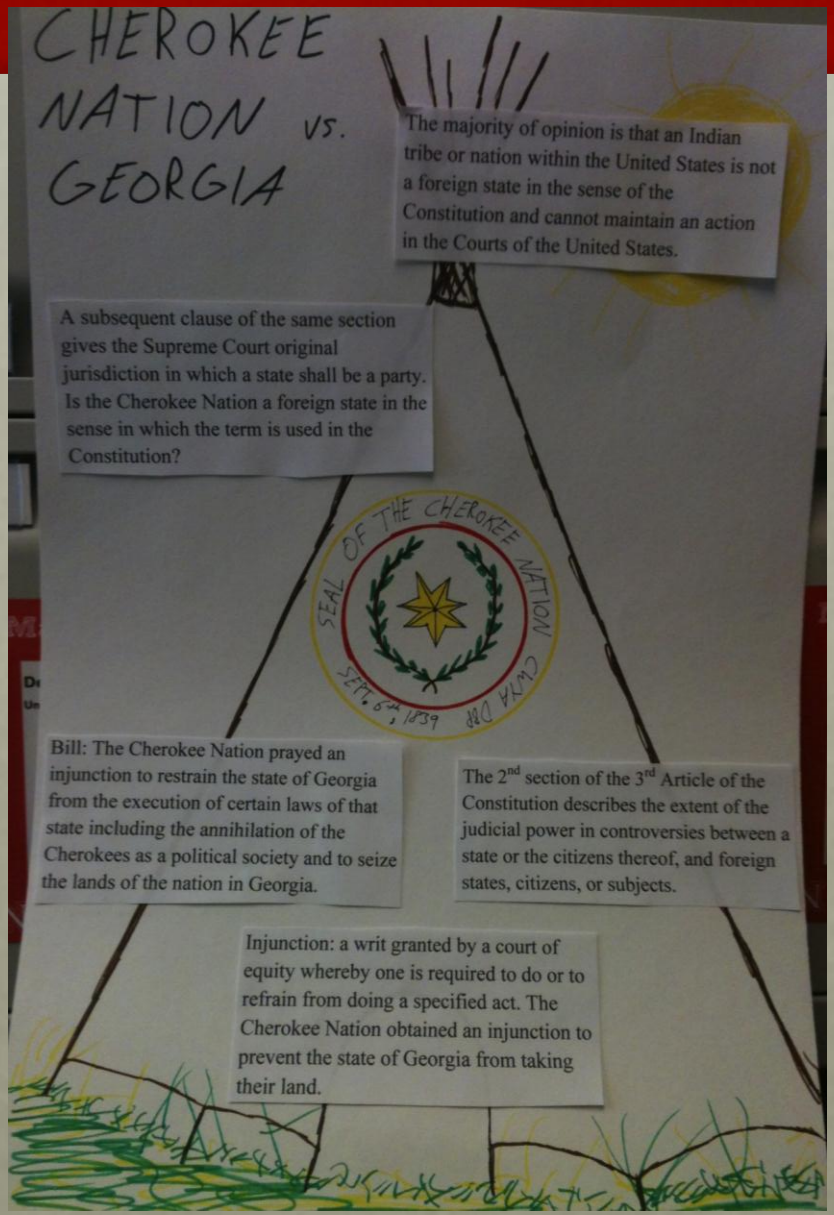

The Rock Springs Massacre
Brandon Allgood
HIST 340 SEC 001

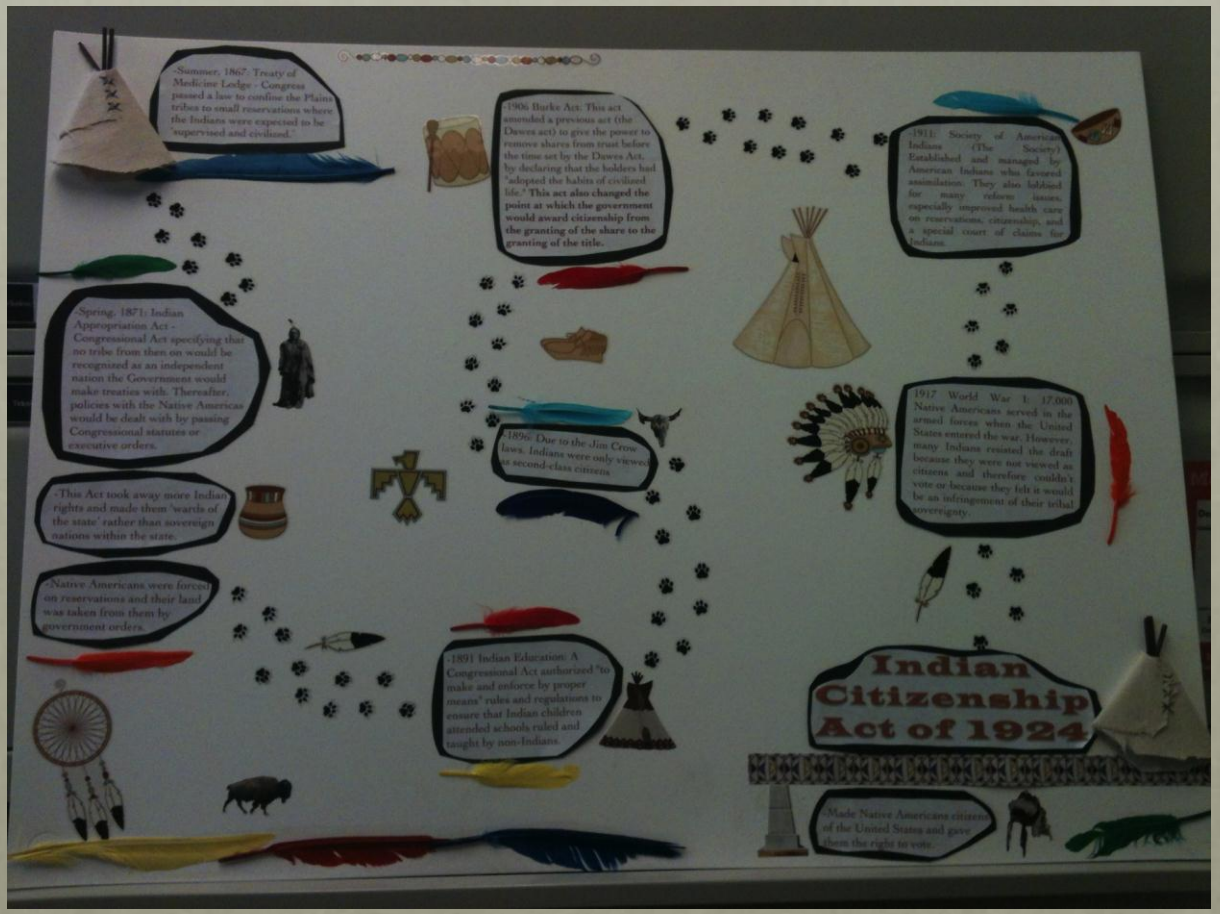

General Mining Act of 1872
Atomic Energy Act of 1954
Bureau of Indian Affairs
Public Land
Uranium mining
National Environmental Policy Act (NEPA)
Navajo People
Administrative Procedure Act (APA)
Radiation Uranium Exposure Compensation Act

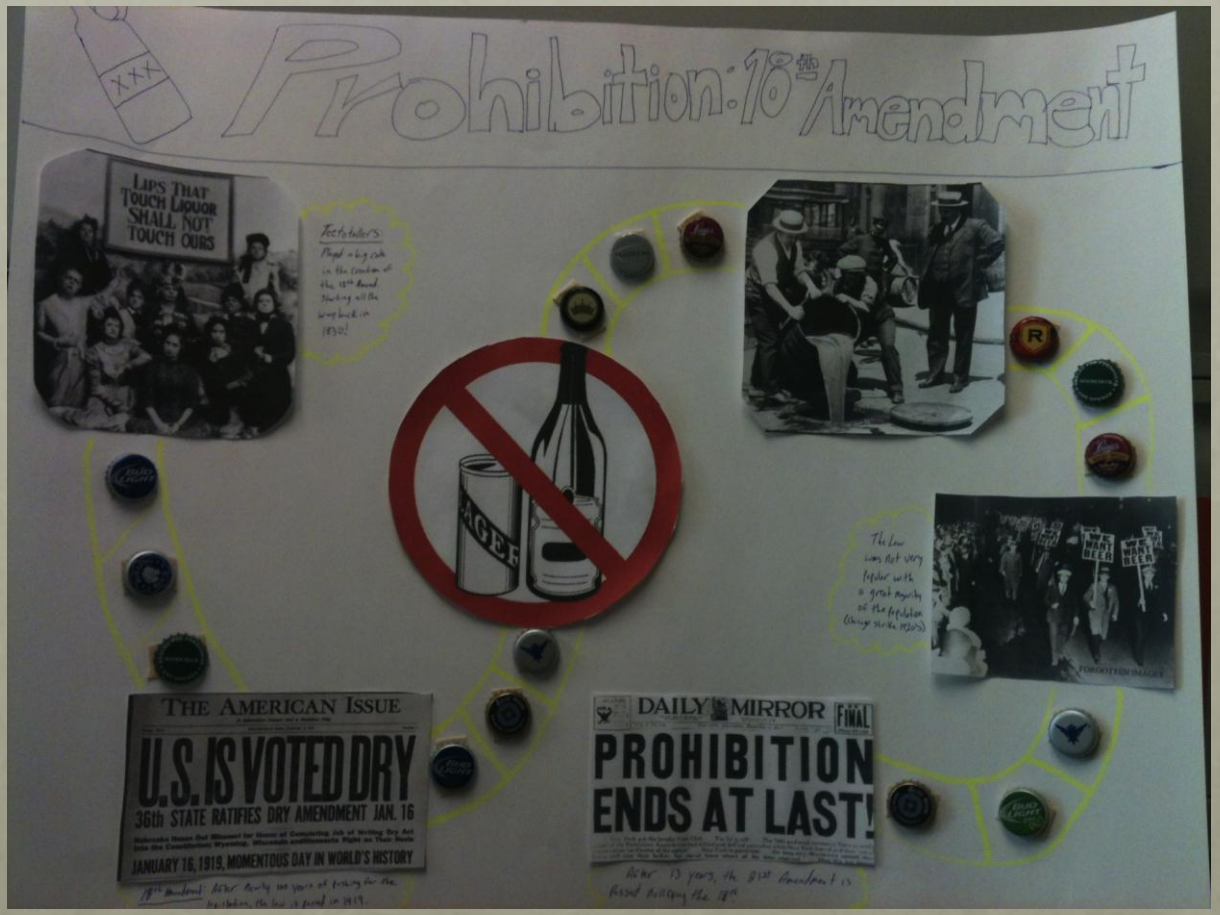

CHICAGO V
MORALES
NOT
GUILTY
4th Amendment
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
14th Amendment

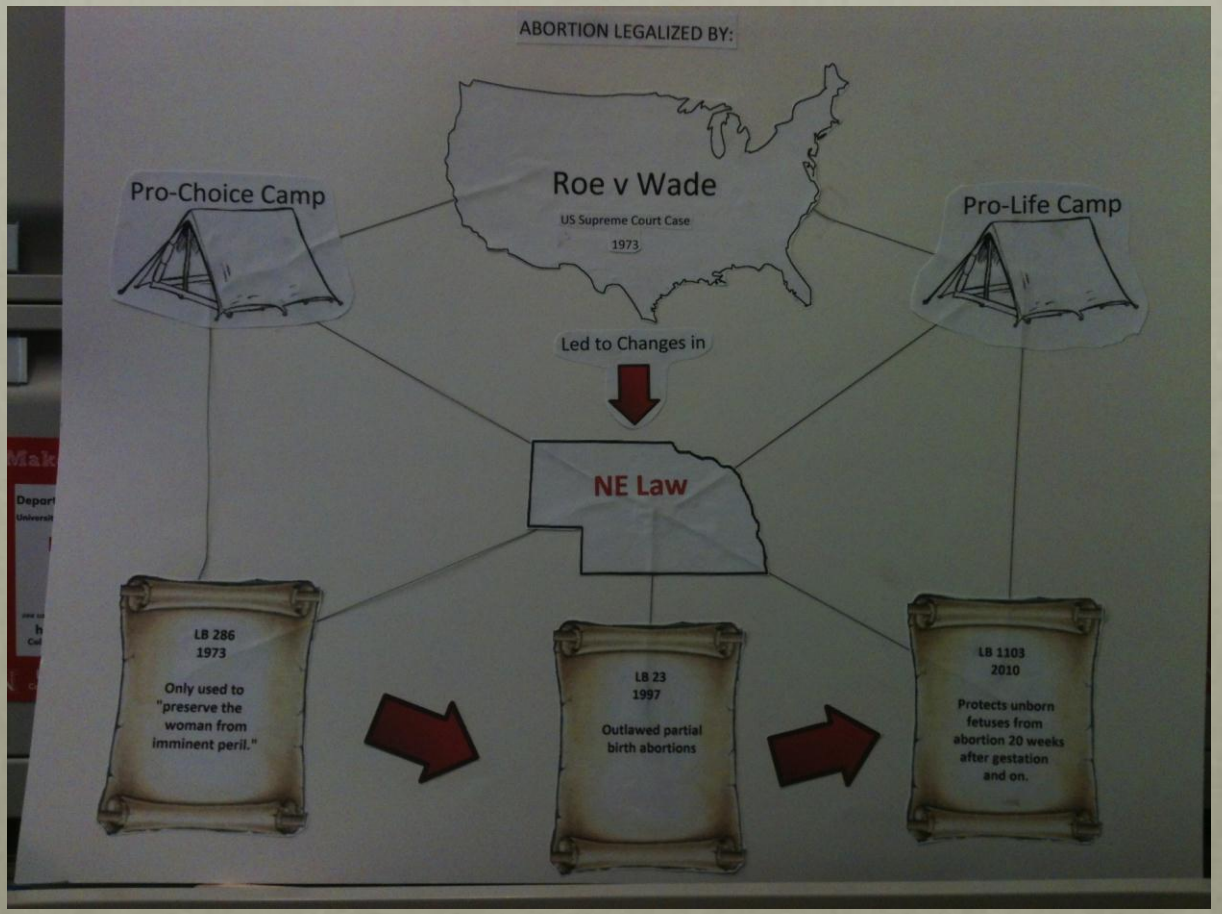

Abington School District V. Schempp
Penn
de Schempp
Public Reaction to DeciSION
Madalyn O'hair
Married Her Enemies
"Most Hated Women in America"
¿Questions? of what will be taken out of Next
Congress passed 150 resolutions to amend the
TRIAL COURT
1st Amendment
Government Cannot Endorse a specific Religion
14th Amendment
Guaranteed equal Protection under The LAW
Law Unconstitutional
SUPREME COURT
Decision
WARREN COURT
Unconstitutional

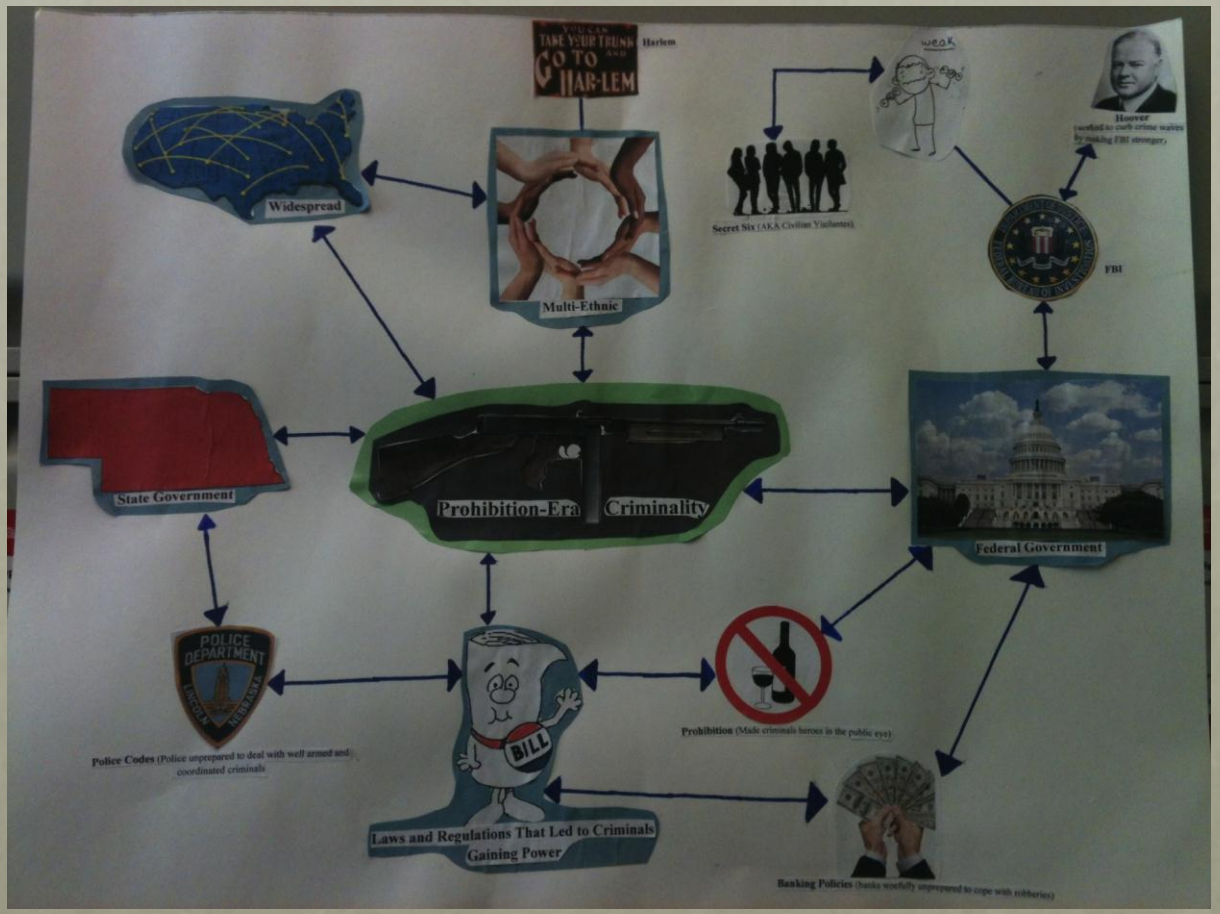

1924 "EMIGRATION"
IMMIGRATION ACT 1924
... OF:
• ASIANS
• SOUTH EUROPEANS
• EAST EUROPEANS
"TO PRESERVE THE IDEAL OF AMERICAN HOMOGENEITY"
PREVIOUS ACTS
• IMMIG. ACT 1917
• ASIAN EXCLUSION ACT
• NATIONAL ORIGINS FORMULA
• 1921 EMERGENC. QUOTA ACT
CONGRESS
1890 CENSUS IMMIGRATION QUOTA
• NATIVISM
• EUGENICS
• IMMIGRATION & NATURALIZATION SERVICE
• CONSULAR OFFICER
"ANGRY EGGS"
POST-WWI
• NATIONALISM
• UNEMPLOYMENT
FLOUR


CHEROKEE NATION vs. GEORGIA
The majority of opinion is that an Indian tribe or nation within the United States is not a foreign state in the sense of the Constitution and cannot maintain an action in the Courts of the United States.
A subsequent clause of the same section gives the Supreme Court original jurisdiction in which a state shall be a party. Is the Cherokee Nation a foreign state in the sense in which the term is used in the Constitution?
SEAL OF THE CHEROKEE NATION
Bill: The Cherokee Nation prayed an injunction to restrain the state of Georgia from the execution of certain laws of that state including the annihilation of the Cherokees as a political society and to seize the lands of the nation in Georgia.
The 2nd section of the 3rd Article of the Constitution describes the extent of the judicial power in controversies between a state or the citizens thereof, and foreign states, citizens, or subjects.
Injunction: a writ granted by a court of equity whereby one is required to do or to refrain from doing a specified act. The Cherokee Nation obtained an injunction to prevent the state of Georgia from taking their land.

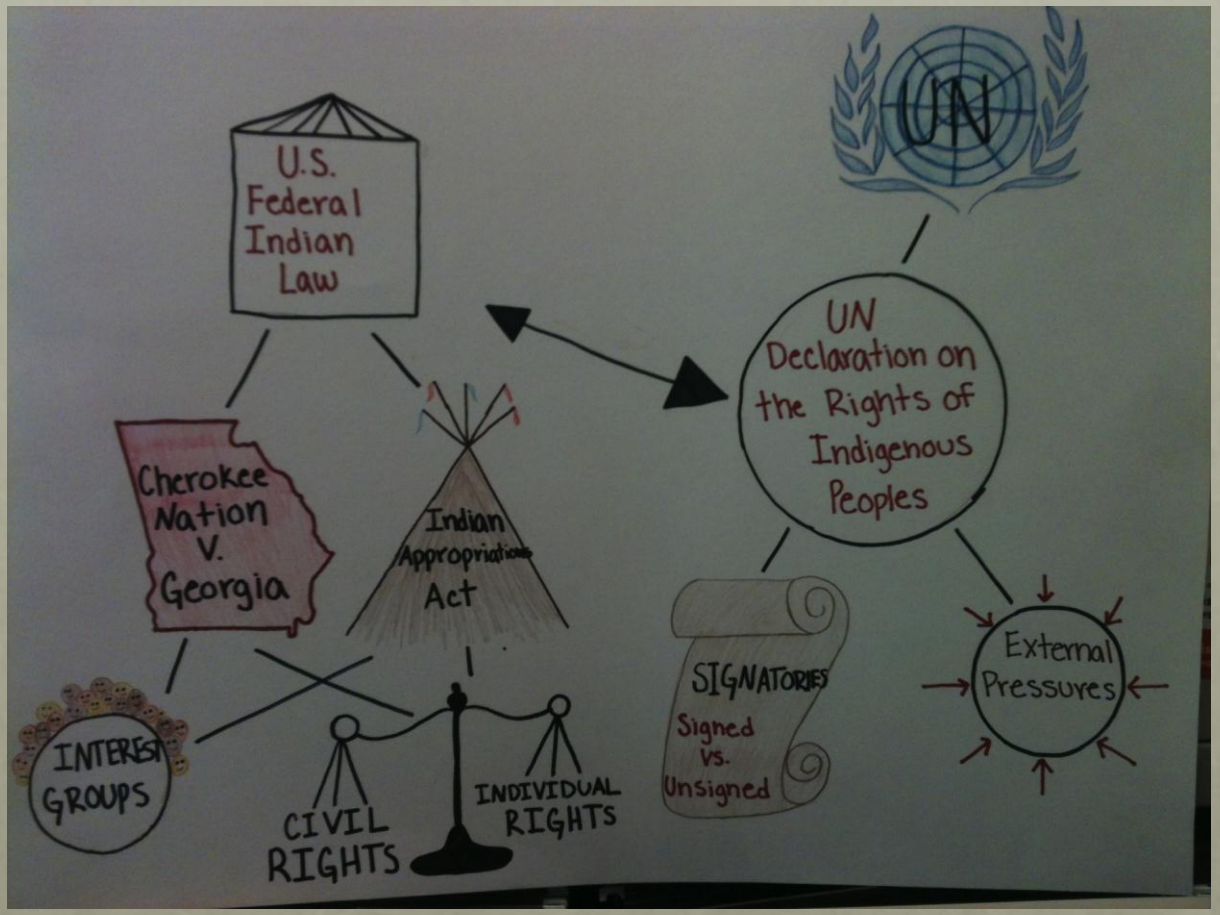

-Summer, 1867: Treaty of Medicine Lodge - Congress passed a law to confine the Plains tribes to small reservations where the Indians were expected to be "supervised and civilized."
-1906 Burke Act: This act amended a previous act (the Dawes act) to give the power to remove shares from trust before the time set by the Dawes Act, by declaring that the holders had "adopted the habits of civilized life." This act also changed the point at which the government would award citizenship from the granting of the share to the granting of the title.
-1911: Society of American Indians (The Society) Established and managed by American Indians who favored assimilation. They also lobbied for many reform issues, especially improved health care on reservations, citizenship, and a special court of claims for Indians.
-Spring, 1871: Indian Appropriation Act - Congressional Act specifying that no tribe from then on would be recognized as an independent nation the Government would make treaties with. Thereafter, policies with the Native Americas would be dealt with by passing Congressional statutes or executive orders.
-1896: Due to the Jim Crow laws, Indians were only viewed as second-class citizens
-1917 World War I: 17,000 Native Americans served in the armed forces when the United States entered the war. However, many Indians resisted the draft because they were not viewed as citizens and therefore couldn't vote or because they felt it would be an infringement of their tribal sovereignty.
-This Act took away more Indian rights and made them 'wards of the state' rather than sovereign nations within the state.
-Native Americans were forced on reservations and their land was taken from them by government orders.
-1891 Indian Education: A Congressional Act authorized "to make and enforce by proper means" rules and regulations to ensure that Indian children attended schools ruled and taught by non-Indians.
Indian Citizenship Act of 1924
-Made Native Americans citizens of the United States and gave them the right to vote.

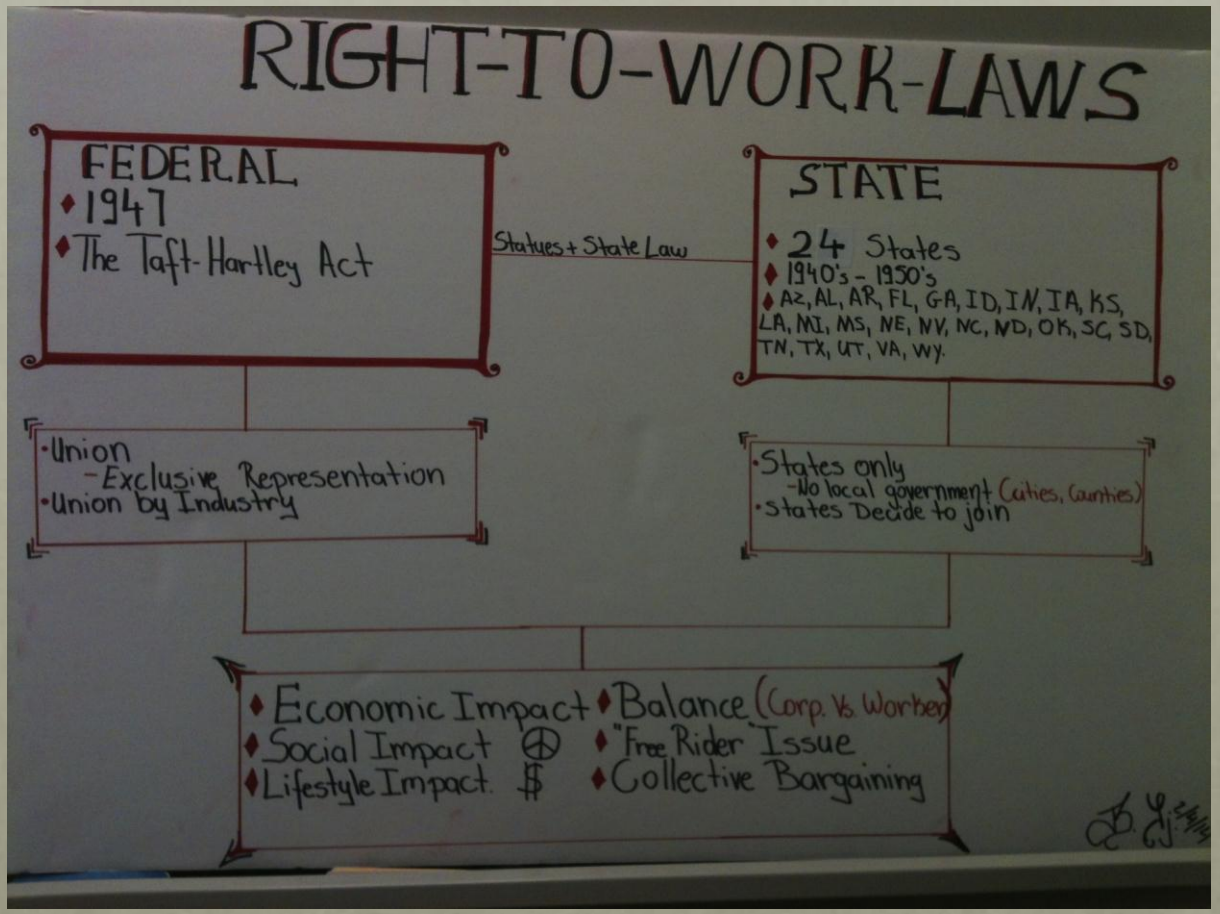

Prohibition: 18th Amendment
LIPS THAT TOUCH LIQUOR SHALL NOT TOUCH OURS
Teetotallers: Played a big role in the creation of the 18th Amend. Working all the way back in 1830!
The Law was not very popular with a great majority of the population (Chicago Study 1920's)
THE AMERICAN ISSUE
U.S. IS VOTED DRY
36th STATE RATIFIES DRY AMENDMENT JAN. 16
JANUARY 16, 1919, MOMENTOUS DAY IN WORLD'S HISTORY
18th Amendment: After nearly 100 years of trying for the prohibition, the law is passed in 1919.
DAILY MIRROR
FINAL
PROHIBITION ENDS AT LAST!
After 13 years, the 21st Amendment is passed nullifying the 18th

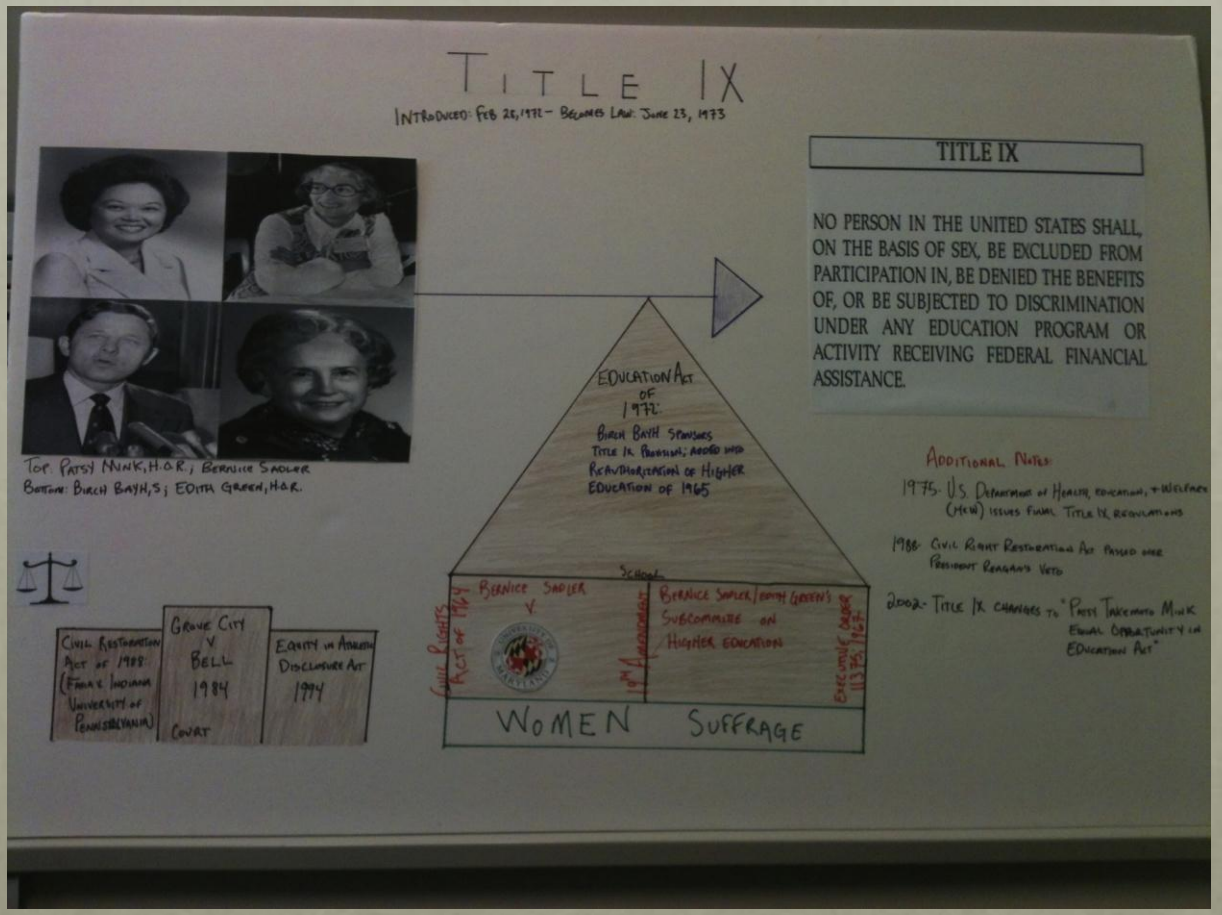

ABORTION LEGALIZED BY:
Roe v Wade
US Supreme Court Case
1973
Pro-Choice Camp
Pro-Life Camp
Led to Changes in
NE Law
LB 286
1973
Only used to "preserve the woman from imminent peril."
LB 23
1997
Outlawed partial birth abortions
LB 1103
2010
Protects unborn fetuses from abortion 20 weeks after gestation and on.

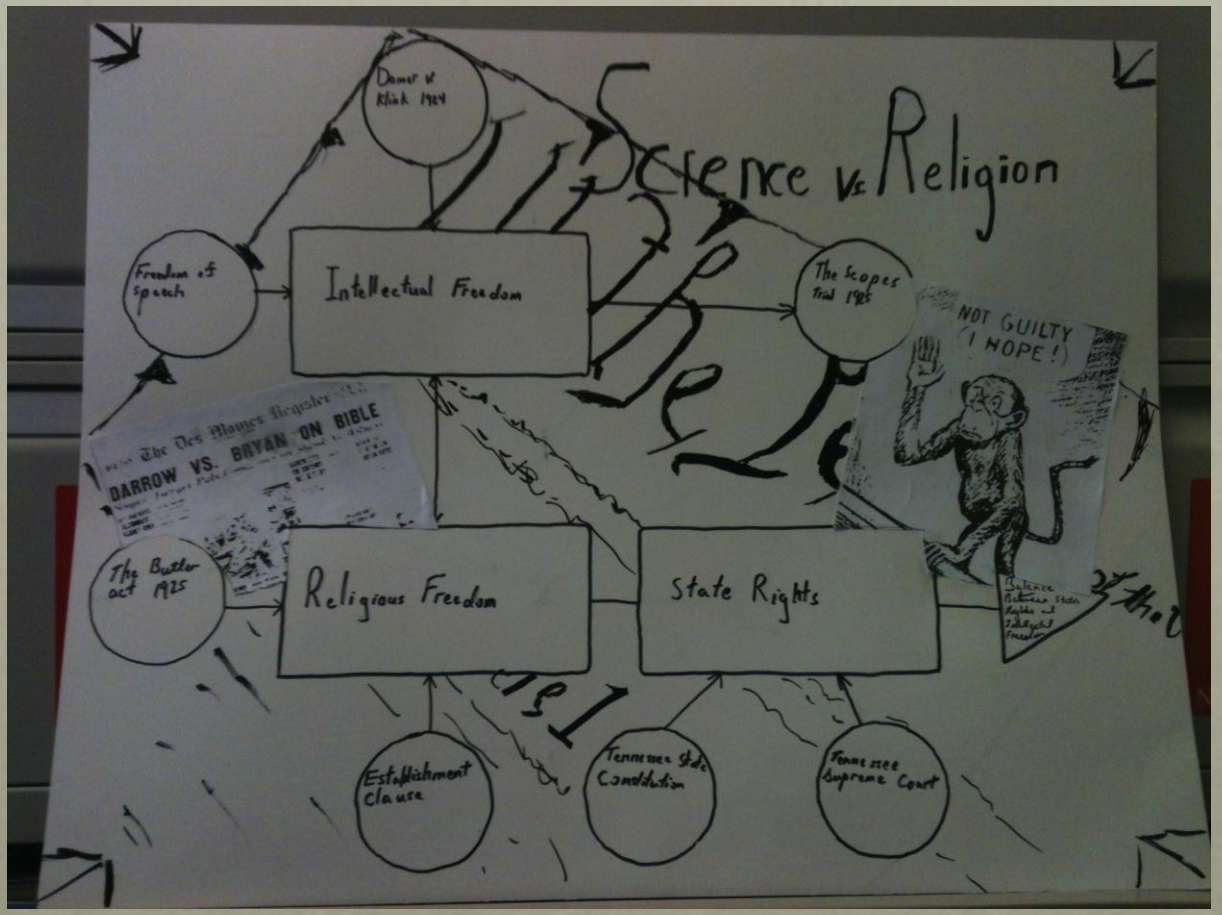

TAKE YOUR TRUNK AND GO TO HAR-LEM
Harlem
Widespread
Multi-Ethnic
Secret Six (AKA Civilian Vigilantes)
W.E.O.K.
Hoover
FBI
State Government
Prohibition-Era Criminality
Federal Government
POLICE DEPARTMENT
Police Codes (Police unprepared to deal with well armed and coordinated criminals
BILL
Laws and Regulations That Led to Criminals Gaining Power
Prohibition (Made criminals heroes in the public eye)
Banking Policies (banks woefully unprepared to cope with robberies)

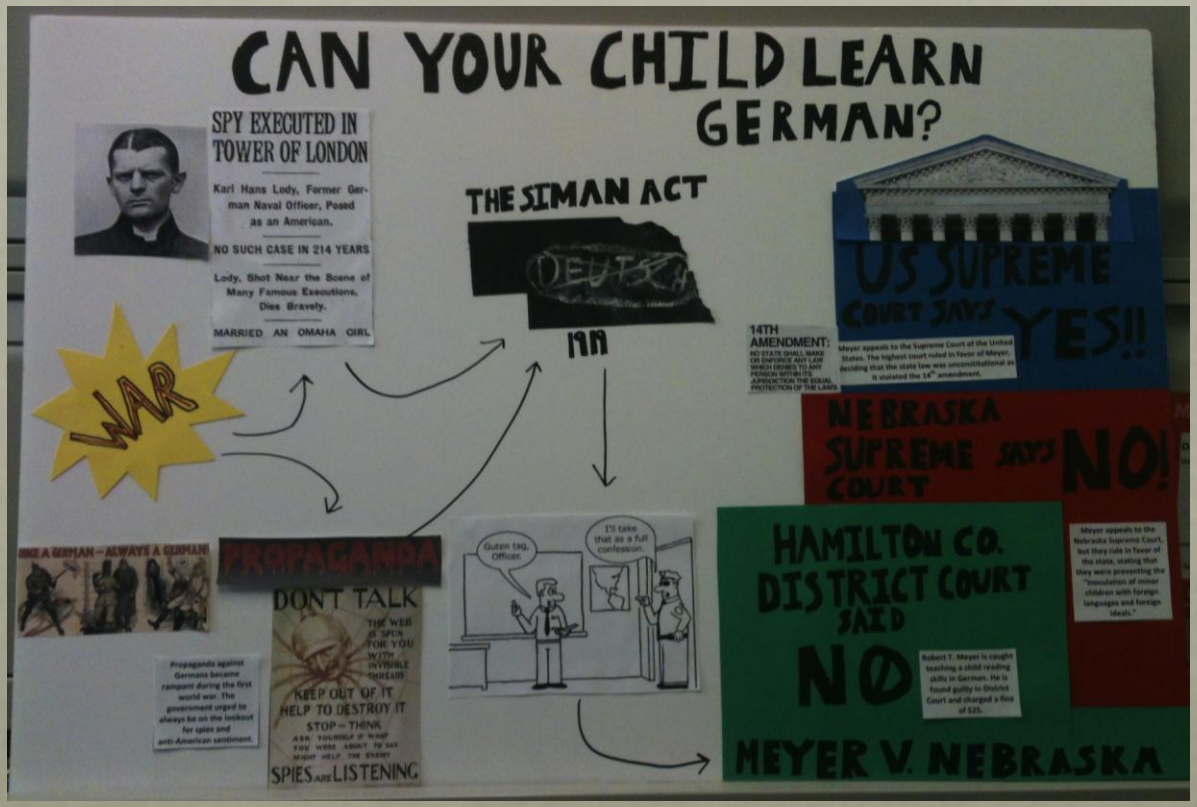

MORRILL ACT
FEDERAL
Land
Money
NEBRASKA
COMMUNITY
Land
Land
Money
Money
Food
TRIBAL
UNIVERSITIES


U.S. Federal Indian Law
UN
UN Declaration on the Rights of Indigenous Peoples
Cherokee Nation V. Georgia
Indian Appropriations Act
SIGNATORIES
Signed vs. Unsigned
External Pressures
INTEREST GROUPS
CIVIL RIGHTS
INDIVIDUAL RIGHTS


RIGHT-TO-WORK-LAWS
FEDERAL
♦ 1947
♦ The Taft-Hartley Act
Statues + State Law
STATE
♦ 24 States
♦ 1940's - 1950's
♦ Az, AL, AR, FL, GA, ID, IN, IA, KS, LA, MI, MS, NE, NV, NC, ND, OK, SC, SD, TN, TX, UT, VA, WY.
•Union
-Exclusive Representation
•Union by Industry
•States only
-No local government (Cities, Counties)
•States Decide to join
♦ Economic Impact
♦ Social Impact
♦ Lifestyle Impact
♦ Balance (Corp. Vs. Worker)
♦ "Free Rider" Issue
♦ Collective Bargaining


TITLE IX
INTRODUCED: FEB 28, 1972 – BECAMES LAW: JUNE 23, 1973
TOP: PATSY MINK, H.O.R.; BERNICE SADLER
BOTTOM: BIRCH BAYH, S; EDITH GREEN, H.O.R.
TITLE IX
NO PERSON IN THE UNITED STATES SHALL, ON THE BASIS OF SEX, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY EDUCATION PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE.
EDUCATION ACT OF 1972:
BIRCH BAYH SPONSORS TITLE IX PROVISION; ADDED INTO REAUTHORIZATION OF HIGHER EDUCATION OF 1965
ADDITIONAL NOTES:
1975: U.S. DEPARTMENT OF HEALTH, EDUCATION, + WELFARE (HEW) ISSUES FINAL TITLE IX REGULATIONS
1988: CIVIL RIGHT RESTORATION ACT PASSED OVER PRESIDENT REAGAN'S VETO
2002: TITLE IX CHANGES TO "PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT"
CIVIL RESTORATION ACT OF 1988 (FOUR: INDIANA UNIVERSITY OF PENNSYLVANIA)
GROVE CITY V BELL
1984
COURT
EQUITY IN ATHLETIC DISCLOSURE ACT
1994
CIVIL RIGHTS ACT OF 1964
BERNICE SADLER V.
BERNICE SADLER/EDITH GREEN'S SUBCOMMITTEE ON HIGHER EDUCATION
10TH AMENDMENT
EXECUTIVE ORDER 11375, 1967
WOMEN SUFFRAGE


Science Vs. Religion
Intellectual Freedom
Freedom of speech
The Scopes trial 1925
Religious Freedom
State Rights
The Butler act 1925
Establishment clause
Tennessee State Constitution
Tennessee Supreme Court
DARROW VS. BRYAN ON BIBLE
NOT GUILTY (I HOPE!)


CAN YOUR CHILD LEARN GERMAN?
SPY EXECUTED IN TOWER OF LONDON
Karl Hans Lody, Former German Naval Officer, Posed as an American.
NO SUCH CASE IN 214 YEARS
Lody, Shot Near the Scene of Many Famous Executions, Dies Bravely.
MARRIED AN OMAHA GIRL
THE SIMAN ACT
1918
WAR
US SUPREME COURT SAYS YES!!
14TH AMENDMENT:
Meyer appeals to the Supreme Court of the United States. The highest court ruled in favor of Meyer, deciding that the state law was unconstitutional as it violated the 14th amendment.
NEBRASKA SUPREME COURT SAYS NO!
Meyer appeals to the Nebraska Supreme Court, but they rule in favor of the state, stating that they were preventing the "inoculation of minor children with foreign languages and foreign ideals."
HAMILTON CO. DISTRICT COURT SAID NO
Robert T. Meyer is caught teaching a child reading skills in German. He is found guilty in District Court and charged a fine of $25.
MEYER V. NEBRASKA
PROPAGANDA
Propaganda against Germans became rampant during the first world war. The government urged to always be on the lookout for spies and anti-American sentiment.
DONT TALK
KEEP OUT OF IT HELP TO DESTROY IT
STOP—THINK
SPIES ARE LISTENING
Guten tag, Officer.
I'll take that as a full confession.

Terry v. Ohio

The Arrest

Cleveland police stop three men acting suspicious. Upon stopping the men, police search the men. The men are arrested When they find a weapon.

The trial

Defendant challenges the search as a violation of his 4th amendment rights. Court denies his plea and is convicted

Supreme Court

Ruled that "an officer may stop and search an individual without a warrant, or probable cause, if they believe the person is armed and dangerous."

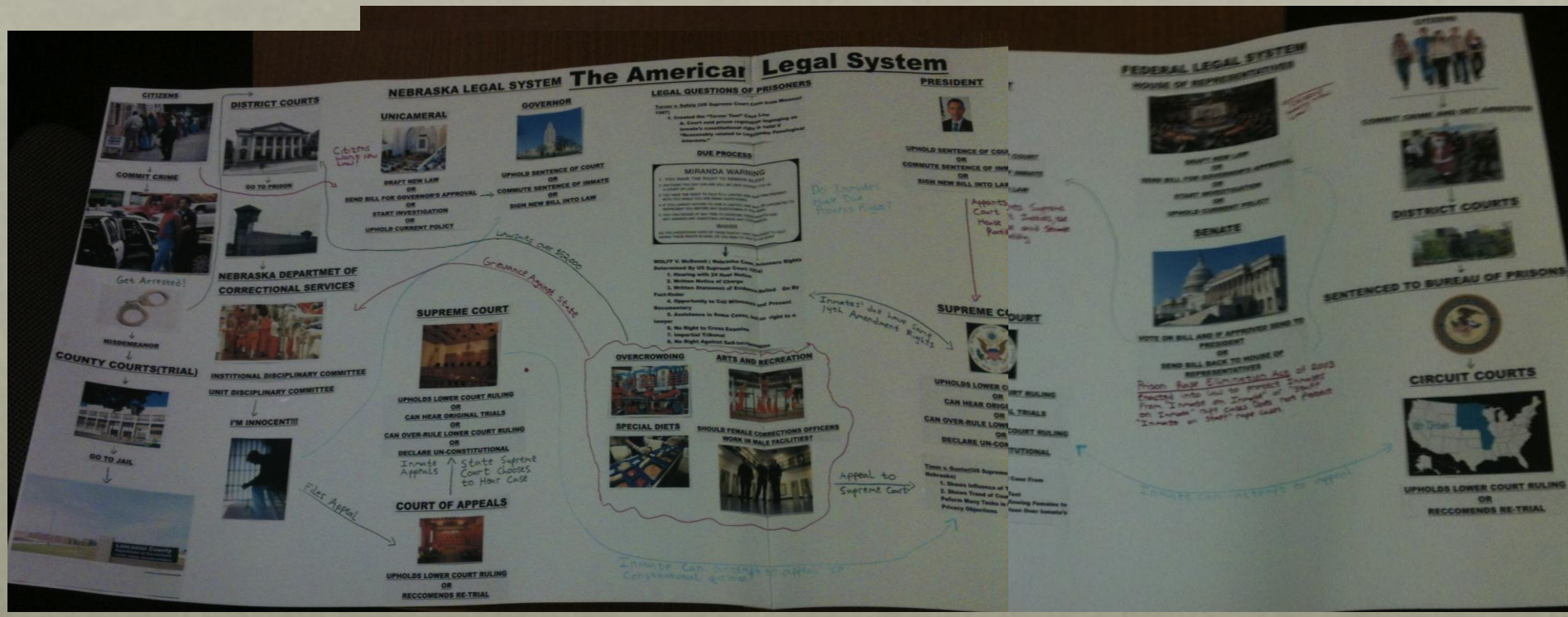
Outcome

Police are allowed to indiscriminately search anyone they feel like. The result was the police searching minorities at will.

Stop & Frisk Today

- The Terry v. Ohio decision is under fire around the country
- Protests in NYC declare the stop and frisk rule racist
- New NYC mayor vows to end stop and frisk practices of NYPD

Stops by Race	Pop. Percentage	Stop Percentage
White	47%	9%
Latino	27%	31%
Black	26%	53%


The American Legal System
NEBRASKA LEGAL SYSTEM
CITIZENS
COMMIT CRIME
Get Arrested!
MISDEMEANOR
COUNTY COURTS(TRIAL)
GO TO JAIL
DISTRICT COURTS
GO TO PRISON
NEBRASKA DEPARTMET OF CORRECTIONAL SERVICES
INSTITIONAL DISCIPLINARY COMMITTEE
UNIT DISCIPLINARY COMMITTEE
I'M INNOCENT!!!
Files Appeal
UNICAMERAL
DRAFT NEW LAW
OR
SEND BILL FOR GOVERNOR'S APPROVAL
OR
START INVESTIGATION
OR
UPHOLD CURRENT POLICY
GOVERNOR
UPHOLD SENTENCE OF COURT
OR
COMMUTE SENTENCE OF INMATE
OR
SIGN NEW BILL INTO LAW
SUPREME COURT
UPHOLDS LOWER COURT RULING
OR
CAN HEAR ORIGINAL TRIALS
OR
CAN OVER-RULE LOWER COURT RULING
OR
DECLARE UN-CONSTITUTIONAL
Inmate Appeals
State Supreme Court Chooses to Hear Case
COURT OF APPEALS
UPHOLDS LOWER COURT RULING
OR
RECCOMENDS RE-TRIAL
LEGAL QUESTIONS OF PRISONERS
DUE PROCESS
MIRANDA WARNING
OVERCROWDING
ARTS AND RECREATION
SPECIAL DIETS
SHOULD FEMALE CORRECTIONS OFFICERS WORK IN MALE FACILITIES?
PRESIDENT
UPHOLD SENTENCE OF COU
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SUPREME C
UPHOLDS LOWER C
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CAN OVER-RULE LOW
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DECLARE UN-CON
Appeal to Supreme Court
FEDERAL LEGAL SYSTEM
HOUSE OF REPRESENTATIVES
SENATE
VOTE ON BILL AND IF APPROVED SEND TO PRESIDENT
OR
SEND BILL BACK TO HOUSE OF REPRESENTATIVES
DISTRICT COURTS
SENTENCED TO BUREAU OF PRISONS
CIRCUIT COURTS
UPHOLDS LOWER COURT RULING
OR
RECCOMENDS RE-TRIAL

Appendix C: Digital Poster PowerPoint Presentations

The Morrill Act

Education For All...
Except For Those Whose Land Was Stolen

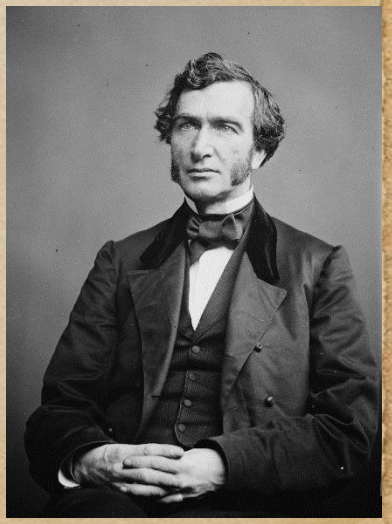
Katherine
McDermott

The Morrill Act

The Morrill Act was the first time that the federal government had gotten involved in education. Agriculture was an important industry in 1862 and there was anxiety about what would happen to agriculture after the Civil War.

The Morrill Act answered the anxiety by educating people about agriculture. Native Americans did not have citizenship and were not included in the Morrill Act. Native Americans were forced onto reservations and were denied an education in agriculture.

It would not be until Native Americans were allowed control over education and tribal colleges were given land-grant funding that they were able to get an agriculture education.



Justin Morrill, creator of the Morill Act

Native Americans and Education

1830 - The Indian Removal Act was passed and Native American tribes were removed from states and territories.

1862 - The Morrill Act was passed which provided funding for states and territories to establish agricultural schools.

1890 - The Second Morrill Act was passed to ensure equality in education.

1934 - The Meriam Report exposed the inadequacies of federal education for Native Americans.

1972 - The Indian Education Act allowed Native American tribes to control education.

1830's → 1862 → 1890 → 1934 → 1972

Indian Removal Act 1830

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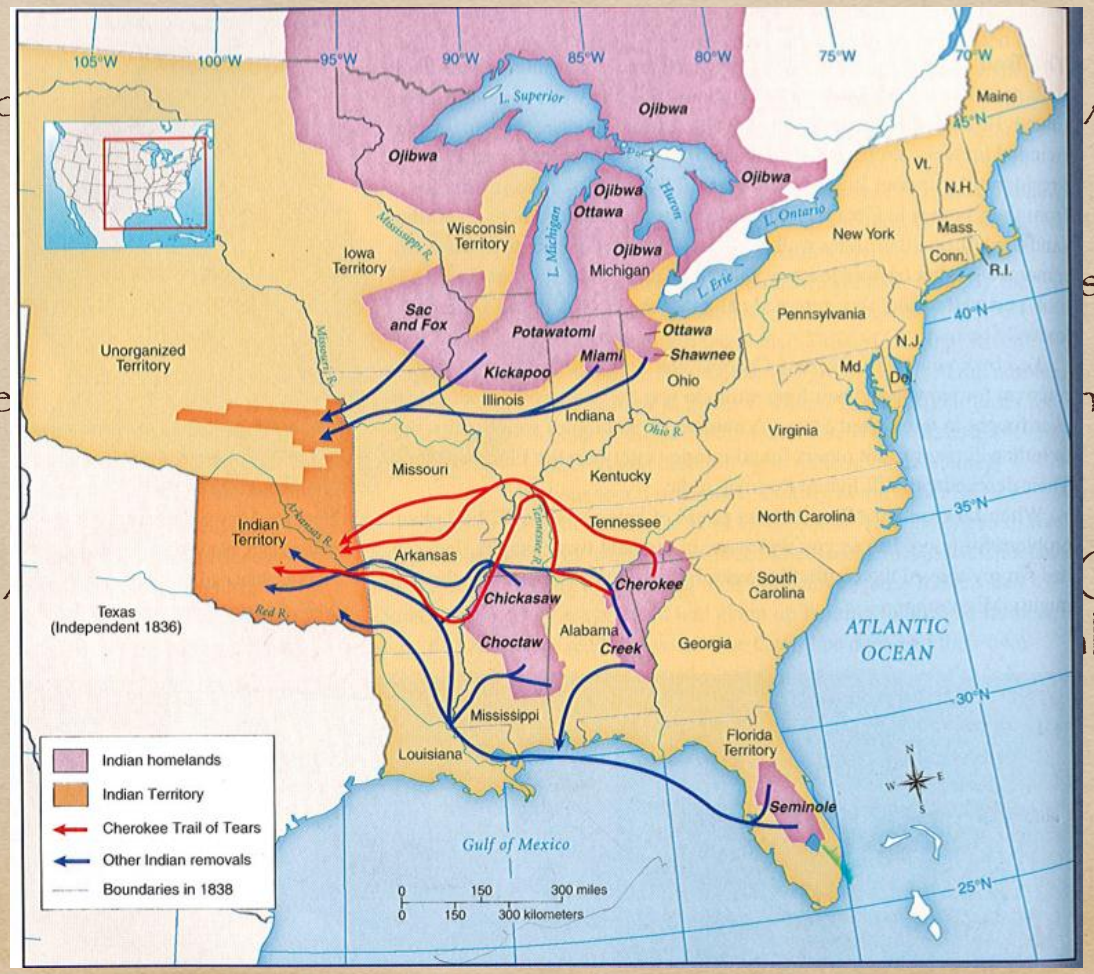
- Native Congress gave $ l schools



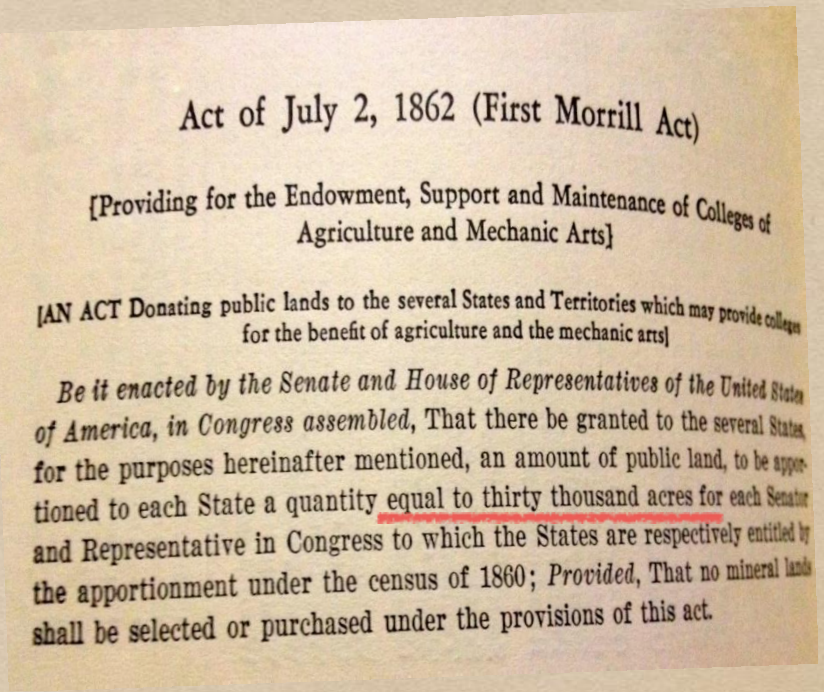
Native Americans after the Indian Removal Act

- Native Americans were moved to smaller reservations to give the good land to white homesteaders.
- After being forced onto reservations, most Native Americans got very little in the way of a primary education.
- Starting in the 1880s, government boarding schools were created to provide a primary education for Native Americans.
- The boarding schools were meant to enforce assimilation and provide a very basic education.
- Most Native Americans were not prepared for a college education.

Native American children at boarding school

The Morrill Act of 1862

- An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.
- Provides 30,000 acres, which can either be sold to fund the school or used by the school for academic purposes.



Act of July 2, 1862 (First Morrill Act)

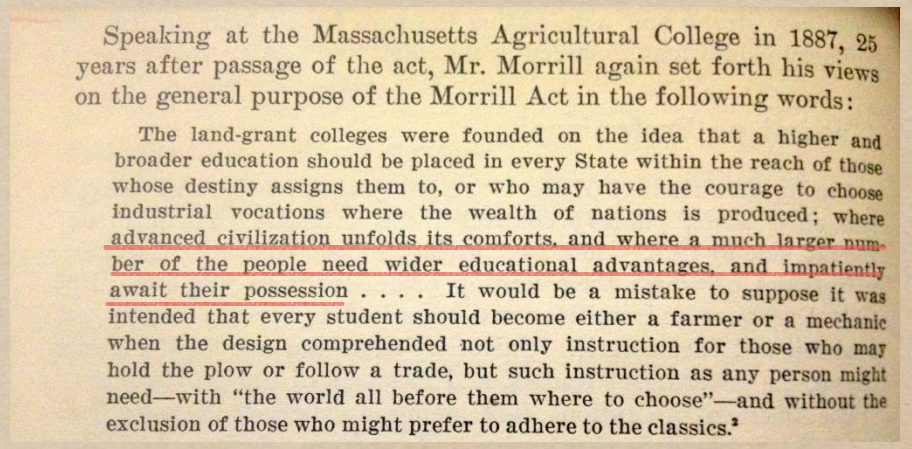
[Providing for the Endowment, Support and Maintenance of Colleges of Agriculture and Mechanic Arts]

[AN ACT Donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts]

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860; *Provided*, That no mineral lands shall be selected or purchased under the provisions of this act.

Morrill Act of 1862

- The 1850s saw a decline in agriculture production.
- Roughly 2 million bushels of wheat in 1840 dropped to roughly 1 million bushels in 1850.
- There was a economic recession in 1857.
- By 1860 most of the area of the Louisiana Purchase had been formed into territories or states.
- The Morrill Act was created to provide an education in agriculture for students across the country.

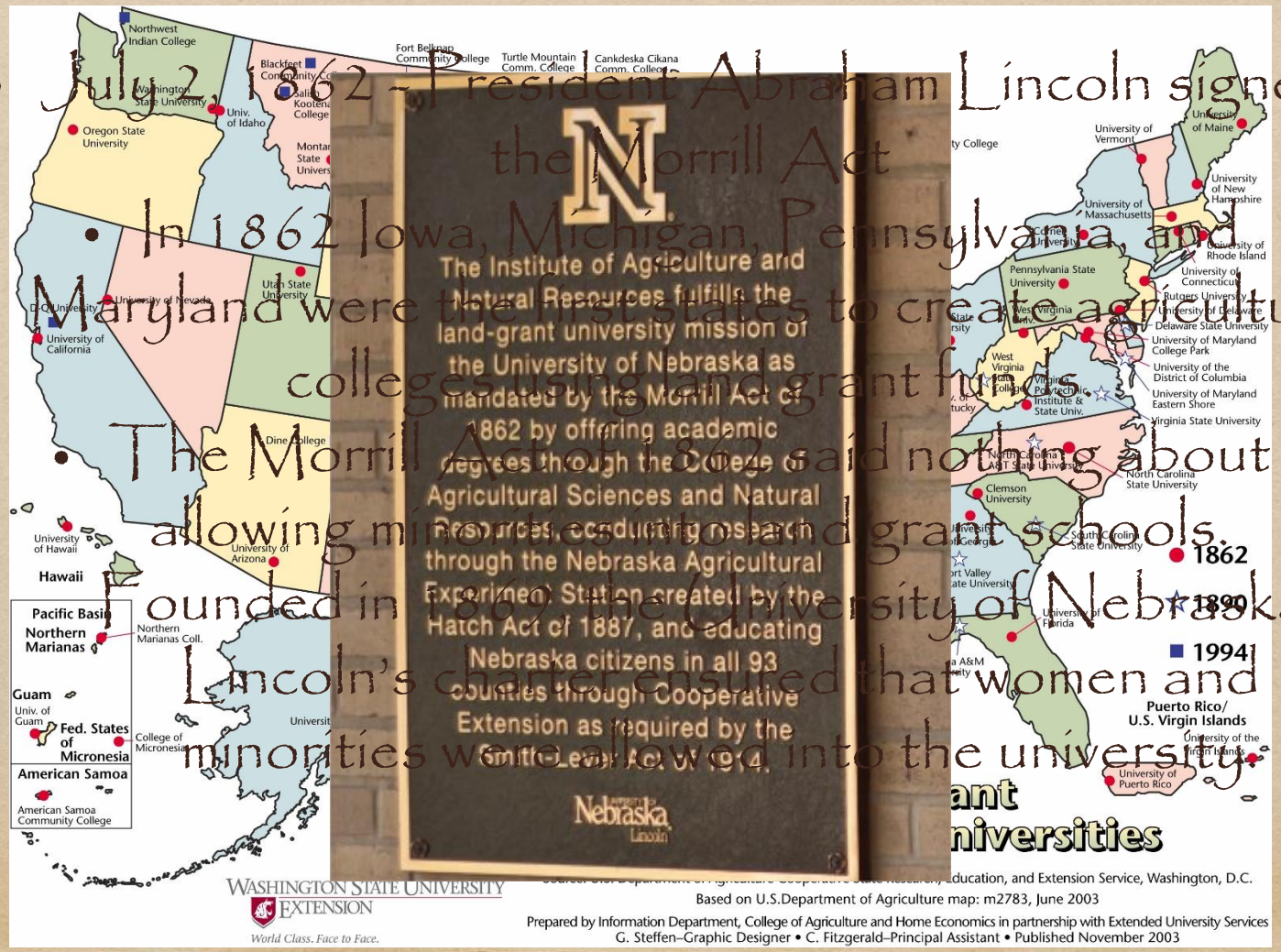


Speaking at the Massachusetts Agricultural College in 1887, 25 years after passage of the act, Mr. Morrill again set forth his views on the general purpose of the Morrill Act in the following words:

> The land-grant colleges were founded on the idea that a higher and broader education should be placed in every State within the reach of those whose destiny assigns them to, or who may have the courage to choose industrial vocations where the wealth of nations is produced; where advanced civilization unfolds its comforts, and where a much larger number of the people need wider educational advantages, and impatiently await their possession . . . . It would be a mistake to suppose it was intended that every student should become either a farmer or a mechanic when the design comprehended not only instruction for those who may hold the plow or follow a trade, but such instruction as any person might need—with "the world all before them where to choose"—and without the exclusion of those who might prefer to adhere to the classics.[2]

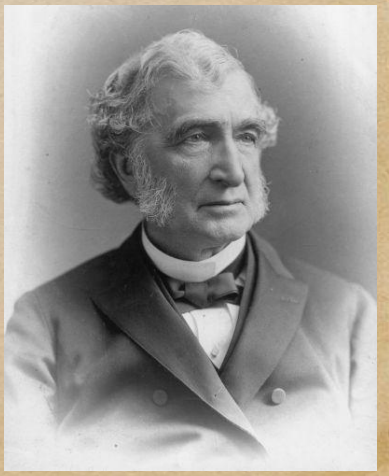
Land Grant Schools

- July 2, 1862 - President Abraham Lincoln signed the Morrill Act
- In 1862 Iowa, Michigan, Pennsylvania, and Maryland were the first states to create agriculture colleges using land grant funds.
- The Morrill Act of 1862 said nothing about allowing minorities to land grant schools.
- Founded in 1869 the University of Nebraska - Lincoln's charter ensured that women and minorities were allowed into the university.



The Second Morrill Act of 1890

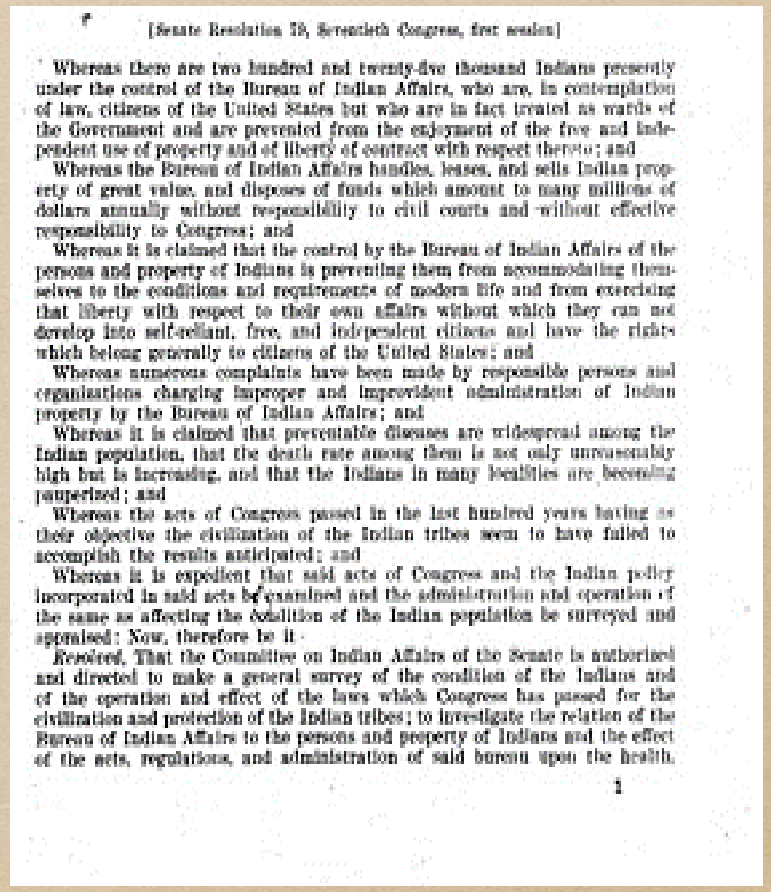
- By the early 1870s Congressman Justin Morrill wanted to provide even more funding to universities.
- In this act, no federal grants or funds were allowed to go to universities which denied admission to African Americans.
- In the 1890s, 17 states created separate land grant universities for African American students.
- Native Americans were not included.



Justin Morrill, creator of the Morill Act

The Meriam Report

- In 1926 a study was conducted to look into the affairs of Native Americans.
- This study looked at health, economy, and education.
- It found that Native Americans were in need of an education.
- The Meriam report stated that Native American education should focus on preparing children to be integrated into the majority culture.



[Senate Resolution 79, Seventieth Congress, first session]

Whereas there are two hundred and twenty-five thousand Indians presently under the control of the Bureau of Indian Affairs, who are, in contemplation of law, citizens of the United States but who are in fact treated as wards of the Government and are prevented from the enjoyment of the free and independent use of property and of liberty of contract with respect thereto; and

Whereas the Bureau of Indian Affairs handles, leases, and sells Indian property of great value, and disposes of funds which amount to many millions of dollars annually without responsibility to civil courts and without effective responsibility to Congress; and

Whereas it is claimed that the control by the Bureau of Indian Affairs of the persons and property of Indians is preventing them from accommodating themselves to the conditions and requirements of modern life and from exercising that liberty with respect to their own affairs without which they can not develop into self-reliant, free, and independent citizens and have the rights which belong generally to citizens of the United States; and

Whereas numerous complaints have been made by responsible persons and organizations charging improper and improvident administration of Indian property by the Bureau of Indian Affairs; and

Whereas it is claimed that preventable diseases are widespread among the Indian population, that the death rate among them is not only unreasonably high but is increasing, and that the Indians in many localities are becoming pauperized; and

Whereas the acts of Congress passed in the last hundred years having as their objective the civilization of the Indian tribes seem to have failed to accomplish the results anticipated; and

Whereas it is expedient that said acts of Congress and the Indian policy incorporated in said acts be examined and the administration and operation of the same as affecting the condition of the Indian population be surveyed and appraised: Now, therefore be it

Resolved, That the Committee on Indian Affairs of the Senate is authorized and directed to make a general survey of the condition of the Indians and of the operation and effect of the laws which Congress has passed for the civilization and protection of the Indian tribes; to investigate the relation of the Bureau of Indian Affairs to the persons and property of Indians and the effect of the acts, regulations, and administration of said bureau upon the health,

1

Indian Education Act of 1972

- This act focused on elementary and secondary schools.
- This finally put Native Americans in control of their schools
- The Indian Education Act led to tribally controlled colleges.
- The Equality in Educational Land-Grant Status Act of 1994 made tribal colleges into land-grant universities.
- Finally Native Americans were getting quality education on the land they had fought to keep.

Further Readings

- Brunner, Henry S. Land-Grant Colleges and Universities: 1862-1962. Washington D.C.: United States Government Printing Office, 1962.

- Oppelt, Norman T. The Tribally Controlled Indian Colleges: The Beginnings of Self Determination In American Indian Education. Tsaile, Arizona: Navajo Community College Press, 1990.

- Reyhner, Jon, and Jeanne Eder. American Indian Education: A History. Norman: University of Oklahoma Press, 2004.

Terry v. Ohio

The Origins of Stop and Frisk

By Grant Krieger

Synopsis

- John Terry was arrested for carrying a weapon after being stopped on the street.
- The case progressed to the Supreme Court
- The Supreme Court ruled that an officer can stop a person on the street and frisk them if they have reasonable suspicion that the person is armed or dangerous.
- Thus the **STOP AND FRISK** ruling.

Cleveland police arrest John Terry for carrying a weapon that was found after a search of his person.

1963

1964

Terry is convicted after defense fails to get evidence thrown out

US Supreme Court rules in favor of Ohio, creating the Stop and Frisk law.

1968

2011

Over 800k people stopped and frisked in NYC due to department policy.

NYC judge rules Stop and Frisk practice unconstitutional.

2013

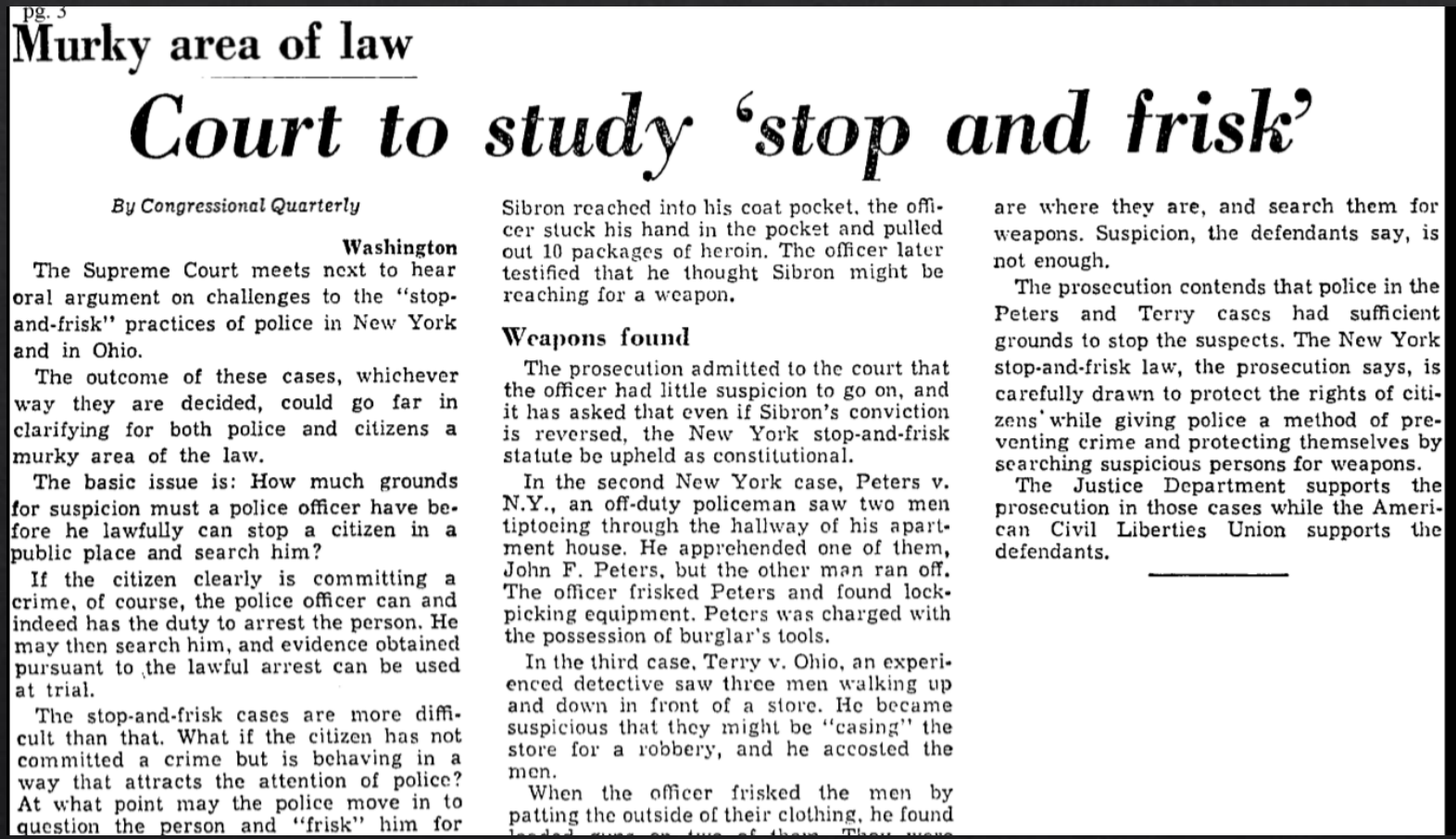
The Beginning
October 31, 1963

Detective Martin McFadden notices two men walking back and forth in front of a Cleveland store. Believing that a crime is about to be committed, he approaches the men. McFadden confronts the me and reaches inside the coat of John Terry. McFadden finds a weapon and arrests Terry.

The Trial

Defense argues that Terry's 4th Amendment rights were violated and the weapon should be thrown out as evidence.

Judge disagrees and the evidence is allowed to be used.



pg. 3

Murky area of law

Court to study 'stop and frisk'

By Congressional Quarterly

Washington

The Supreme Court meets next to hear oral argument on challenges to the "stop-and-frisk" practices of police in New York and in Ohio.

The outcome of these cases, whichever way they are decided, could go far in clarifying for both police and citizens a murky area of the law.

The basic issue is: How much grounds for suspicion must a police officer have before he lawfully can stop a citizen in a public place and search him?

If the citizen clearly is committing a crime, of course, the police officer can and indeed has the duty to arrest the person. He may then search him, and evidence obtained pursuant to the lawful arrest can be used at trial.

The stop-and-frisk cases are more difficult than that. What if the citizen has not committed a crime but is behaving in a way that attracts the attention of police? At what point may the police move in to question the person and "frisk" him for

Sibron reached into his coat pocket, the officer stuck his hand in the pocket and pulled out 10 packages of heroin. The officer later testified that he thought Sibron might be reaching for a weapon.

Weapons found

The prosecution admitted to the court that the officer had little suspicion to go on, and it has asked that even if Sibron's conviction is reversed, the New York stop-and-frisk statute be upheld as constitutional.

In the second New York case, Peters v. N.Y., an off-duty policeman saw two men tiptoeing through the hallway of his apartment house. He apprehended one of them, John F. Peters, but the other man ran off. The officer frisked Peters and found lock-picking equipment. Peters was charged with the possession of burglar's tools.

In the third case, Terry v. Ohio, an experienced detective saw three men walking up and down in front of a store. He became suspicious that they might be "casing" the store for a robbery, and he accosted the men.

When the officer frisked the men by patting the outside of their clothing, he found

are where they are, and search them for weapons. Suspicion, the defendants say, is not enough.

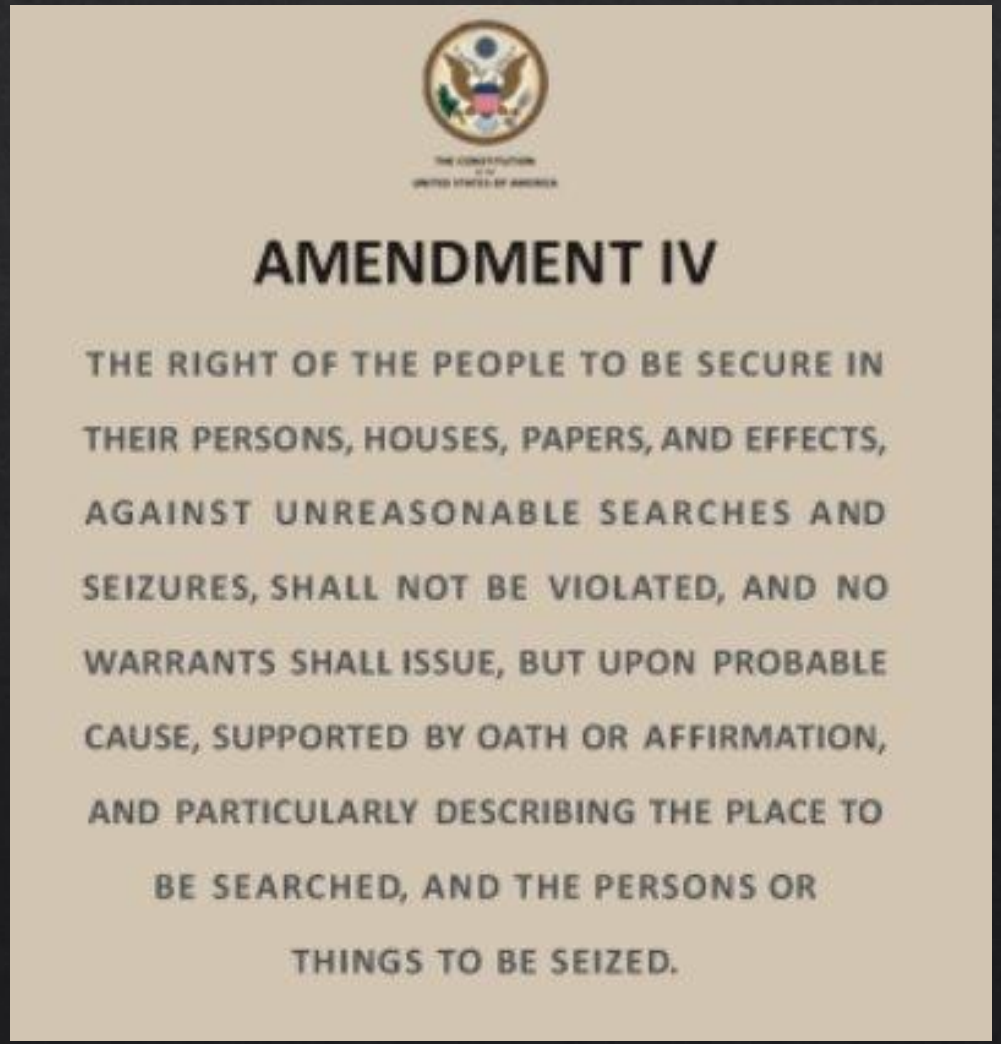
The prosecution contends that police in the Peters and Terry cases had sufficient grounds to stop the suspects. The New York stop-and-frisk law, the prosecution says, is carefully drawn to protect the rights of citizens while giving police a method of preventing crime and protecting themselves by searching suspicious persons for weapons.

The Justice Department supports the prosecution in those cases while the American Civil Liberties Union supports the defendants.

4th Amendment Rights

The 4th Amendment

The entire case was hinged on whether the 4th amendment rights of Terry were violated.



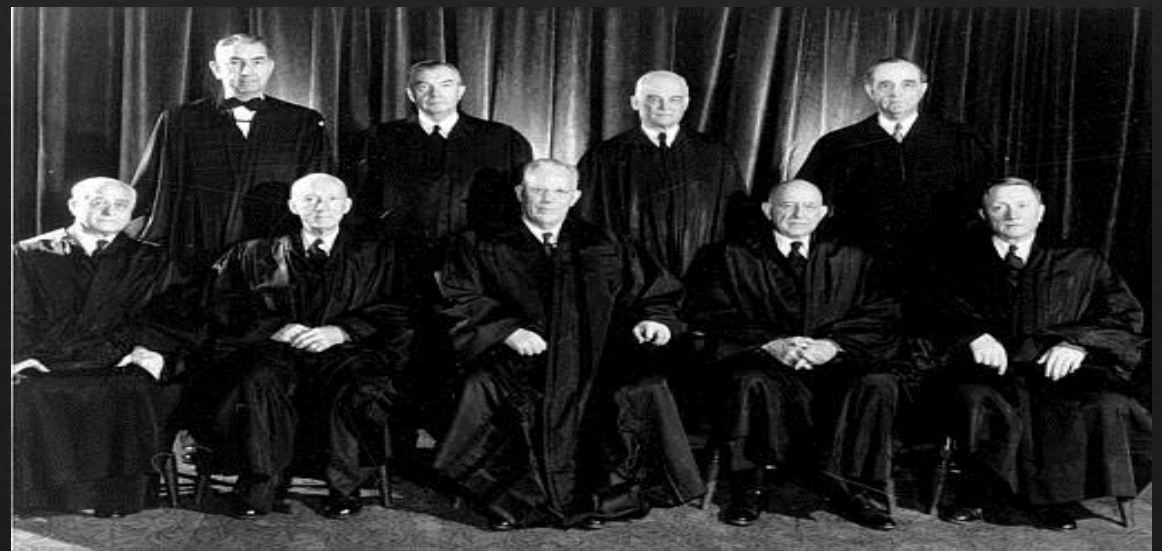
AMENDMENT IV

THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED.

The Supreme Court

4th Amendment vs. Officer Safety

The Supreme Court ruled that "Police may stop a person if they have reasonable suspicion that the suspect is armed and dangerous."



Aftermath

- Police are allowed and begin to stop anyone they want on the streets.
- Minorities become the target of police
- Although there is no racial wording in the law, it is seen as:

One of the most racially based laws on the books

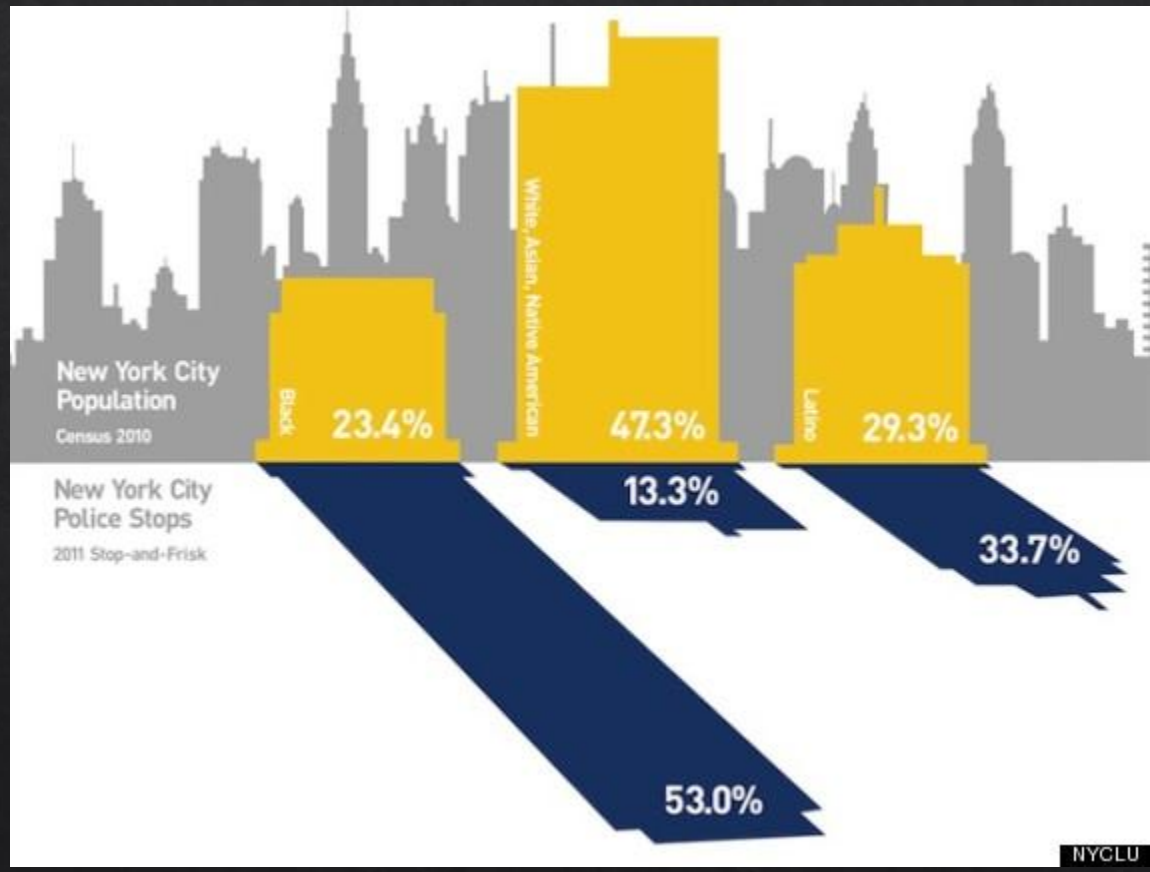
Stop and Frisk Today

2011 NYC police policy under fire.

2012 Peaceful protest to stop racial profiling fill NYC streets

2013 NYC Judge rules police policy regarding stop and frisk unconstitutional.

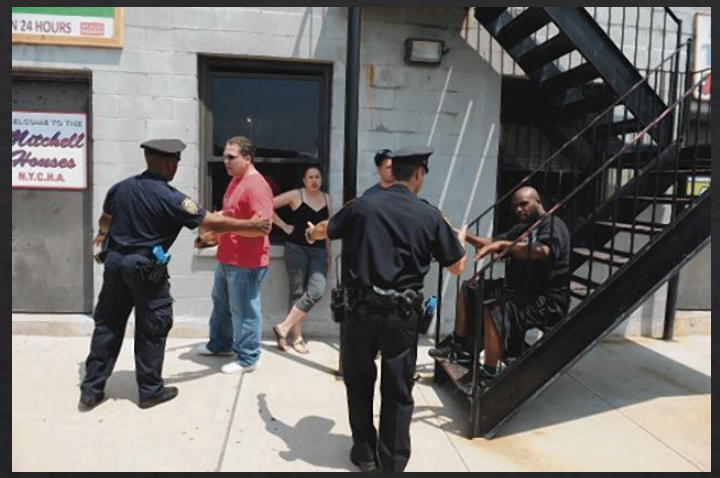
2014 New NYC Mayor drops challenge to judge's ruling



Litigation After Terry v. Ohio

- Florida v. J.L.
- Ybara v. Illinois
- Minnesota v. Dickerson
- Brendlin v. California
- Maryland v. Wilson
- Pennsylvania v. Mimms
- Muehler v. Mena
- Alabama v. White

More Reading

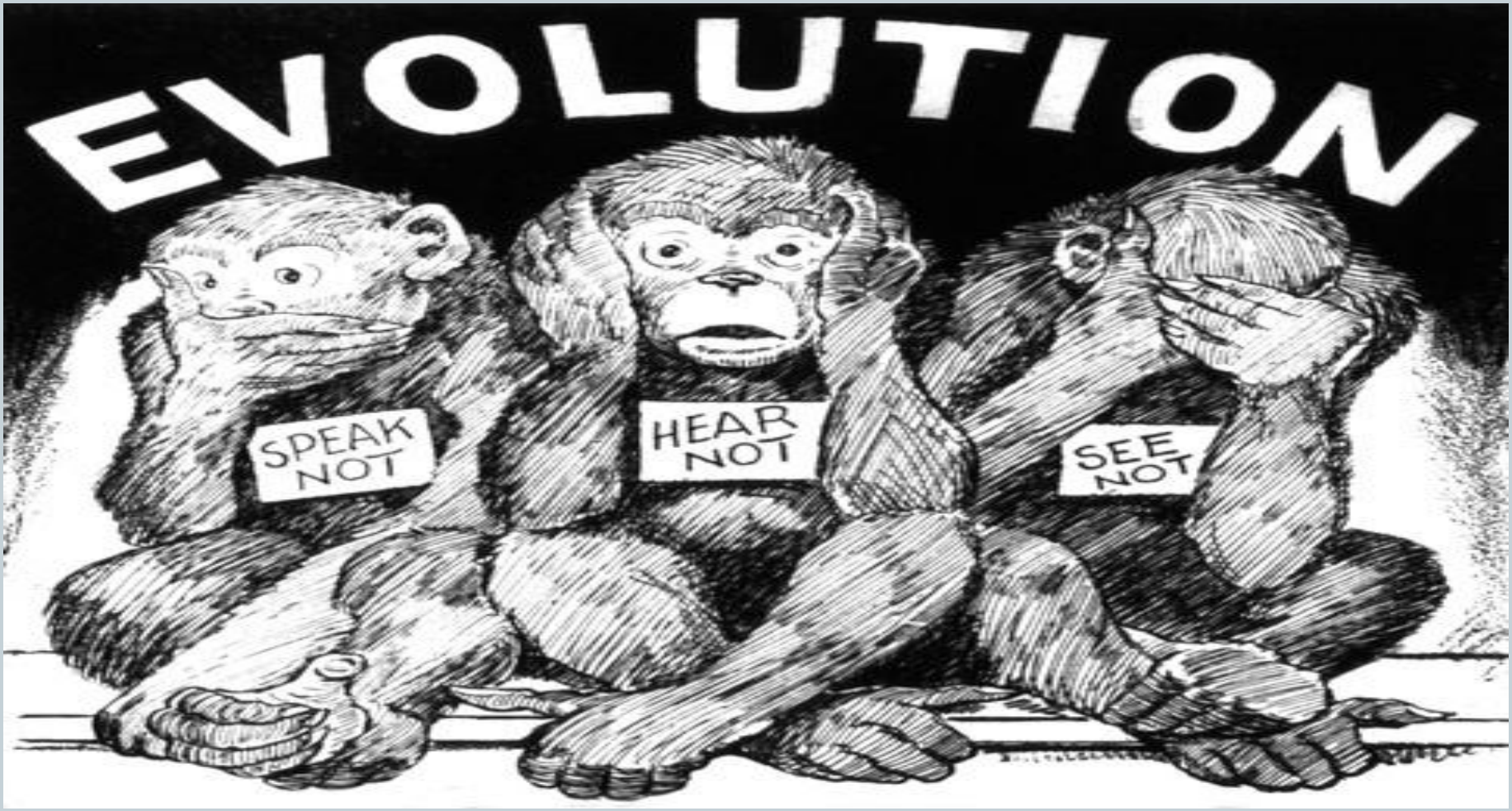


Beekman, Daniel. "Court-ordered stop-and-frisk reform process may end after five years." *Daily News*, , sec. Local, March 05, 2014. http://www.nydailynews.com/new-york/nyc-crime/stop-and-frisk-reform-process-years-article-1.1711228 (accessed March 08,2014).

"TERRY v. OHIO," The Oyez Project at IIT Chicago-Kent College of Law, accessed March 11, 2014,

Terry v. Ohio Case Brief

State of Tennessee V. John Scopes. Dayton, Tennessee 1925. Ryan Briggs



Question:

Who decides what get taught in schools- should we teach values or knowledge?

Is it fair for the majority to legislate it's values on the minority?

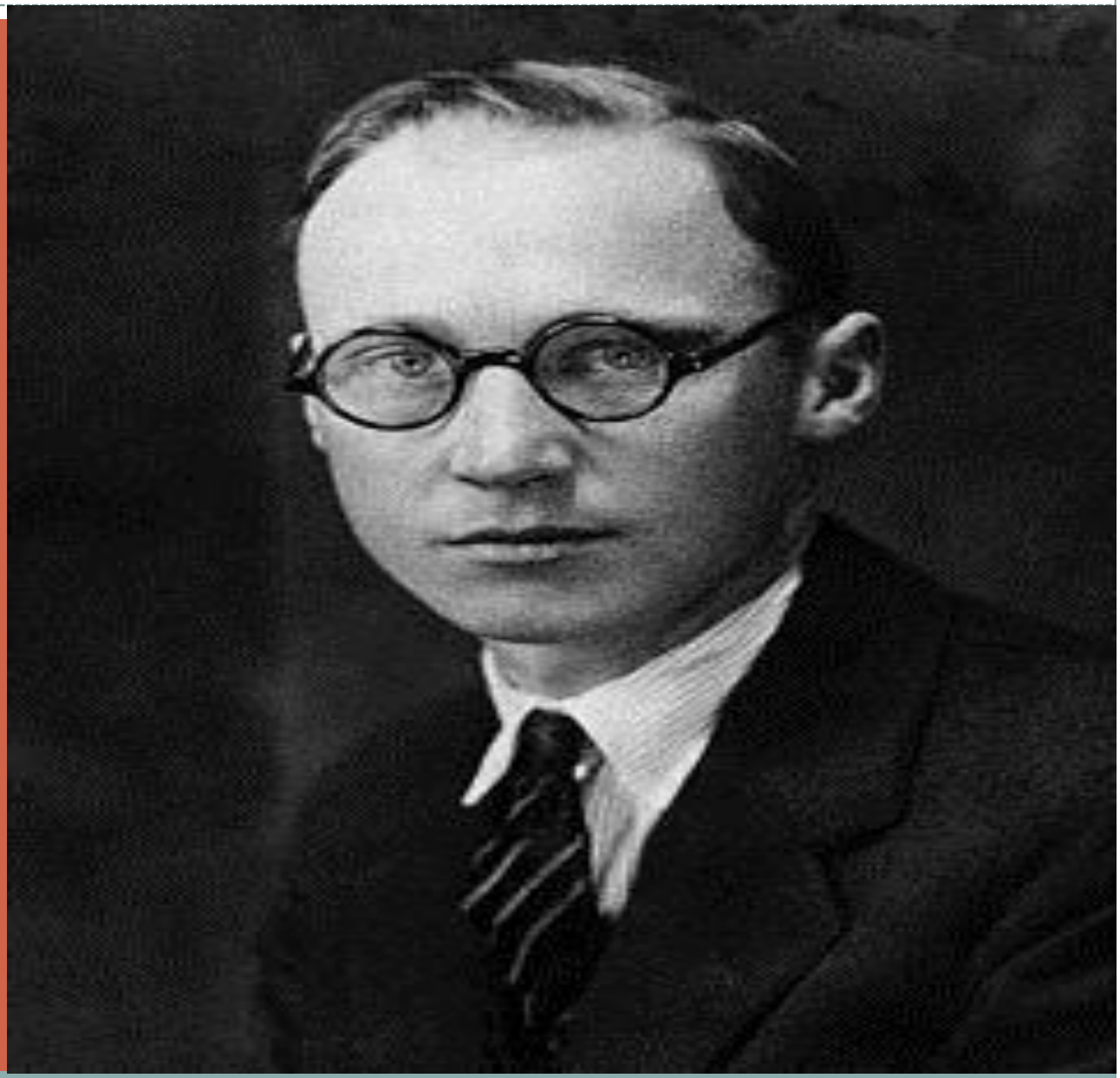
Introduction

- In 1859 Scientist Charles Darwin publishes *"On the Origin of Species"*.
- After World War I several states attempted to pass anti-evolution.
- In 1924 David Domer of Midland College in Fremont, Nebraska was involved in a case that was on the surface an slander suit, but underneath it was about his Darwinian ideas.
- In 1925 Tennessee House Representative John Butler lobbied the state legislatures to ban evolution from public schools. The bill was called the Butler Act
- The America Civil Liberties Union (ACLU) offers anyone in Tennessee their legal support if they will provide case to test out the new law.

The Defendant: John Scopes

Occupation: Educator

Role in Scopes trial: Scopes agree with local men from Dayton to stand trial for teaching students evolution. Later in life Scopes would acknowledge that while he did teach science in class he never taught students about Darwinism.



Attorney for the Defense: Clarence Darrow

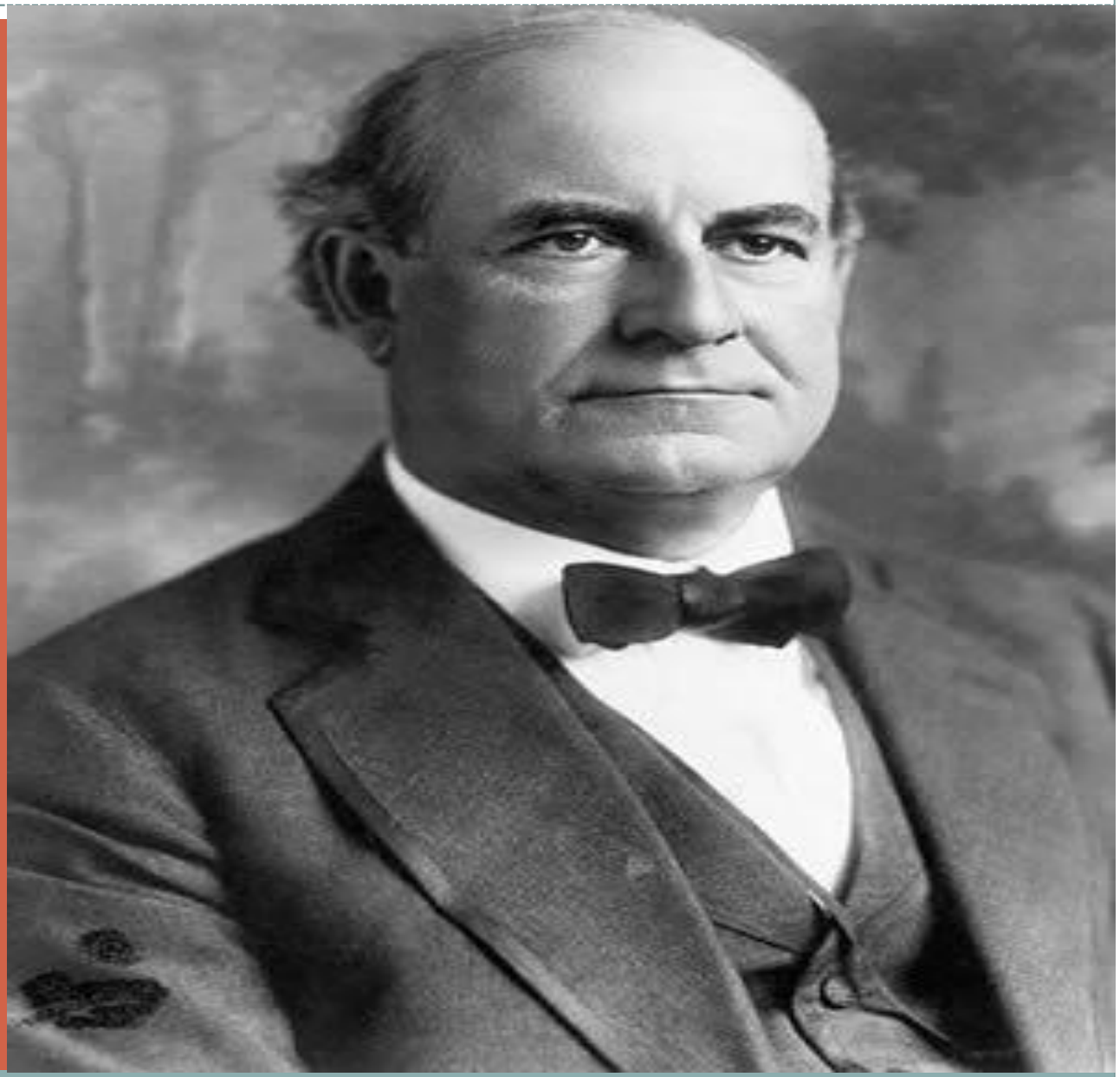
Occupation: U.S. Lawyer

Role in Trial: Darrow was a life long atheist who volunteered his services to the ACLU and John Scopes. Darrow's real goal in defending Scopes was to confront William Jennings Bryan who was servicing as assistant to the prosecution.

The Prosecution: William Jennings Bryan

Occupation: Lawyer, Politician (41st United States Secretary of State).

Role in Scopes Trial: After close to 35 years worth of political activity that included three presidential runs for the White House; Bryan would take on his great challenge: Darwinism. Bryan was instrumental in campaigning for banning Darwinian theory of evolution in public school.



Defense's Arguments

Tennessee legislators used the Butler Act to prevent John Scopes and other teachers from teaching evolution, therefore violating their rights to academic, and individual freedom.

"... the majority, acting through the legislature, cannot define the tenets of science or religion for individual public school teachers or students". John R. Neal, John Scopes 's attorney for his hearing on May 9, 1925.

Prosecution's Argument

The theory of evolution lack's scientific proof for it the be taught in public schools. Evolution undermines, and threatens the spiritual values of the majority. The majority ought to control the content of what is taught to the children in public schools.

" I object to the Darwinian theory, because I fear we shall lose the consciousness of God's presence in our daily life, …." William Jennings Bryan

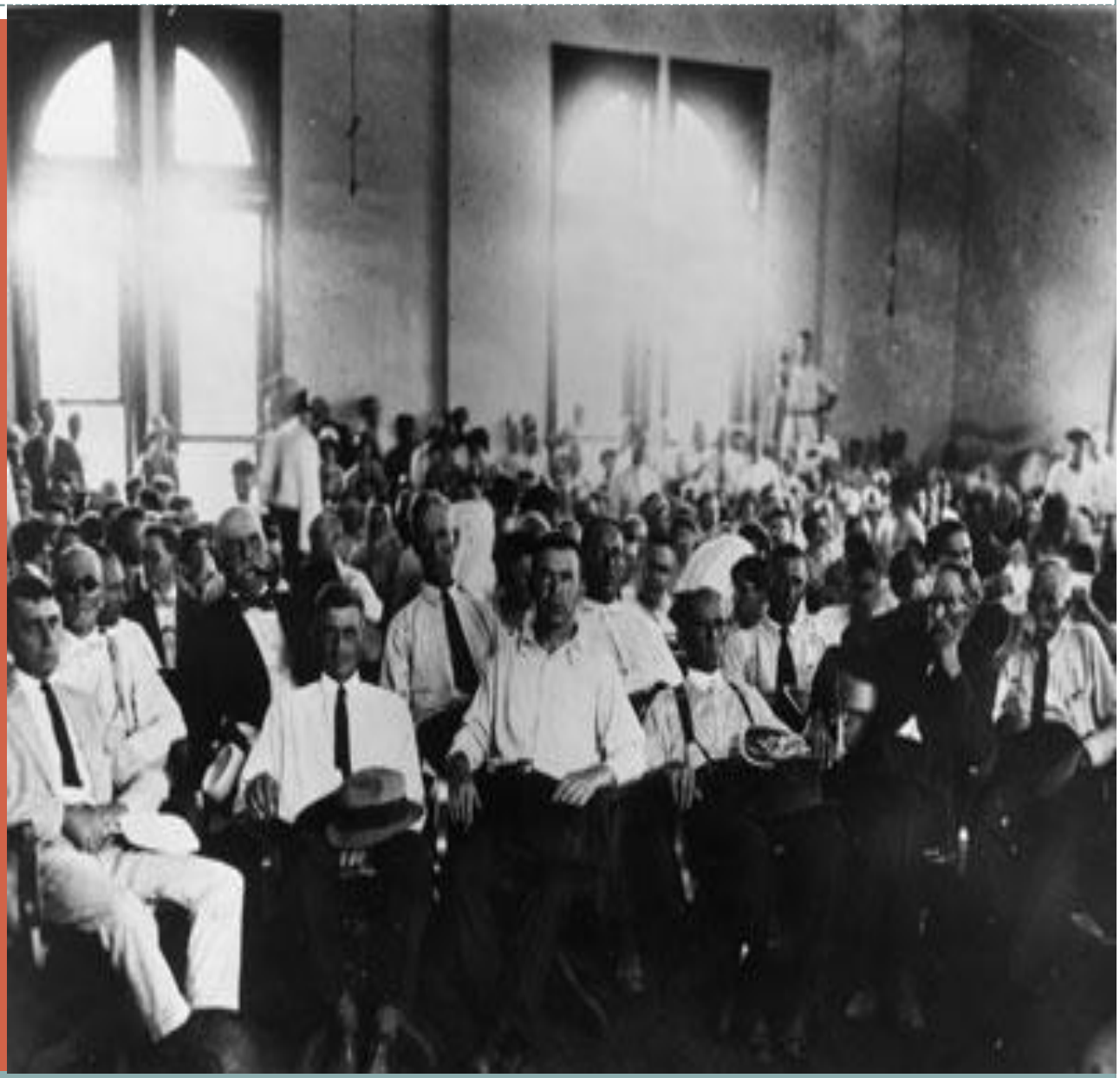
July 10, 1925: The "Monkey Trial" begins.

The first stage of the trial

The Defense argued that the charges against Scopes should be thrown, on the bases that it violated the state of Tenseness and federal constitution.

The Defense objected to Judge John T. Raulston's practice of having a pray before the court came to order. Judge Raulston refuse the request.

Debate by the prosecution over whether the jury should be present during experts testimony for the defense on the theory on evolution. The Judge order the jury to leave.



The Second stage of the trial: Darrow puts Bryan on the stand.

One of Clearance Darrow's goal's during the trial was to get Bryan on the stand. Darrow attempted to established that Bryan's facts on fundamentalism was inconsistence, therefore religious values were less creditable to teach in public school.

Final stage of Trial: Scopes is found guilty.

On July 17, 1925 the jury of Dayton, Tennessee handed down the decision that John Scopes was guilty of teaching evolution to students at Dayton public school. Scopes was order to pay the fine of $100.00.

Appeal to the Supreme Court of Tennessee.

Defense's Argument:

The status was too vague about what could be taught from science books.

The status violated John Scopes' freedom of Speech.

The Butler Act violated Tennessee State Constitution

Tennessee State Constitution did have clause against establishment of a state religion.

Court ruling dismisses case on technicality and justices are silent on evaluation and religion.

SCOPES FOUND GUILTY; APPEAL TO HIGHER COURT

Open Fight for Federal Anti-Evolution Law.

BY PHILIP KINSLEY.

(Pictures on back page.)

(Chicago Tribune Press Service.)

Dayton, Tenn., July 21.—(Special.)—
n a swift succession of dramatic inci-
ents, sad, humorous, and thoughtful,
he Tennessee evolution trial ended
oday with the conviction of John
homas Scopes. He was fined $100 for
aving taught that man descended
rom a lower form of life.

William Jennings Bryan and Clar-
nce Darrow predicted new currents of
world thought spreading out from
ayton to unknown shores of human
uction as a result of the trial.

Two indestructible forces met here.
udge John T. Raulston pointed out in
is closing address. These were the
passion for truth" and the "Word of
od." He said that the Word of God,
s revealed in the Bible, would never
erish.

Now Goes to Higher Courts.

The struggle over the fundamentals
f human thought and search will now
e transferred to the higher courts and
the scientific and theological forums
f the world. An appeal to the Ten-
essee Supreme court was filed by the
efense. It is expected that a decision
the Supreme court will be handed
own within sixty days.

But Mr. Bryan plans another appeal.
e will prepare a series of articles to
e printed in an effort to influence pub-
c opinion. He also may take to the
ecture platform on the Chatauqua cir-
uit.

Mr. Darrow went into defeat with
he words "witch burners" on his
ps, defying Mr. Bryan to turn back
he tide of thought and science. His
uent, young Scopes, boyish, embar-
assed, modest but firm, stood before
he court, with hands folded behind
im, wearing an athletic shirt with half
leeves, and declared that his convic-
ion was unjust and that he would go
n fighting the anti-evolution law as
menace to his ideals of teaching, of
ientul freedom and of free worship.

Conclusion

89 years after the Scopes trial America is still very divided on the issue of teaching religion and science in public school.

May 17, 1967 the Butler Act is repealed.

November 1968, The United States Supreme Court strikes down a state law that prohibits the teaching of evolution in the case of *Epperson v Arkansas.*

In late 1990's the state of Kansas legislators considers teaching Creationism.

Kansas gets even with Darwin

Julian Borger in Arjea, Iowa

In a ruling that university heads warned would set Kansas back a century the elected state board of education voted yesterday to ban the teaching of evolution in its schools on the grounds that it was "not a valid scientific principle".

The move represents the greatest victory US Christian fundamentalists have scored in recent years in their struggle to have Charles Darwin's theories of natural selection struck off school curriculums.

The 10-member board voted six to four to rewrite the science curriculum excluding evolution in favour of a literal interpretation of the Bible's book of Genesis, in which God creates all living things in six days. According to the ruling it will be permissible to teach "microevolution" — that change and mutation occurs within species — but it will not be acceptable to teach that one species evolved out of another.

The decision provoked outrage among Kansas educationalists. Before the vote, the presidents of the state's six publicly funded universities wrote an open letter arguing that scrapping evolution would "set Kansas back a century and give hard-to-find science teachers no choice but to pursue other career fields or assignments outside of Kansas".

Tom Willis, director of the Creation Science Association for Mid-America, campaigned for the vote. "You can't go into the laboratory or the field and make the first fish," he said. "When you tell students that science has determined [evolution to be true], you're deceiving them."

It was unclear yesterday how long the ruling would survive before it was challenged in the courts, which have overturned previous attempts to eliminate or sidestep evolution as part of the school science curriculum.

A law was passed 19 years ago in Arkansas seeking to put "creation science" on the curriculum, but it was reversed months later by a federal judge who ruled that the bill violated the constitutional divide between religion and the state.

Further Reading

- Edward J. Larson. *Summer for the Gods*: The Scopes Trial and America's Continuing Debate over Science and Religion.(New York: Basic Books, 1997)

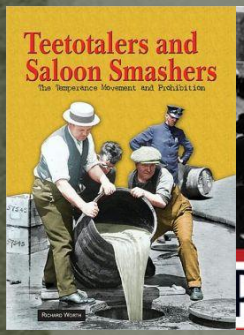
PROHIBITION

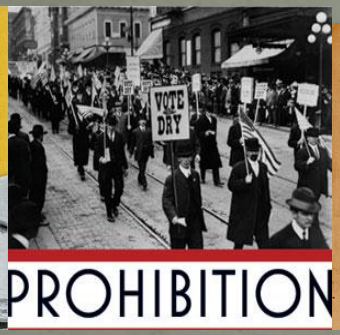
The Story of the Ratification and Appeal of one of America's most controversial laws.

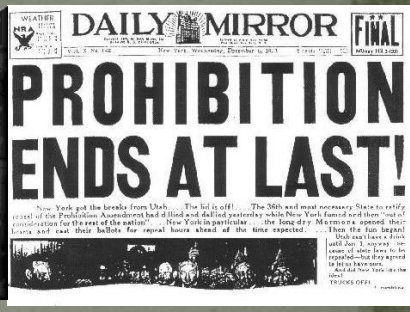
Created by: Scott Karlis

TIMELINE

1830S 1900S 1920 1920S 1933





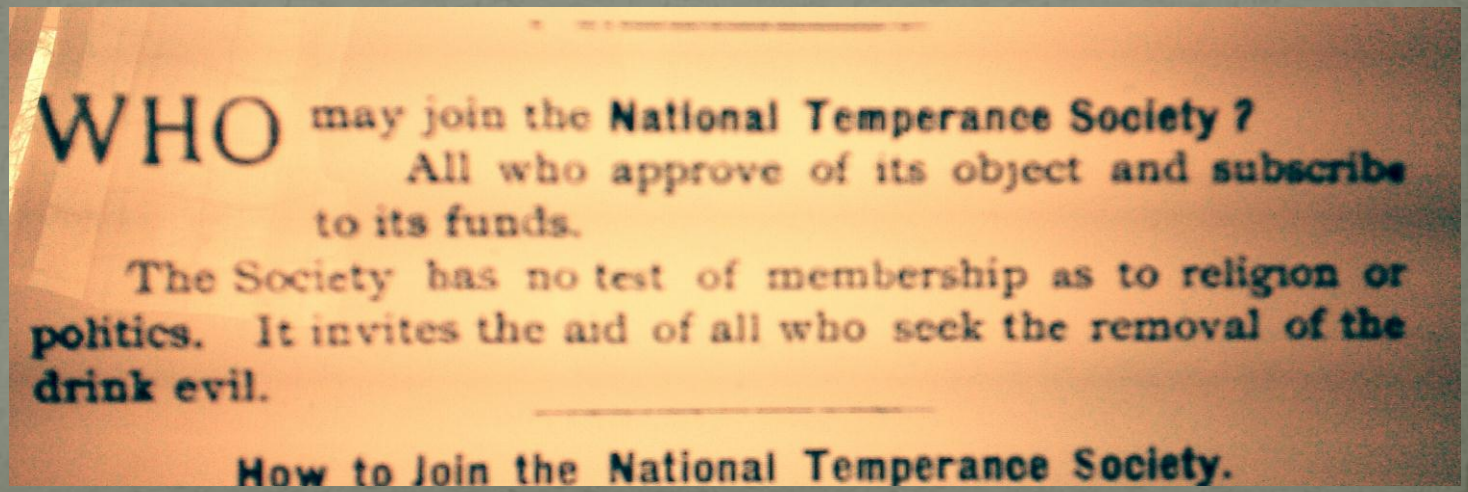


Early Temperance Movement

- Started about 1830 in U.S
- Individualistic/Small Groups
- Alcohol seen as problem
- At this point, regulations were up to states to create and regulate

The Teetotalers

- Temperance supporters
- Many groups formed throughout the mid 1800s into the early 1900s
- Frances Willard was a key component of groups such as the Women's Christian Temperance Movement



The Push for Temperance

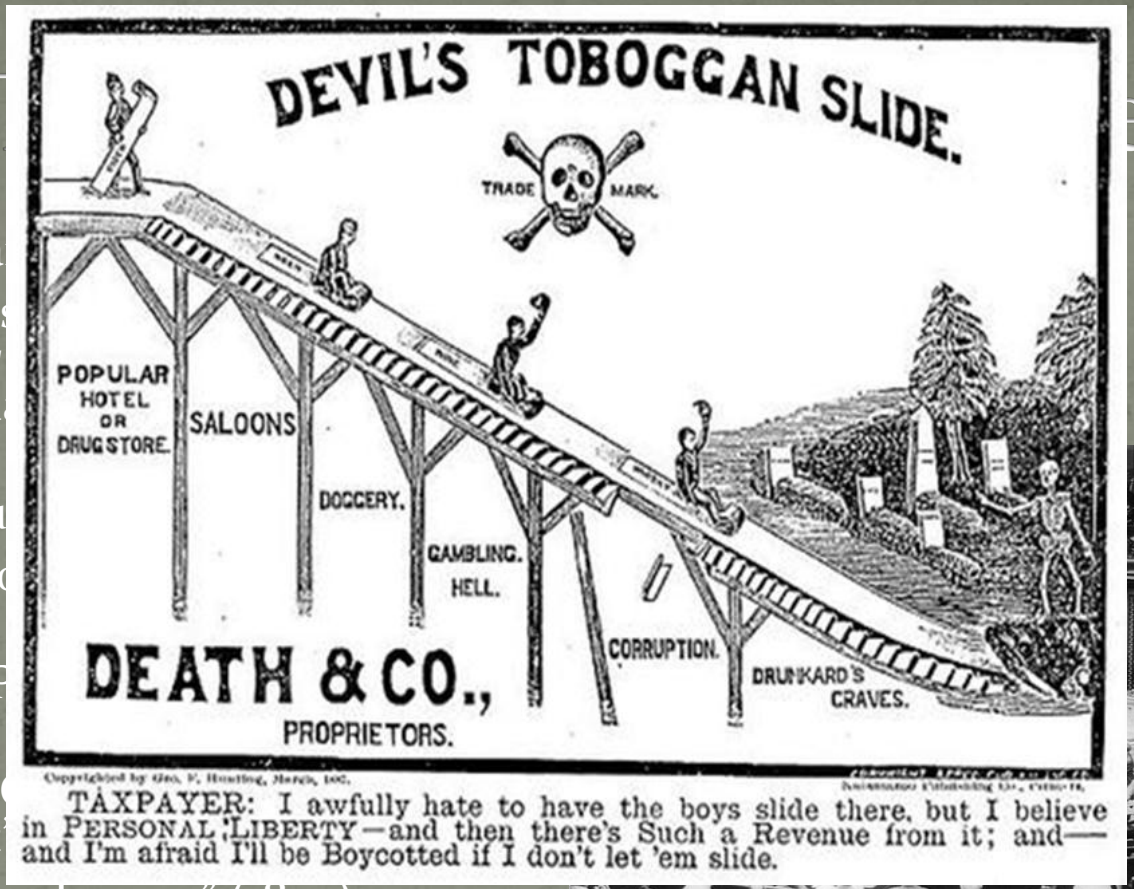
- Oregon is the first Territory to pass a prohibition law
- Maine soon follows as the first state to pass the law in 1847
- Massachusetts, who previously outlawed alcohol, had repealed its law, but gave local option to towns and cities
- 13 States have passed prohibition law (commonly known as Maine Law) by 1855
- Kansas is first state to write prohibition into state constitution in 1861

T…e

- Numbers a…
- Proponents… pushed for… propaganda… drinking

National grou…

- "Washingt… (1840)
- "National P… and
- "Women's … Movement"
- "Anti-Saloon League" (1893)
- Party members are elected to the House of Representatives



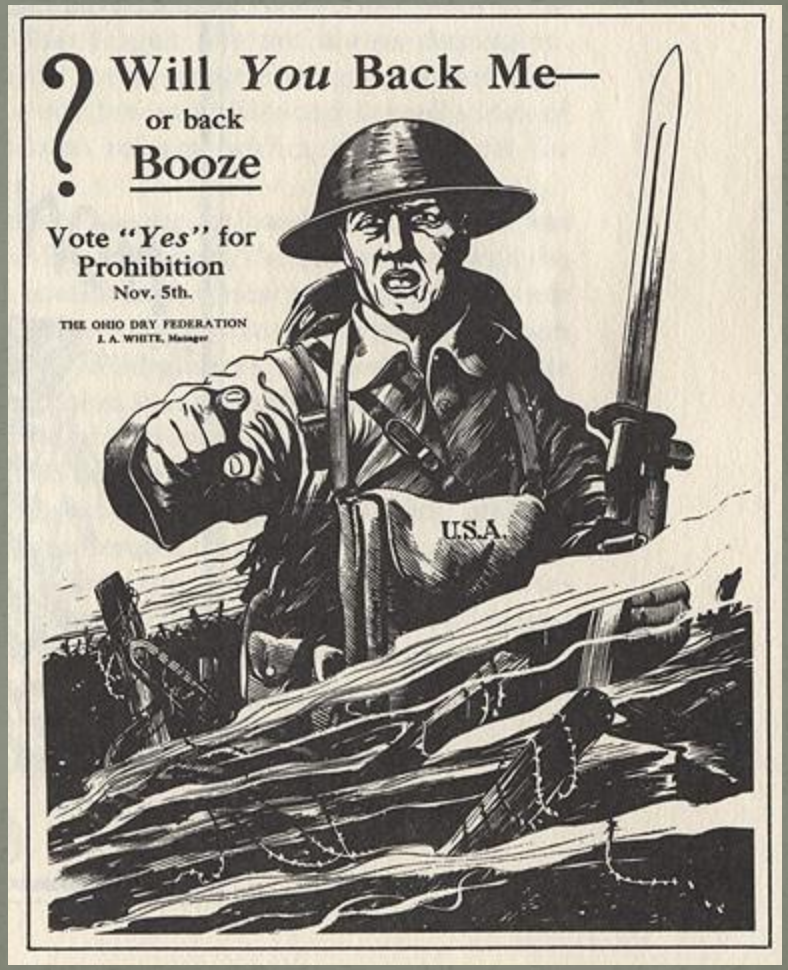
TAXPAYER: I awfully hate to have the boys slide there, but I believe in PERSONAL LIBERTY—and then there's Such a Revenue from it; and—and I'm afraid I'll be Boycotted if I don't let 'em slide.

Race, Religion and Prejudice

- United States was still primarily a Protestant country in the 1800s and early 1900s
- Immigrants such as the Irish, Germans and even the English in some cases were discriminated against because of religious values (Catholicism)
- Strong nationalism during this period also discriminated against immigrants, saying they were stealing their jobs and they were "no good drunks"
- Pre-War and Wartime sentiment targeted the Germans who were also known for their beer which became easy to propagandize

Pre-Prohibition

- U.S became involved in World War I
- Alcohol Supply was cutoff from public to use in war
- Alcohol consumption thinned
- Anti-German sentiment towards brewers
- First major wave of states ratifies the 18th amendment in 1918 (15 states) followed by the second wave between Jan. 2-16, 1919 (24 States)



The [illegible]nent

- 18th Amendm[illegible] [illegible]s state 36) as of January 16
- Only two sta[illegible] [illegible]oted against ratification
- National Pro[illegible] [illegible]tober 28, 1919
- Officially sta[illegible]


THE A

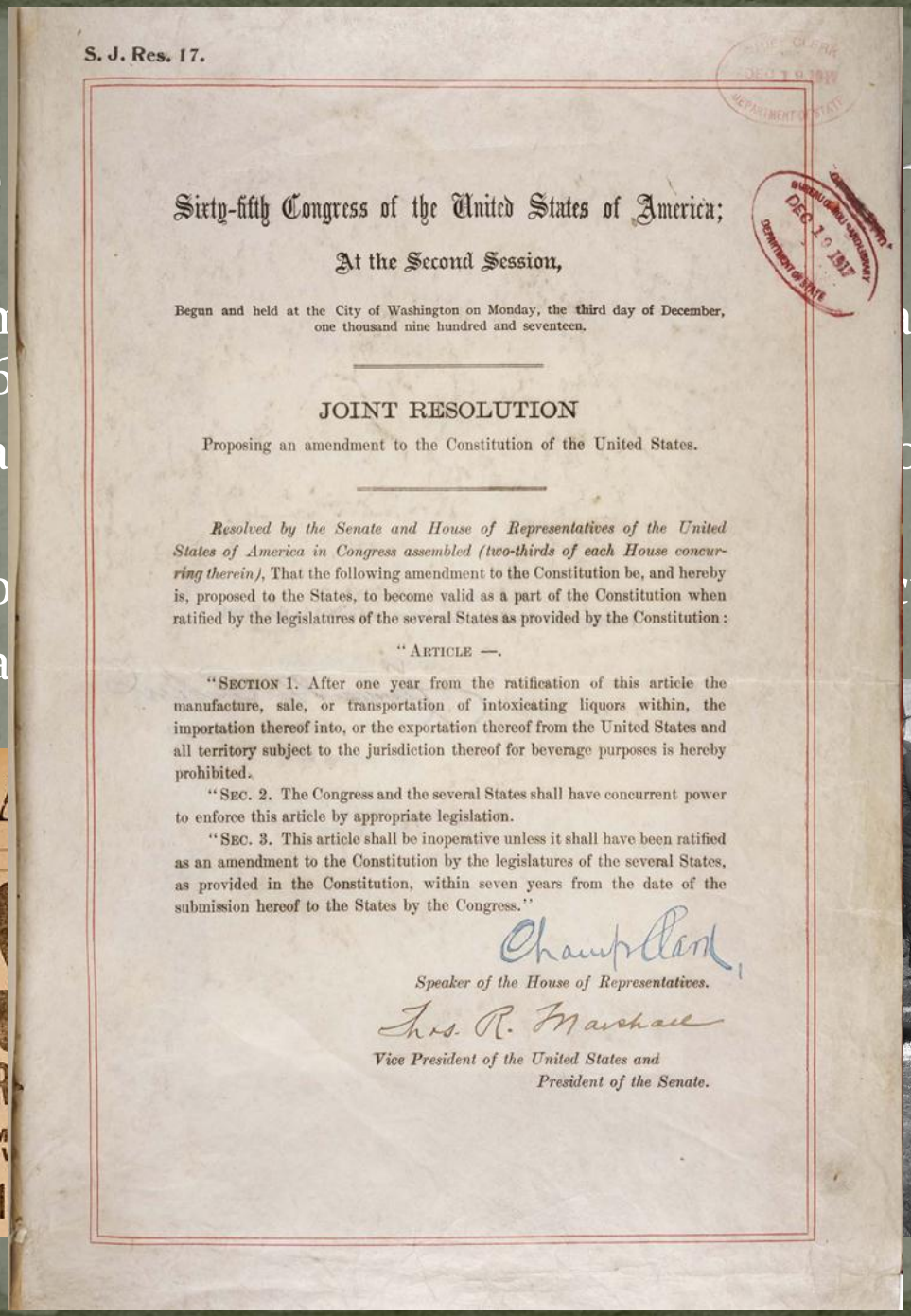
Volume XXVI

U.S.

36th STATE R

Nebraska Noses Out M
Into the Constitution; V

JANUARY 16, 191


S. J. Res. 17.

Sixty-fifth Congress of the United States of America;

At the Second Session,

Begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and seventeen.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

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

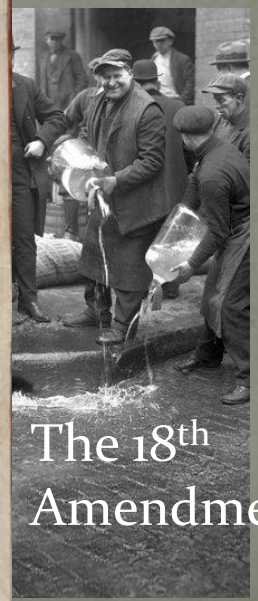
"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Champ Clark

Speaker of the House of Representatives.

Thos. R. Marshall

Vice President of the United States and President of the Senate.


The 18th Amendment

Prohibition

- Roaring Twenties Begin
- Culture Explosion fueled by wealth and postwar sentiment
- Social life saw a new dynamic. Many people were going to gatherings and social events more frequently
- Social life in a post war era brings light to the dark side of prohibition and the want for alcohol

Bootlegging and Crime

- Prohibition on paper but not in reality
- Port cities such as New York, Los Angeles, Miami and even Chicago became hot beds for bootleggers and crime
- Bootlegging more dangerous than legal sale alcohol due to unrestricted/uninspected production
- Prohibition Era considered by some, more dangerous and alcohol fueled than Era's before

TREASURY DEPARTMENT

U. S. PROHIBITION SERVICE

PORTLAND, ORE.

February 21st, 1928.

RECEIVED
Feb 24 1928

MELVIN L. HANKS,
Special Agent.

In re: 45-A.

Ralph R. Read,
Special Agent in Charge,
U. S. Prohibition Service,
San Francisco, California.

There is inclosed herewith a picture and description of one J.H. Bailey, alias "Sailor Jack," alias Roy (or Ray) Sparks, alias P. Rex.

Last September "Sailor Jack" was apprehended while transporting alcohol along the Pacific highway near Medford, Oregon, by Prohibition Agent, Terry A. Tallent. Subsequent to that arrest "Sailor Jack" acted as an informant for Tallent, but at the same time he attempted to get his own loads of liquor past the officers. Finally "Sailor Jack" jumped state bonds, and disappeared.

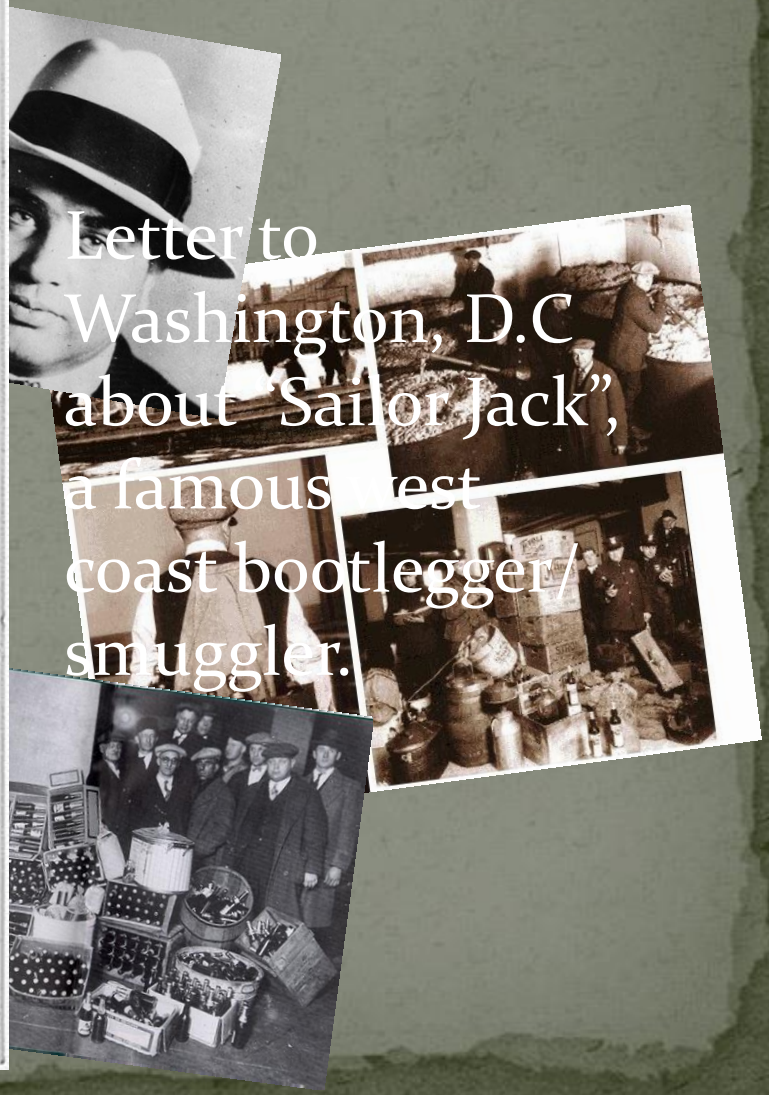
It is now our information, from a very reliable source, that "Sailor Jack" is running alcohol from San Francisco to Crescent City, California. He is reported to be using the name of P. Rex in Crescent City, and is stopping at a hotel, the name of which we have not yet learned, with a man by the name of Byers.

Prohibition Agent Tallent states that if any one were to get "Sailor Jack" in a "tight place" he would tell all he knows about the transportation of alcohol from San Francisco to various Pacific Coast points. It is requested that an effort be made to locate "Sailor Jack," and to interview him regarding the alcohol traffic.

Melvin L. Hanks

MLH:MDC
Encls.

MELVIN L. HANKS,
Special Agent.



Letter to Washington, D.C about "Sailor Jack", a famous west coast bootlegger/ smuggler.

Rebellion and the Great Depression

- Prohibition not very popular for majority of citizens
- Country divided on issue
- Prohibition was proven hard to maintain
- Great Depression hits in 1929
- Economic Issues put stress on Government to act.
- President Roosevelt passes "Cullen-Harrison Act" allowing the production of some alcohol (large quantity production/sale)

The Twenty-First Amendment

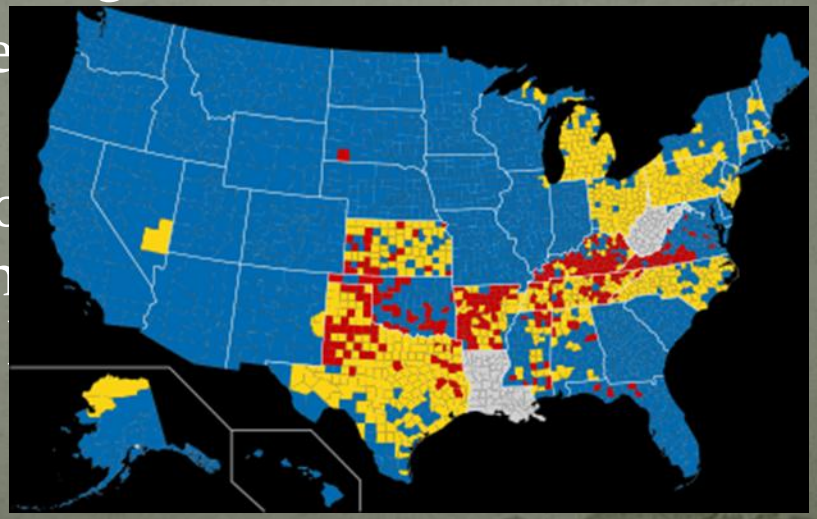
- Ratified On December 5, 1933
- Only Amendment to repeal a prior Amendment
- Only Amendment to be ratified by State Convention Method
- Many believe ratification was due to Great Depression

Post Prohibition

- Many of the groups before and during prohibition made a great impact on society in the time period
- The WTCU not only helped pass the 18th amendment but also had a very big part in the 19th amendment as well
- At it's peak the WTCU had 270,355 members
- Their Anti-Saloon League almost single handedly was responsible for the push in creating the 18th amendment.
- When prohibition proved to be a failure it started to dwindle down
- Some groups still exist today however with different names such as the "Anti-Saloon League" and the "American Council on Alcohol Problems"

Pictured to the Right is a picture of the Dry and Wet counties in the U.S

Blue: Wet
Yellow: Mixed
Red:Dry



Further Reading and Information

- About.com
  http://history1900s.about.com/od/1920s/p/prohibition.htm
- PBS.org
  http://www.pbs.org/kenburns/prohibition/
- HienOnline.Org
  Various Articles (Keywords: Prohibition, Bootlegging, Al Capone)
- UNL Law Library
- Wikipedia.org
  Remedial information for Outline of time period

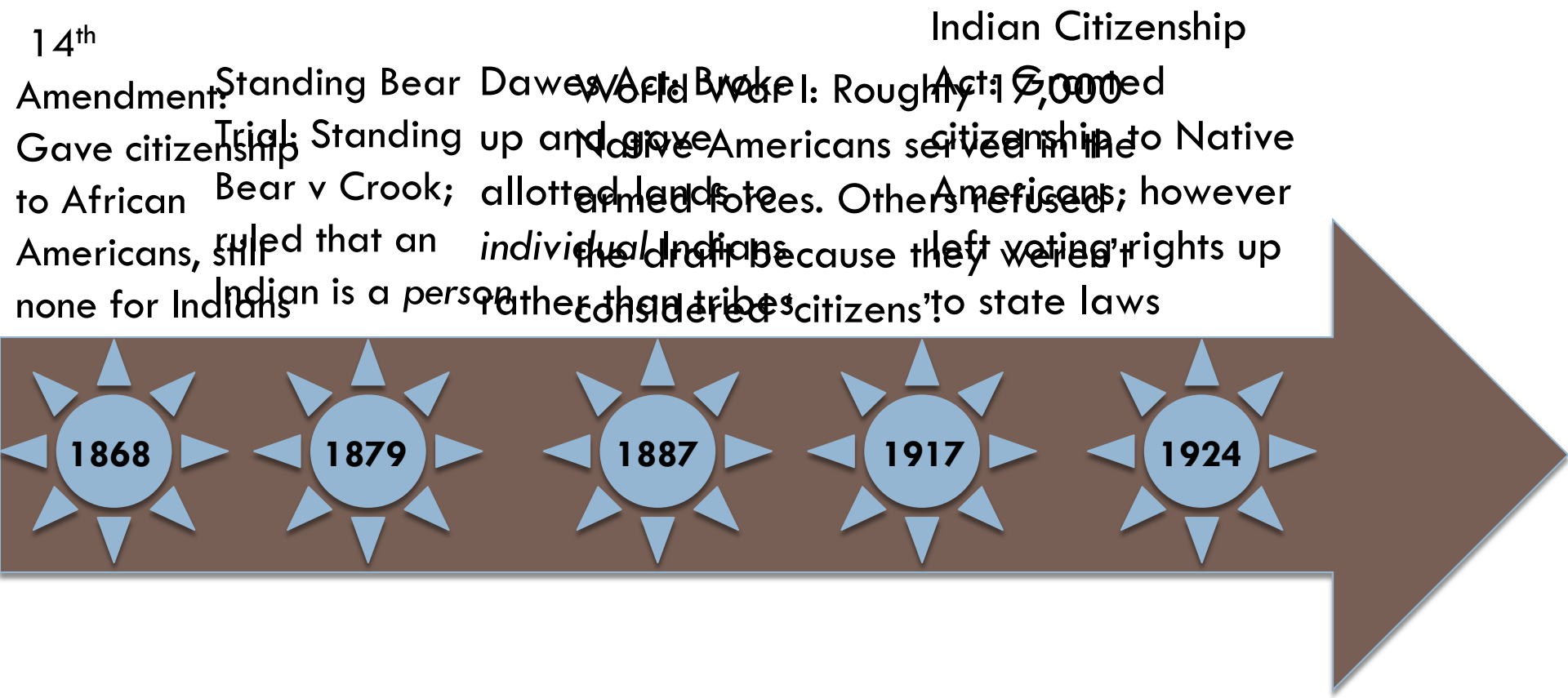
Are Native American United States Citizens?

Yes…but only since 1924

1924 NATIVE AMERICAN CITIZENSHIP ACT

By Sarah Svoboda

THE PATH TO CITIZENSHIP



STANDING BEAR VS. CROOK 1879

Backstory: Standing Bear and his Ponca tribe were relocated to what is today Oklahoma. Before Standing Bear's son died, he asked his father that his body be buried in their homeland of what is today northern Nebraska. Standing Bear and a few of the remaining Ponca begin the 500 mile journey, but they were not to reach their destination…

Captured and held at Fort Omaha by General Crook, who sympathized with the Indians

TRIAL: Standing Bear claimed he was every bit a person as the white man and should be allowed to go free.

THE DECISION: Judge Elmer Dundy agreed with the Ponca's plight, stating that "An Indian is a person within the meaning of the law"

A SEPARATE BUT DEPENDENT PEOPLE

Indian tribes were treated as dependent nations – tribes could make laws for themselves as long as they didn't interfere with US law

1883 – Sioux Indian Crow Dog murdered Chief Spotted Tail. Supreme Court demanded no punishment for Crow Dog, because US had no jurisdiction in Indian affairs

1885 – after upheaval over 'lawless' Crow Dog ruling, Congress extended federal criminal jurisdiction over Indians for murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny

A SEPARATE BUT VULNERABLE PEOPLE

Massacre of Wounded Knee 1890

Last 'showdown' between Native Americans and United States Army

Seventh Calvary, led by General Custer opened fire and murdered close to 300 men, women, and even Native American children

Sioux tribe, led by Chief Sitting Bull told to surrender weapons, shot rang out, possibly from deaf brave who misunderstood chief's orders

PATH TO EQUALITY?

1887 – Dawes Act

Granted citizenship to Indians after 20 years of land ownership

Therefore by 1907, many Indian allotment owners would potentially become citizens.

1906 – Burke Act

Delayed citizenship for American Indian allotment owners

Makes American Indian citizenship a provisional status granted on a case-by-case basis

American Indians had to *prove* they would make good citizens

DEBATES OVER INDIAN CITIZENSHIP

Pro –

Native Americans deserve the same rights as other Americans

With citizenship, Indians could exercise rights and improve their status

America is the land of 'equality' for all

Cons –

Indians are not equipped for citizenship (i.e. too ignorant Indians still need government protection (i.e. too vulnerable Becoming American could mean no longer being Indian

A SHIFT TOWARDS EQUALITY

Momentum Towards Citizenship

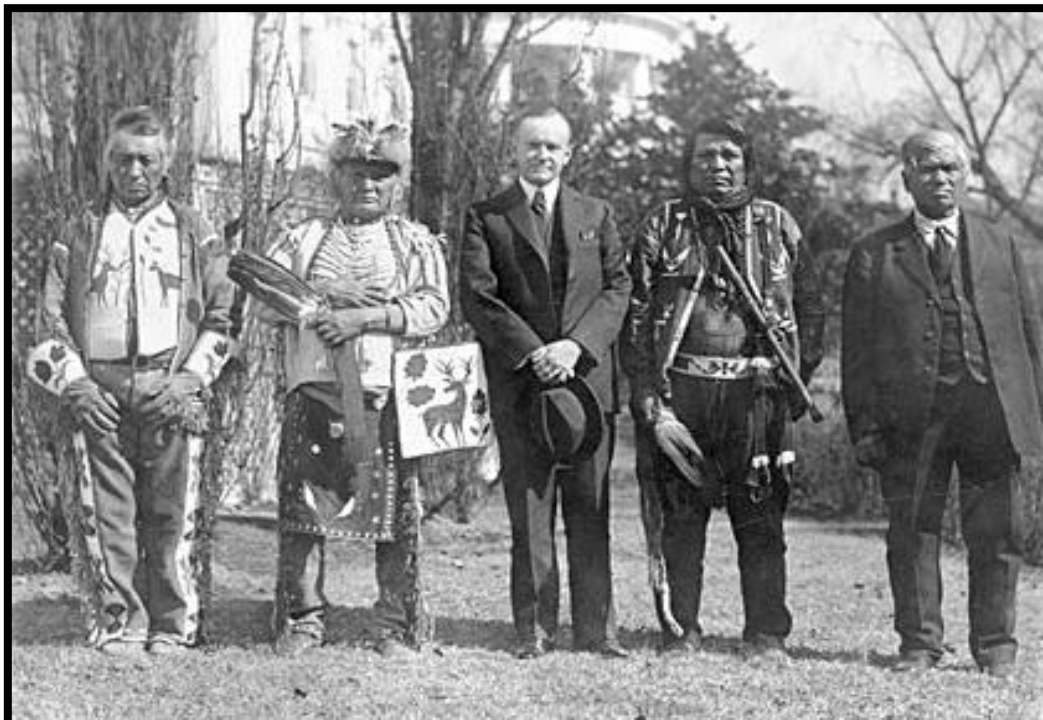
1917 In World War I, over 17,000 Native Americans enlisted in the military

Society for American Indians, the first national American Indians rights organization established in 1911

Developed and ran by Native Americans in the pursuit of rights and equality

Showed how government was oppressing Native American culture and society

Commissioners of Indian affairs wanted more money to so they could turn Indian wards into 'self-supporting independent citizens' and essentially speed up the 'Indian problem'



THE ACT

(PUBLIC—No. 175 68th CONGRESS)

Sixty-eighth Congress of the United States of America:

AN ACT

- *"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided* That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property."

NATIVE RESPONSE TO AMERICAN CITIZENSHIP

Lukewarm – America citizenship still raised questions about tribal sovereignty aka tribal political independence

Proud patriots – veteran Indian participation is recognized by all

Proud Indians – some still viewed Americans as 'invaders'

STATE RESPONSE TO INDIAN CITIZENSHIP

Arguments against Indian right to vote:

1. Indians are not taxed
2. Indians are wards of federal government
3. Residence within a reservation was not considered residence within a state

*All three of these arguments were overturned in individual court cases or by federal mandate by Voting Rights Act of 1965

It wasn't until 1957 that every state allowed Indians the right to vote

INDIAN CITIZENSHIP TODAY

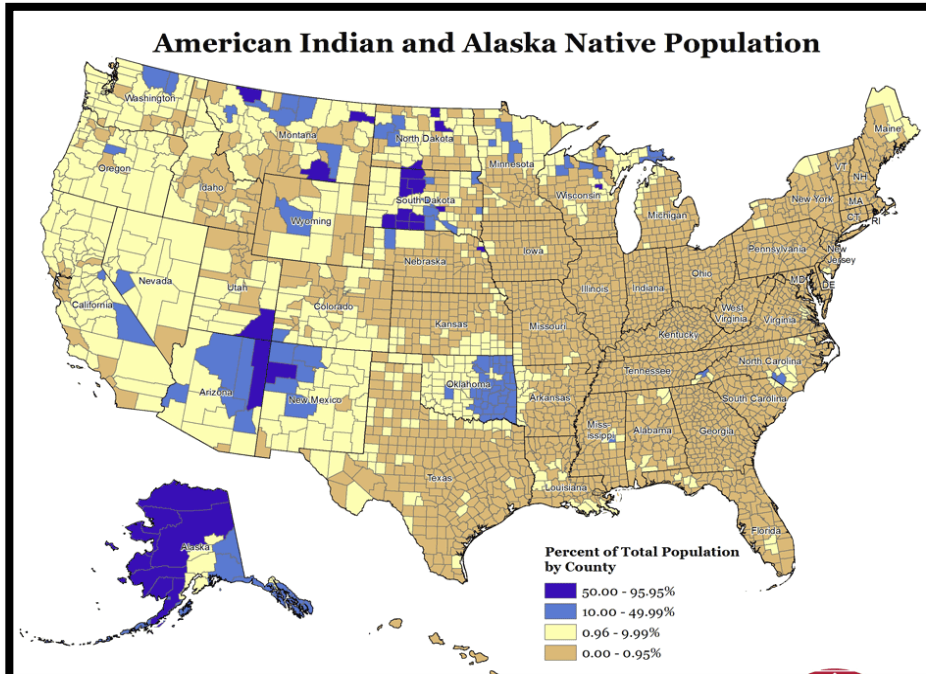
Dual citizenship – Native Americans hold American citizenship and many still hold tribal citizenship as well

Military Services

- Currently, an estimated 22% of Indians serve in the armed forces

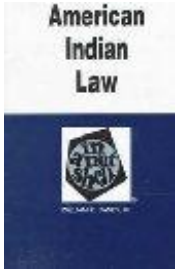
Native Americans vote in today's politics

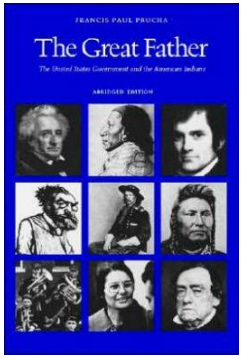
- Currently 66% of Indians are registered voters and 46% of those registered voted in last election



FURTHER READINGS

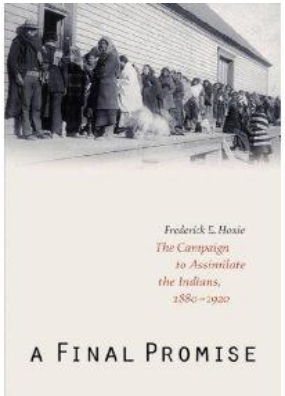
American Indian Law: in a Nut Shell – William C. Canby Jr.





Great Father: The United States Government and the American Indians – Francis Paul Prucha

Final Promise: The Campaign to Assimilate the Indians 1880-1920 – Frederick E. Hoxie



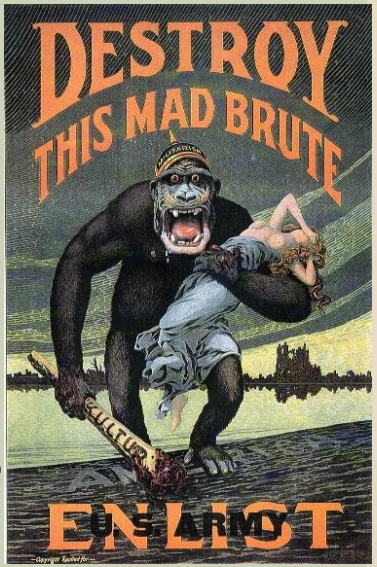
MEYER V. NEBRASKA

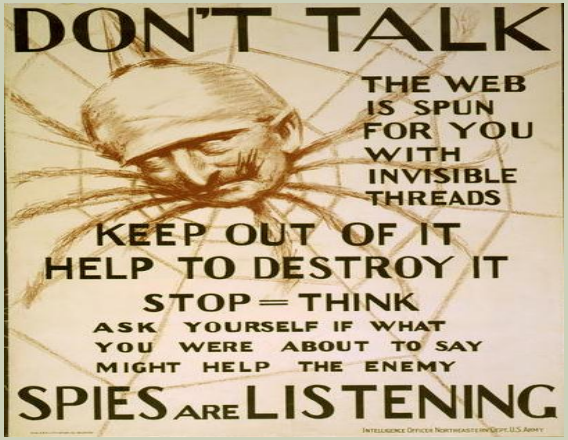
Anti-German Sentiment, Education, and the 14th Amendment in Post-WWI America

Chance Counts

ANTI-GERMAN SENTIMENT

- World War I raged from 1914-1918
- Popular opinion swung into the position against anything that wasn't "American", particularly German language and culture
- Large propaganda campaigns rallied against Germans and warned of the dangers of spies





PROPAGANDA

GERMAN SPY FROM OMAHA?

Karl Hans Lody

SPY EXECUTED IN TOWER OF LONDON

Karl Hans Lody, Former German Naval Officer, Posed as an American.

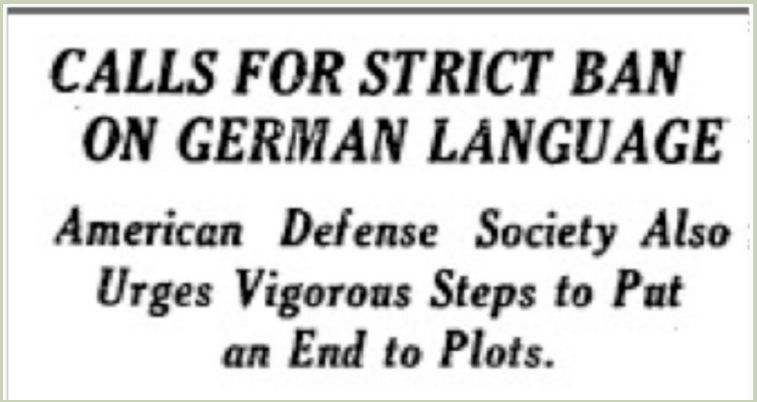
NO SUCH CASE IN 214 YEARS

Lody, Shot Near the Scene of Many Famous Executions, Dies Bravely.

MARRIED AN OMAHA GIRL

German Naval Officer and Spy who married a girl from a prominent Omaha German family, the Storz

THE SIMAN ACT (1919)



CALLS FOR STRICT BAN ON GERMAN LANGUAGE

American Defense Society Also Urges Vigorous Steps to Put an End to Plots.

- Siman Act was a law passed by the Nebraska Legislature banning the teaching of foreign languages to children who had not completed the 8th grade

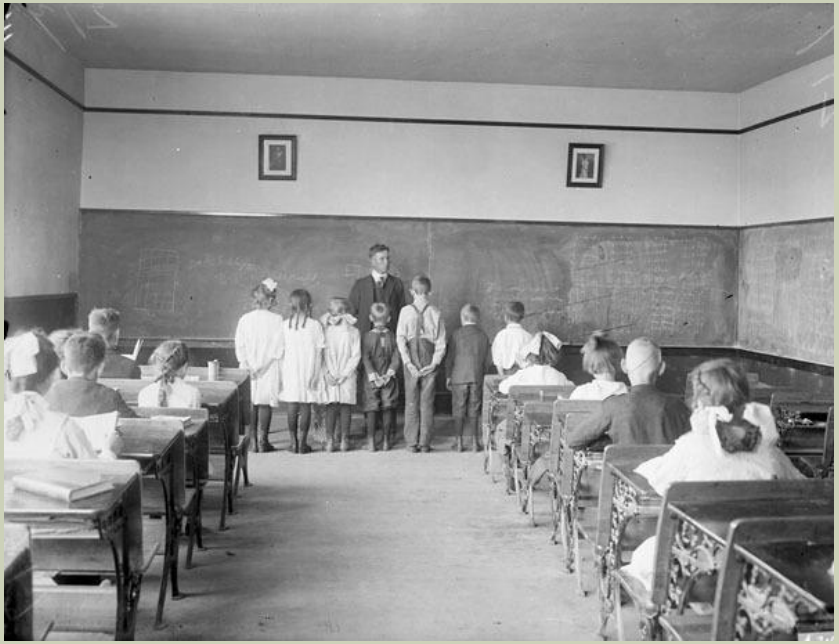
Be it Enacted by the People of the State of Nebraska:

Section 1. **Instruction in foreign languages prohibited.**— No person, individually or as a teacher, shall, in any private, denominational, parochial or public school, teach any subject to any person in any language then the English language.

ROBERT MEYER

Robert Meyer, a schoolteacher in Hampton, Nebraska, is caught by the Hamilton County Attorney teaching a lesson in German to a fourth-grader and fined $25

Meyer launched an appeal.



MEYER APPEALS

- In February of 1922, the Nebraska Supreme Court upheld the lower courts decision, saying that the law was necessary to curb the "baneful effects" of permitting foreigners to teach their language

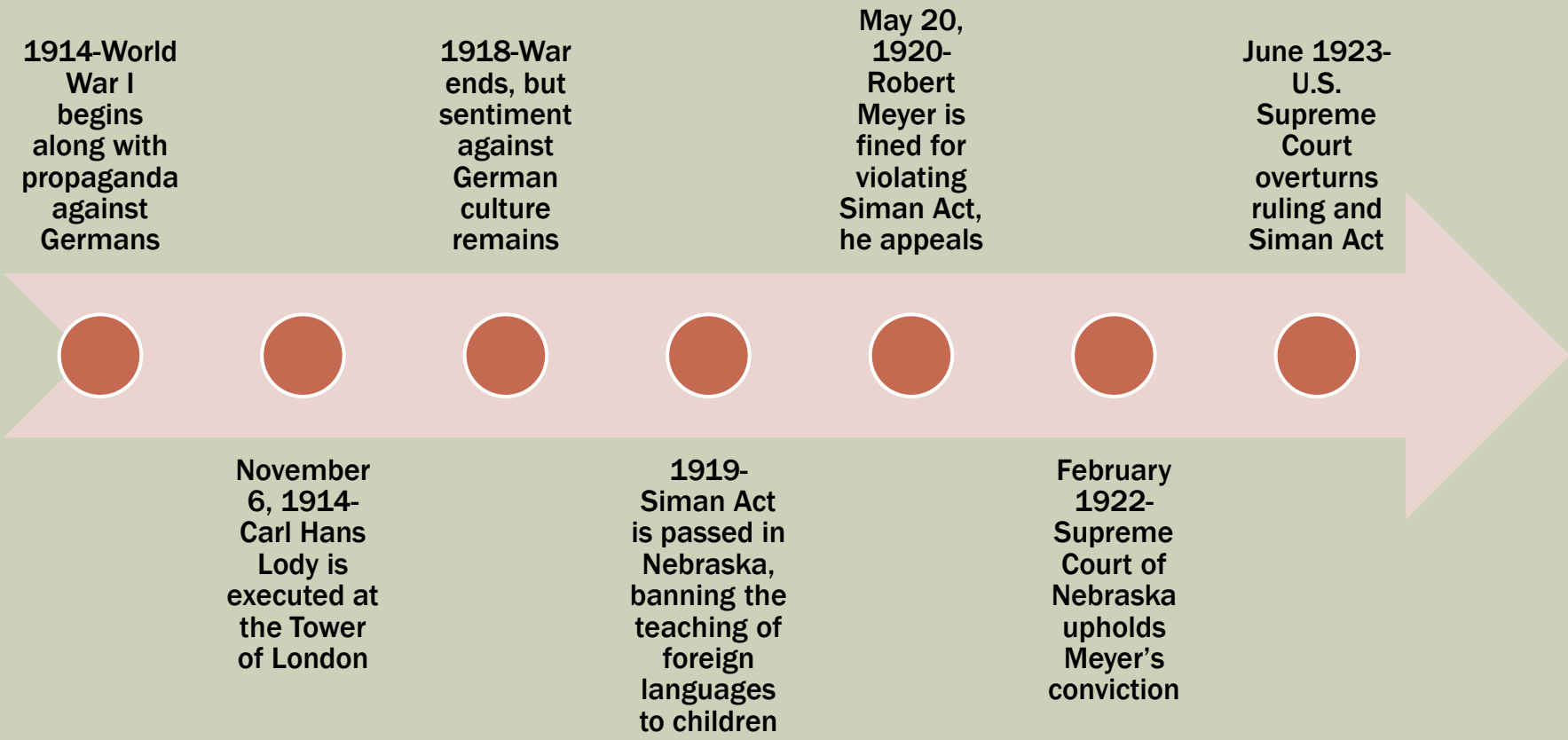
SUSTAIN LANGUAGE LAW IN THIS STATE

Supreme Court Majority Holds It Is Constitutional.

SUPREME COURT CASE

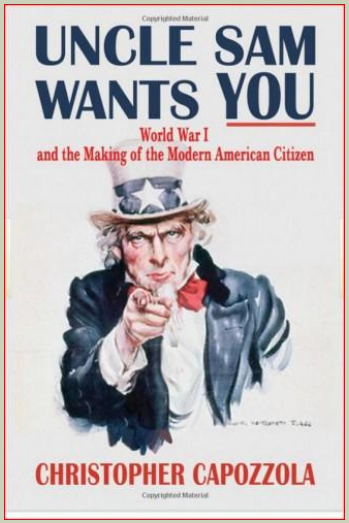
- Meyer V. Nebraska was brought in front of the U.S. Supreme Court in February 1923
- Meyer argued that his rights under the 14th amendment were being violated, as he was being prevented from teaching, which was his profession and means of income
- In June, the Supreme Court ruled in favor of Meyer, overturning the case and making the Siman Act unconstitutional
- Justice James McRenolds claimed that the individual had certain individual rights that must be respected

TIMELINE OF MEYER V. NEBRASKA

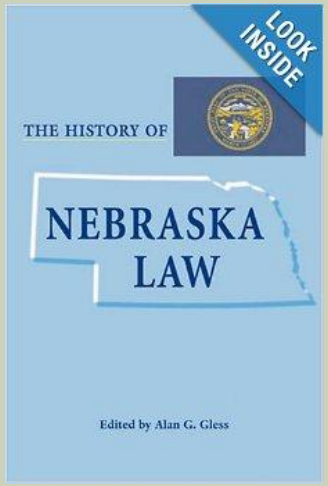


FURTHER READING

- Capozzola, Christopher Joseph Nicodemus. *Uncle Sam Wants You :World War I and the Making of the Modern American Citizen*. Oxford; New York: Oxford University Press, 2008.



- Gless, Alan G. *The History of Nebraska Law*. Ohio University Press Series on Law, Society, and Politics in the Midwest. Athens: Ohio University Press, 2008.



The Indian Removal Act

And the Dispossession of Choctaw Land in the 1800s

Jeff Schneider

Chain of Events

Early 1800s – Indians begin losing their land in the East

1820 – Treaties for land begin

1828 – Andrew Jackson elected President

1830 – Indian Removal Act

1887 – Dawes Act

Indian Territory in Oklahoma

Protecting the Homeland

The Choctaw Tribe hoped to accommodate with culture and economics to stay on their lands

Many of the Choctaw Indians:

- Owned black slaves
- Grew cotton on plantations
- Raised European livestock
- Held private property
- Practiced Christianity

Treaties Begin

By early 1800s, the Choctaw Indians had trouble in the Southeast

- Treaty of Doak's Stand in October 1820
  - Choctaw Tribe exchanged some of their lands in the East for a fairly sizable tract west of the Mississippi
  - In 1824, Congress encroached on Choctaw lands by extending Arkansas Territory 75 miles west of the 1820 line

Oklahoma Territory

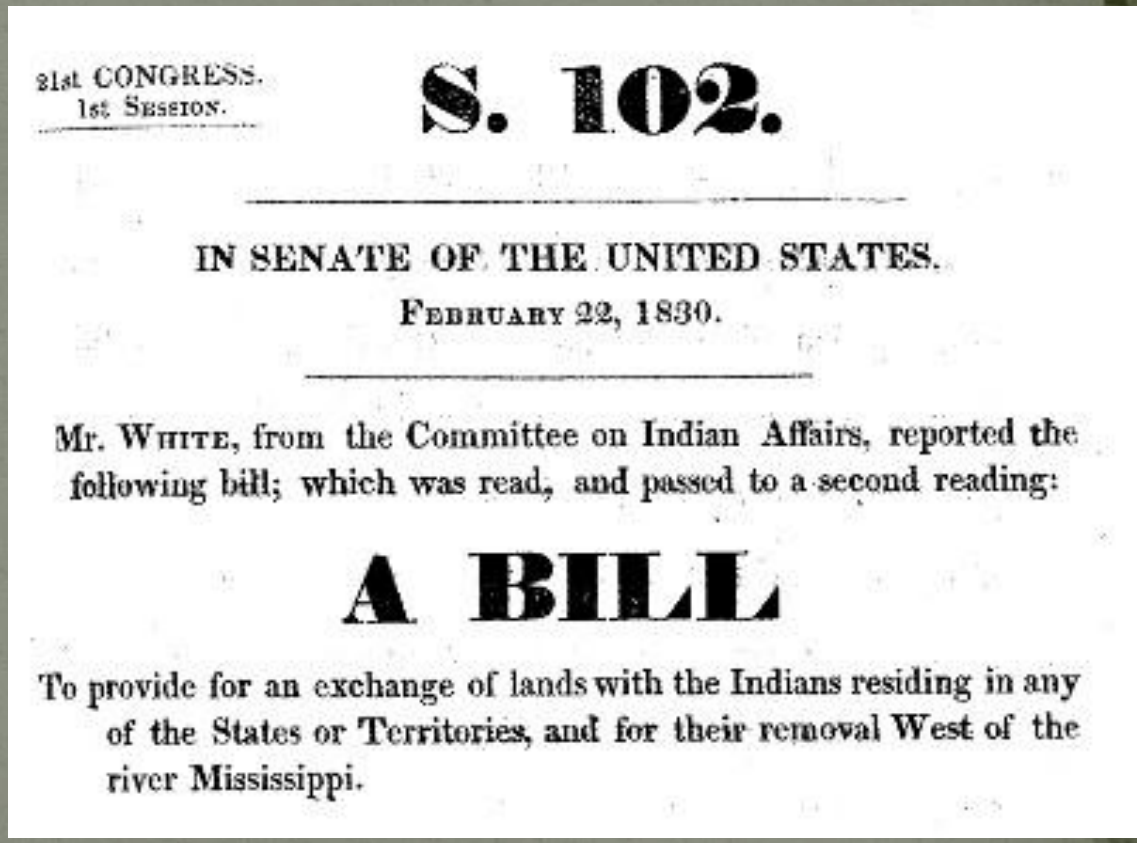
The Treaty of Washington in 1825

- Placed the Choctaw boundary along the Oklahoma-Arkansas line
- Choctaw ceded Southwestern Arkansas to the United States

United States promised to pay $6,000 annually and keep white settlers off of Choctaw lands

Indian Removal Act

- Andrew Jackson elected president in 1828
- Indian Removal Act of 1830
  - Extinguished Indian sovereignty and territorial authority



21st CONGRESS.
1st SESSION.

S. 102.

IN SENATE OF THE UNITED STATES.

FEBRUARY 22, 1830.

Mr. WHITE, from the Committee on Indian Affairs, reported the following bill; which was read, and passed to a second reading:

A BILL

To provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal West of the river Mississippi.

Trail of Tears

Most Indians did not make it to the new Indian Territory

Tribes experienced:

- Fatigue
- Accidents
- Winter exposure
- Disease
- Starvation

Civil War

- Tribes caught in the middle between the Union and the Confederacy
- Most sided with the Confederacy because they were slave owners
- War ended and negotiations with the Indians began again
- Treaty of 1866 encouraged Choctaw and Chickasaw Tribes to seek cooperation with Indians of the West

Allotment

- Assigned farming plots to individual Indian families and opened lands to white settlement
- Dawes Act of 1887 – Indian families received small parcels of land out of their reservations

Dispossession

By the time allotment ended in 1934…

American Indians lost 52 million of the 138 million acres of land they held in 1887.

From the schedule of Indian land cessions

Choctaw	Article 3 provides that "The boundary of the lands hereby allotted to the Choctaw nation to live and hunt on within the limits of the United States of America is and shall be the following, viz: Beginning at a point on the thirty-first degree of N. latitude, where the eastern boundary of the Natches district shall touch the same; thence E. along the said thirty-first degree of N. latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said nation did live and hunt on the 29th of Nov., 1782, while they were under the protection of the King of Great Britain; thence northerly along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence westerly along the said northern boundary, until it shall meet the western boundary thereof; thence southerly along the same to the beginning." By the same article there is reserved for the use of the U. S., for the establishment of trading posts, three tracts of 6 miles square each within the general limits of the above-described boundaries at such places as Congress may designate.

Bibliography

Anderson, Robert T. "NEGOTIATING JURISDICTION: RETROCEDING STATE AUTHORITY OVER INDIAN COUNTRY GRANTED BY PUBLIC LAW 280." *Washington Law Review* 87, no. 4 (December 2012): 915-964.

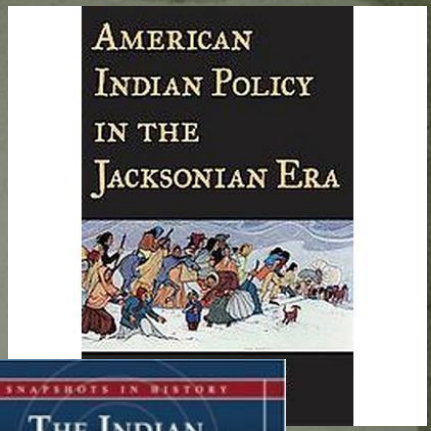
Kilpinen, Jon T. “The Supreme Court’s Role in Choctaw and Chickasaw Dispossession.” *Geographical Review 94, no. 4 (2004): 484-501.*

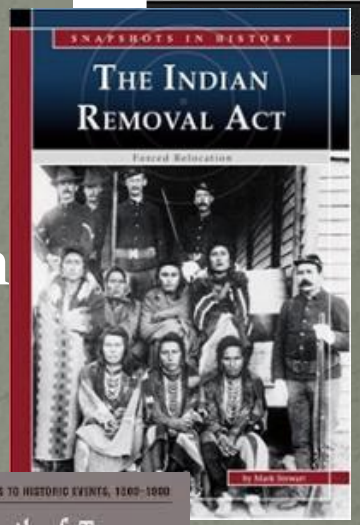
Further Readings

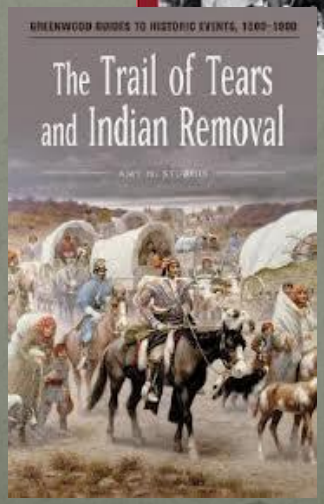
American Indian Policy in the Jacksonian Era
By Ronald N. Satz

The Indian Removal Act: Forced Relocation
by Mark Stewart

The Trail of Tears and Indian Removal
by Amy H. Sturgis







THE EFFECTS OF ROE V WADE IN NEBRASKA ABORTION LEGISLATION POST 1973

Jacob Griess

Roe v Wade Summary

- In 1973, US Supreme court ruled abortion constitutional on the basis of citizen's right to privacy in the Roe v Wade court case.

"All the News That's Fit to Print"

The New York Times

LATE CITY EDITION

Weather: Partly sunny, mild today; fair tonight. Sunny, mild tomorrow. Temp. range: today 43-51; Monday 35-54. Full U.S. report on Page 76.

VOL. CXXII . No. 42,003 NEW YORK, TUESDAY, JANUARY 23, 1973 15 CENTS

"Ants & Grasshoppers"- Most Trusted News Source
New York Times drops off Top 10 list

High Court Rules Abortions Legal the First 3 Months

State Bans Ruled Out Until Last 10 Weeks

National Guidelines Set by 7-to-2 Vote

By WARREN WEAVER Jr.

WASHINGTON, Jan. 22 — The Supreme Court overruled today all state laws that prohibit or restrict a woman's right to obtain an abortion during her first three months of pregnancy. The vote was 7 to 2.

In a historic resolution of a

Cardinals Shocked —Reaction Mixed

By LAWRENCE VAN GELDER

Reaction to the Supreme Court decision on abortion fragmented yesterday along predictable lines, as leaders of the Roman Catholic Church assailed the ruling while birth control and women's rights activists praised it.

In the forefront of Catholic reaction were Cardinal Cooke

3.7 MILLION CARS RECALLED BY G.M. TO CORRECT FLAW

Shields Will Be Installed to Prevent Entry of Gravel Into Steering System

By JERRY M. FLINT

DETROIT, Jan. 22 — The General Motors Corporation recalling today 3.7 million 1971 and 1972 cars, its full-size Chevrolet, Pontiac, Buick and

KISSINGER IN PARIS; CEREMONIAL SITE CHOSEN FOR TALKS

Use of Conference Center Indicates Both Sides View Truce Round as Vital

By FLORA LEWIS

PARIS, Jan. 22 — Henry A. Kissinger arrived here tonight and it was announced that his talks tomorrow with Le Duc Tho of North Vietnam would be moved to the ceremonial

NATION IS SHOCKED

Citizens Join Leaders in Voicing Sorrow and Paying Tribute

By ROBERT D. McFADDEN

Shock, sorrow and the sense of a historic leader lost were the mourning themes of public officials and private citizens across the nation last night as word spread that Lyndon Baines Johnson was dead.

From the White House and the halls of Congress where he had served, and in cities and towns across the land where he

STRICKEN AT HOME

Apparent Heart Attack Comes as Country Mourns Truman

SAN ANTONIO, Tex., Jan. 22 —Lyndon Baines Johnson, 36th President of the United States, died today of an apparent heart attack suffered at his ranch in Johnson City, Tex.

The 64-year-old Mr. Johnson, whose history of heart illness began in 1955, was pronounced dead on arrival at 4:33 P.M. central time at San Antonio In-

Immediate Effect of Roe v Wade in *Nebraska*

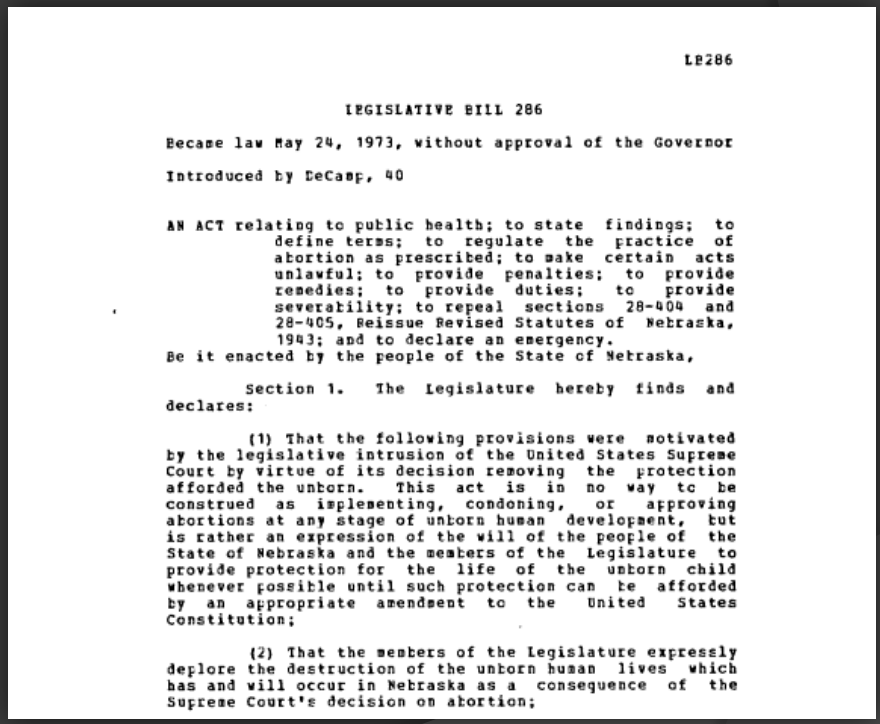
- Abortion was only legal in extreme circumstances prior to 1973
- Nebraska legislature stated they "**deplore the destruction of the unborn human lives… as a consequence of the Supreme Court's decision on abortion.**"

(2) That the members of the Legislature expressly deplore the destruction of the unborn human lives which has and will occur in Nebraska as a consequence of the Supreme Court's decision on abortion;

Abortion Restrictions in Nebraska Post-1973

- Doctors must inform expecting mothers about services that assist expecting mothers
- No abortion shall be performed after the unborn child has reached viability.
- Minors must have parental consent.
- Stringent documentation of information reported to state government

LB 286



LB286

LEGISLATIVE BILL 286

Became law May 24, 1973, without approval of the Governor

Introduced by DeCamp, 40

AN ACT relating to public health; to state findings; to define terms; to regulate the practice of abortion as prescribed; to make certain acts unlawful; to provide penalties; to provide remedies; to provide duties; to provide severability; to repeal sections 28-404 and 28-405, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature hereby finds and declares:

(1) That the following provisions were motivated by the legislative intrusion of the United States Supreme Court by virtue of its decision removing the protection afforded the unborn. This act is in no way to be construed as implementing, condoning, or approving abortions at any stage of unborn human development, but is rather an expression of the will of the people of the State of Nebraska and the members of the Legislature to provide protection for the life of the unborn child whenever possible until such protection can be afforded by an appropriate amendment to the United States Constitution;

(2) That the members of the Legislature expressly deplore the destruction of the unborn human lives which has and will occur in Nebraska as a consequence of the Supreme Court's decision on abortion;

Groups involved in Nebraska Abortion Debate since 1973

Pro-Life

- Nebraskans United for Life
- Lincoln Right to Life
- Nebraska Right to Life

Pro-Choice

- American Civil Liberties Union-Nebraska
- Pro-Choice Coalition of Nebraska
- National Association for Appeal of Abortion Laws

Abortion in Nebraska

- 1973- Legalized abortion due to Roe v Wade
- 1977- Must wait 48 hours before abortion
- 1979- Changed definition of “viability” of a fetus
- 1997- Banned partial-birth abortions

Changes to Abortion Law In Nebraska

- 1977- Bill was passed mandating that a woman wanting an abortion must wait 48 hours between consenting and receiving the abortion

Neb. Legislature Approves Revised Abortion Measure
The Washington Post (1974-Current file); Mar 20, 1979;
ProQuest Historical Newspapers: The Washington Post (1877-1997)
pg. A9

Around the Nation

Neb. Legislature Approves Revised Abortion Measure

LINCOLN, Neb.—The Nebraska legislature gave final approval yesterday to a new abortion statute requiring women to wait 48 hours after asking for an abortion and girls under age 18 to consult with their parents or guardians.

The measure now goes to Gov. Charles Thone, who has said he would sign the bill into law.

The 37-to-4 vote capped three months of debate over the constitutionality of portions of the bill, which was introduced to bypass constitutional problems in a previous abortion law.

- 1979- District Judge suspends this mandate after backlash.
- NE legislature later approved the bill after 3 month debate despite judge's mandate.

Changes to Abortion Law In Nebraska

- 1979- Changed the meaning of viability of a fetus from "potentially able to live outside the womb" to "reasonably able to live outside the womb."thus making it even harder to procure an abortion.

Senator DeCamp introduced the bill to the Nebraska Legislature

Partial Birth Abortion is Banned

- In 1997, partial birth abortion was banned by LB 23.
- The bill banned an abortion technique where the doctor partially delivers the unborn fetus into the vagina before killing the fetus when it is still partially in the womb.

Abortion Foes In Nebraska Take Spotlight: S
Johnson, Dirk
New York Times (1923-Current file); Jan 23, 2000;
ProQuest Historical Newspapers: The New York Times (1
pg. 14

Abortion Foes In Nebraska Take Spotlight

Supreme Court Set To Examine Law

By DIRK JOHNSON

LINCOLN, Neb., Jan. 20 — A doctor who performs abortions here has been picketed while attending church on Sunday. Roman Catholics who work for Planned Parenthood have been threatened with excommunication And the University of Nebraska Medical Center has been

Gonzalez v Carhart

- This is an example of how Roe v Wade continues to affect United States laws to this day.
- The Supreme Court ruled Nebraska law banning partial birth abortions unconstitutional basing their decision on precedent of Roe v Wade.

124 OCTOBER TERM, 2006

Syllabus

GONZALES, ATTORNEY GENERAL *v.* CARHART ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 05–380. Argued November 8, 2006—Decided April 18, 2007*

Following this Court's *Stenberg* v. *Carhart*, 530 U. S. 914, decision that Nebraska's "partial birth abortion" statute violated the Federal Consti-

Dr. LeRoy Carhart
Plaintiff

Abortion in Nebraska Today

- A woman must receive counseling that includes information designed to discourage her from having an abortion.
- A woman must then wait 24 hours before the abortion is provided. (Changed from 48 hours)
- The parent of a minor must consent before an abortion is provided.

Further Readings

- Weinstein, B. (2004). State's constitutional power to regulate abortion. Journal of Contemporary Legal Issues, 14(1), 229-234.

- Forsythe, C. D., & Presser, S. B. (2005). Tragic failure of roe v. wade: Why abortion should be returned to the states. Texas Review of Law & Politics, 10(1), 85-170.

EVOLUTION OF NATIVE RIGHTS IN AMERICA FROM 1951 TO PRESENT

Ashley Kunz

United States Indian Claims Commission Act 1951-1974

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United States Indian Claims Commission Act 1951-1974

Indian Self-Determination Act of 1975

Tundra Times

25¢

NIXON PENS BILL INTO LAW

'I Want You to Be Among the First to Know...' Nixon Says

United States Indian Claims Commission Act 1951-1974

Indian Self-Determination Act of 1975

Oliphant v. Suquamish Indian Tribe 1978

United States Indian Claims Commission Act 1951-1974

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Declaration on the Rights of Indigenous Peoples 2007


Tundra Times

25¢

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- Many grievances raised were about land, but only monetary compensation would be given and if granted the claim could not be raised again in the future

Indians' Claims Hang On Anthropologists

By the United Press.

BLOOMINGTON, Ind., Sept. 25.—Indiana anthropologists have been given an official job to help the government determine whether 3 cents an acre was enough to pay the Indians for their land.

Indiana University said its anthropology department has a contract with the U.S. Department of Justice to investigate claims against the government involving more than 200,000,000 acres of land in the Midwest.

Nearly 400 suits are pending in which the Indians claim additional compensation for lands acquired by the whites in treaties dating back to 1795.

The land in contest includes the entire states of Indiana, Ohio, Michigan and Wisconsin, most of Illinois and parts of Minnesota and Iowa.

Got 3 Cents an Acre.

Treaties show the Indians got as little as 3 cents an acre. The suits say $10 would have been about right. If the claims are allowed, the government might have to pay billions of dollars to the Indians.

The anthropologists' biggest responsibility is to find just where the Indians chose to pitch their wigwams. It's hard to say which tribes owned the lands at the time of the treaties, the experts said.

"There were widespread tribal wars and feverish moving about of tribes in the years 1650 to 1700," an anthropologist explained. "During this time, the Iroquois of New York State moved westward, seeking new sources of furs for trade with the whites.

True Ownership Obscure.

"The Iroquois pushed ahead of the other tribes, who in turn displaced others. When the time came to make land treaties, true ownership of the land was obscure."

Anthropologists said the problem of ownership can be resolved only by research on the identification of tribes, their inter-relationship, historical movements and political organizations.

Thousands of documents must be studied and correlated. The Indiana University group expects to search manuscripts in 20 archives throughout the area involved, libraries and archives in Washington, and museums in New York and Pennsylvania.

The government will pay the anthropologists $33,300 a year for three years to finance the project, headed by Prof. C. F. Voegelin.

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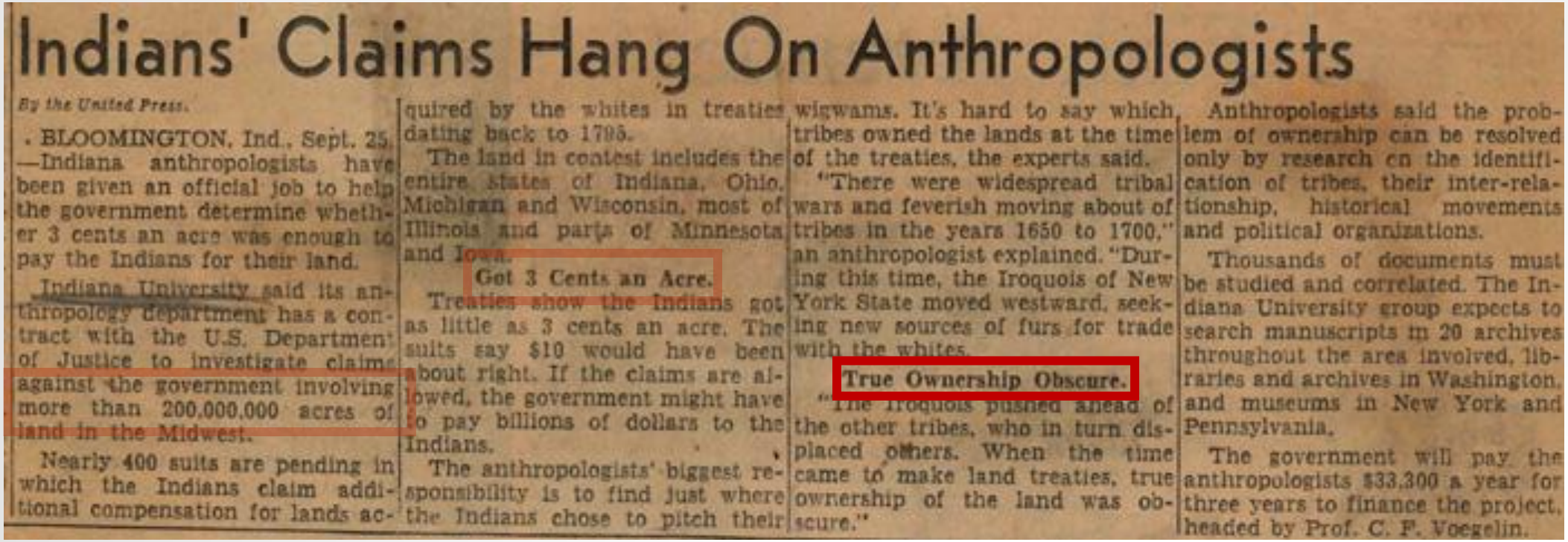

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- Tribes can now run their own programs such as "health clinics, social services, education, housing, roads, and tribal operations such as enrollment"
- Essentially strengthened tribal government and Indian sovereignty

OLIPHANT V. SUQUAMISH INDIAN TRIBE 1978

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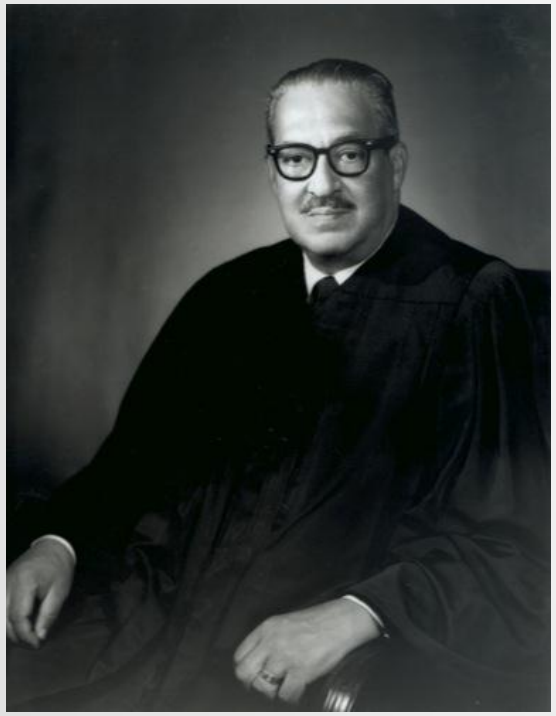
- In 1990 this decision was extended so that Indian tribes do not have criminal jurisdiction over Indians of another tribe

DISSENTING OPINIONS



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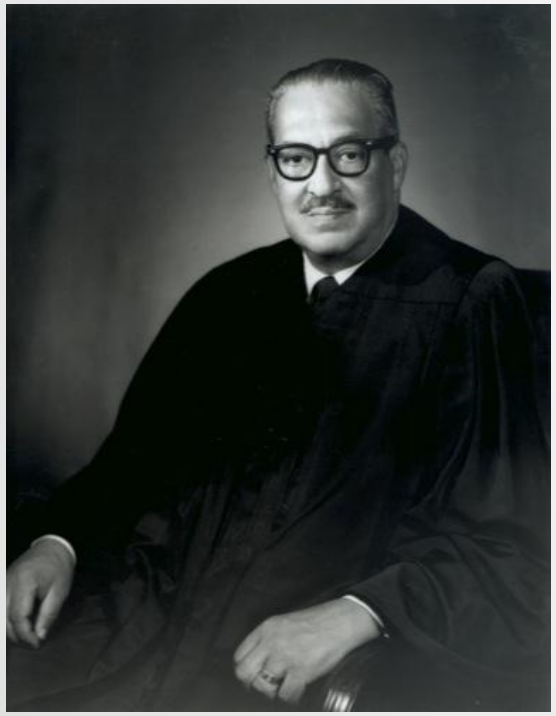

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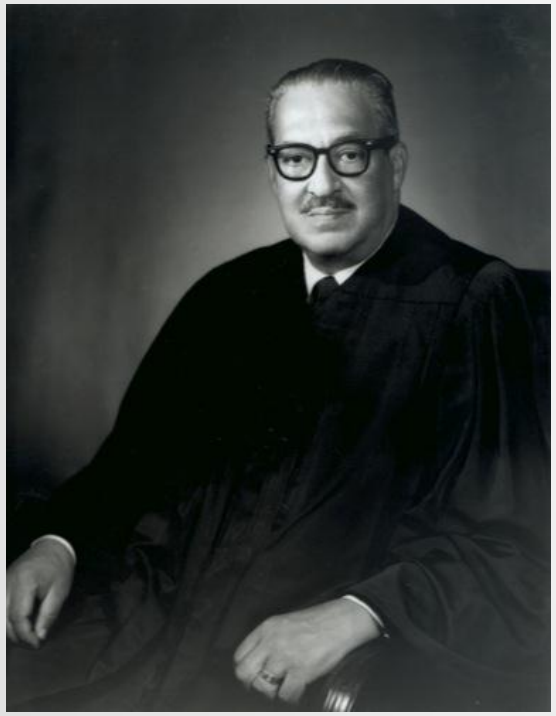

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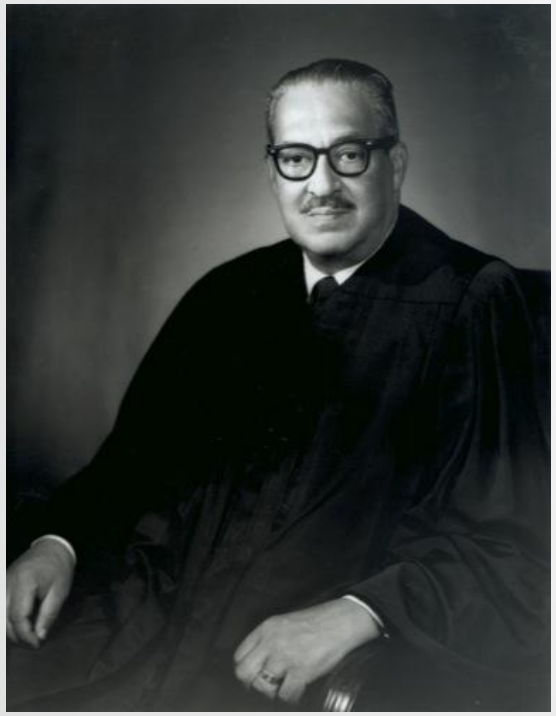

Justice Thurgood Marshall

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UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES 2007

UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES 2007

- A declaration hoping to "assist [indigenous peoples] in combating discrimination and marginalization"

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- A declaration hoping to "assist [indigenous peoples] in combating discrimination and marginalization"
- Was not signed by the United States until December 16, 2010

UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES 2007

- A declaration hoping to "assist [indigenous peoples] in combating discrimination and marginalization"
- Was not signed by the United States until December 16, 2010
- Is not a binding legal document

U.S. AND NATIVE RELATIONS TODAY

U.S. AND NATIVE RELATIONS TODAY

- Improving with the current administration

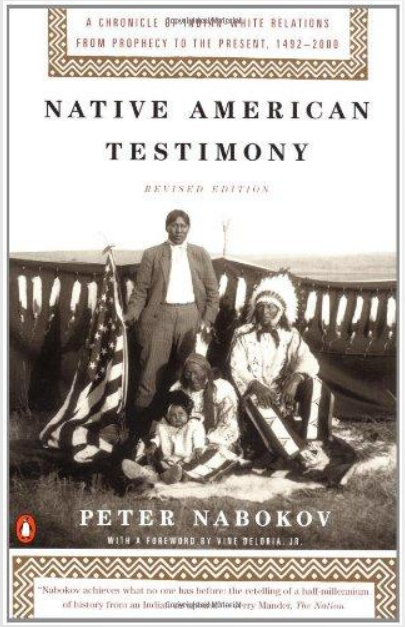
U.S. AND NATIVE RELATIONS TODAY

- Improving with the current administration
- President Obama has signed the Tribal Law and Order Act "to improve law enforcement and public safety in tribal communities"

U.S. AND NATIVE RELATIONS TODAY

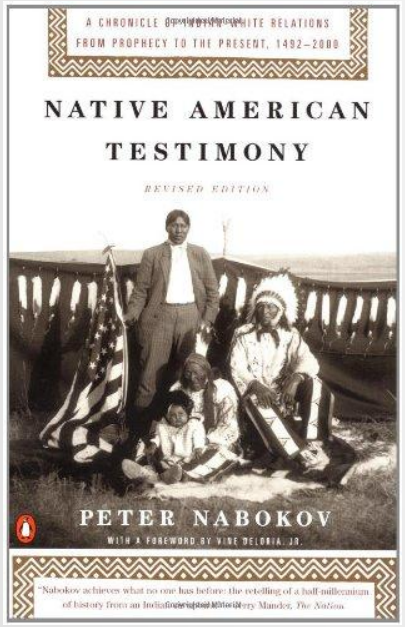
- Improving with the current administration
- President Obama has signed the Tribal Law and Order Act "to improve law enforcement and public safety in tribal communities"
- Tribes and interest groups are still pushing to end inequalities

FURTHER READINGS

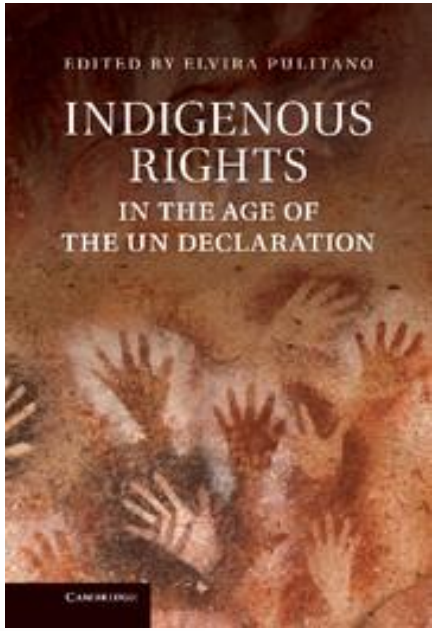


Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492-2000 by Peter Nabokov

FURTHER READINGS



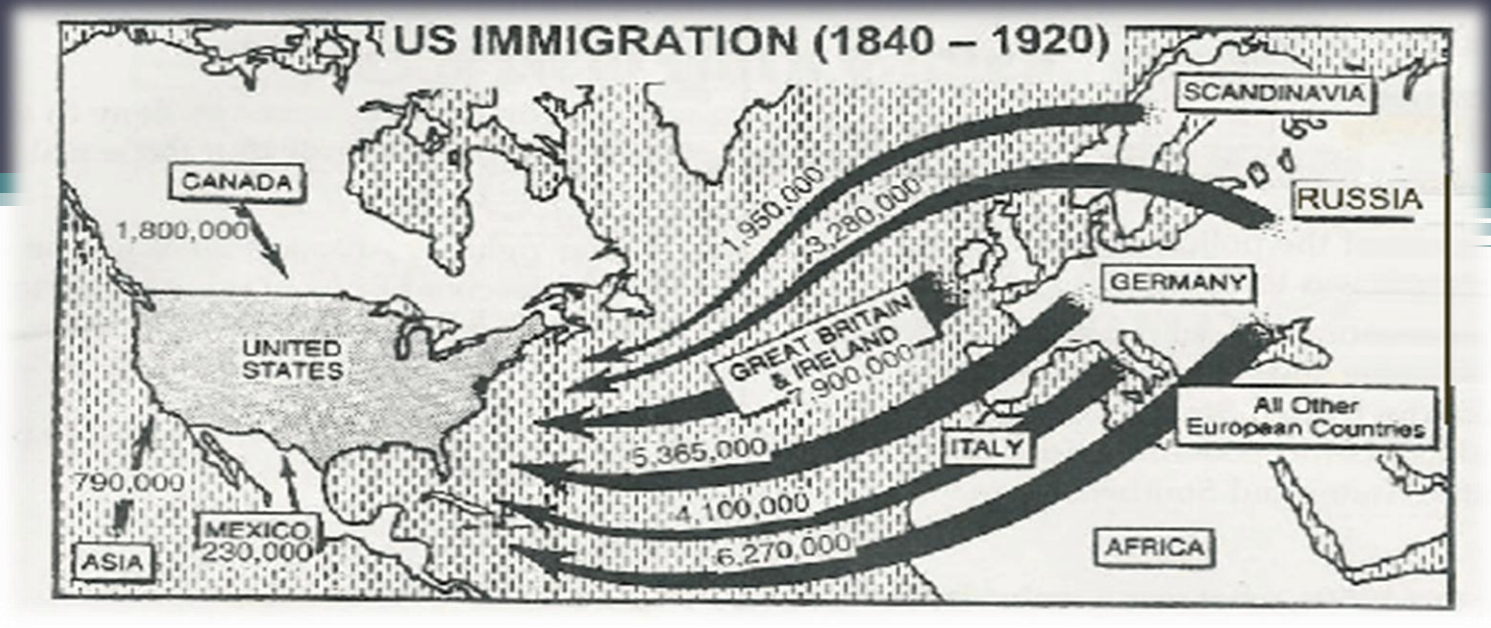
Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492-2000 by Peter Nabokov



Indigenous Rights in the Age of the UN Declaration edited by Dr. Elvira Pulitano

Immigration Act of 1924

"No more flame under the melting pot"



Eugenics & Nativism

- Sentiments growing with Post-World War I recession that culminate in anti-immigration legislation
- Against S & E Europeans, Jews, Indians and East Asians
- Promoting "American Identity"

The End of Open Immigration

1890
- **Census**
- Numbers were used for setting immigration quota until 1927

1917
- **Immigration Act of 1917** (aka Asiatic Barred Zone Act)
- One of many nativist and xenophobic based acts of early 1900‘s

1921
- **National Origins Formula** (used 1921 – 1965)
- System of immigration quotas (mainly on S & E Europeans)

1921
- **Emergency Quota Act**
- Setting 3% residents cap for immigrants from the same country

1924
- **Immigration Act of 1924** (aka Johnson – Reed Act)
- Limited immigration to 2%, after 1929 max. 150,000 total

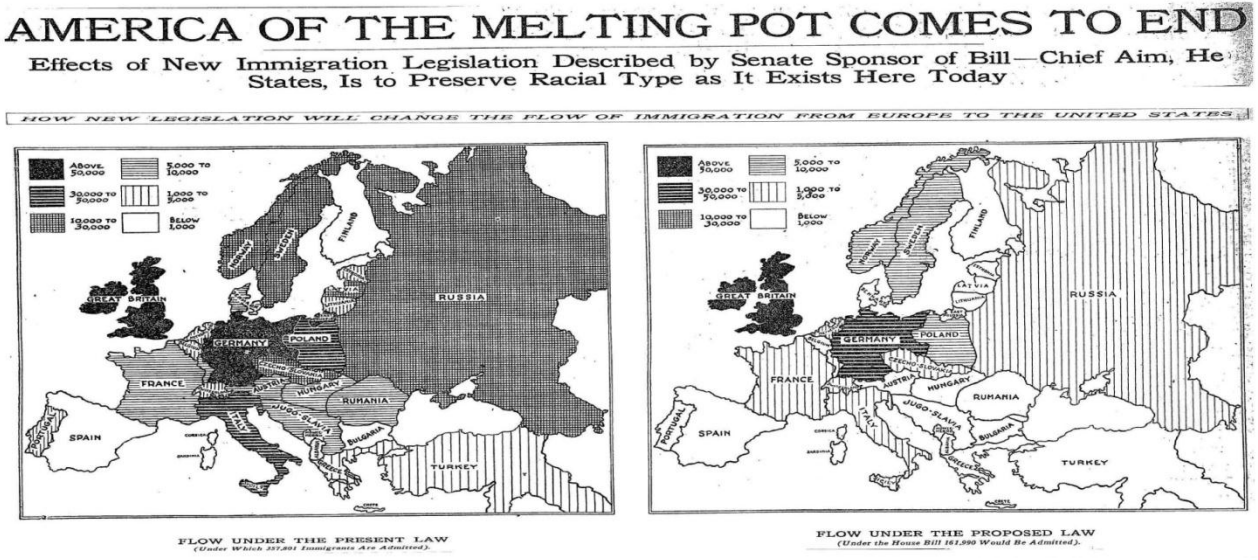
The Immigration Act of 1924

"In all of its parts, the most basic purpose of the 1924 Immigration Act was to preserve the ideal of American homogeneity"

- US DoS Office of the Historians

President Coolidge signs The Immigration Act of 1924, general John J.Pershing is on the President's right.

Immigration bill passes The Senate by vote of 62 to 6



The NY Times: By a final vote of 62 to 6, the Senate tonight passed the new immigration exclusion bill, which would permit the entrance of about 161,000 immigrants a year for the next three years, this being a 2 per cent. quota of the foreign-born population of this country in 1890, according to the census of that year. (April 18, 1924)

Act of May 26, 1924: The Immigration Act of 1924

Sec. 11. (a)

The annual quota of any nationality shall be 2 per centum of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100.

THE SAME ACT WHICH EXCLUDES ORIENTALS SHOULD OPEN WIDE THE PORTALS OF BRITISH COLUMBIA TO WHITE IMMIGRATION.

“Europe as an emigrant-exporting continent“

Harry H. Laughlin testimony before the House Committee, including Immigration Restriction Act

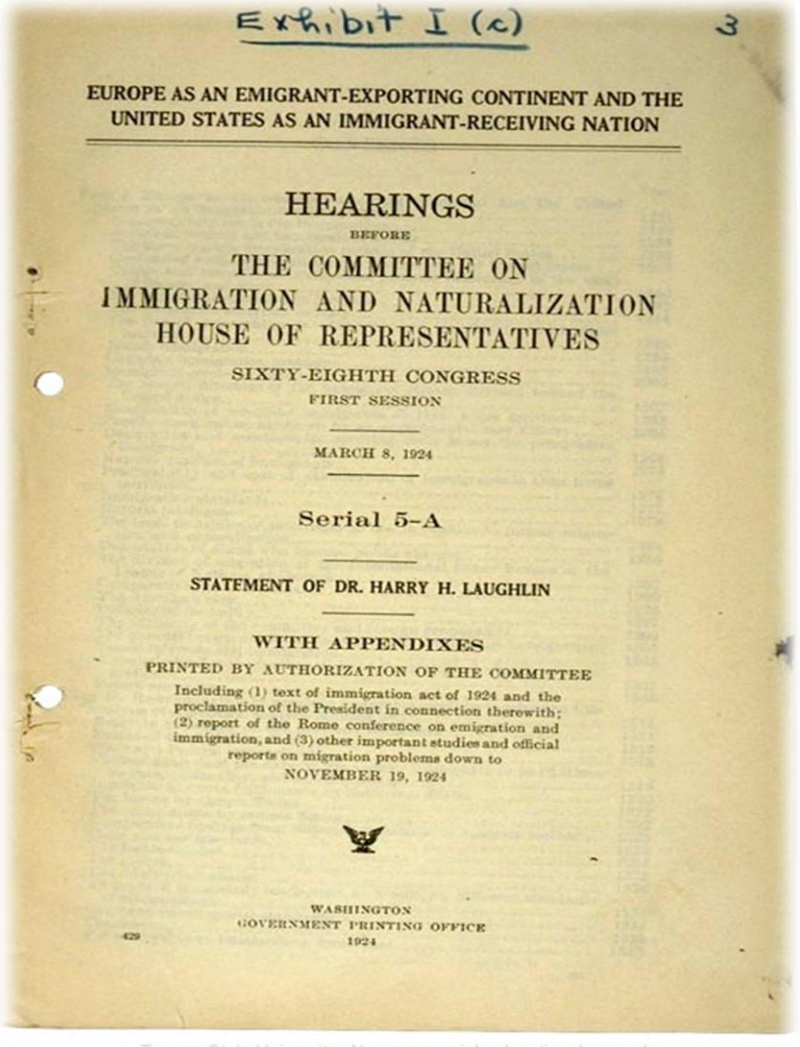


Exhibit I (c) 3

EUROPE AS AN EMIGRANT-EXPORTING CONTINENT AND THE UNITED STATES AS AN IMMIGRANT-RECEIVING NATION

HEARINGS

BEFORE

THE COMMITTEE ON IMMIGRATION AND NATURALIZATION HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH CONGRESS

FIRST SESSION

MARCH 8, 1924

Serial 5-A

STATEMENT OF DR. HARRY H. LAUGHLIN

WITH APPENDIXES

PRINTED BY AUTHORIZATION OF THE COMMITTEE

Including (1) text of immigration act of 1924 and the proclamation of the President in connection therewith; (2) report of the Rome conference on emigration and immigration, and (3) other important studies and official reports on migration problems down to NOVEMBER 19, 1924

WASHINGTON
GOVERNMENT PRINTING OFFICE
1924

429

The Architects of the Bill

Rep. Albert Johnson, R-WA

- Elected to ten consecutive Congresses (1913-1933; 63rd – 72nd)
- Served as chairman of the Committee in Immigration and Naturalization
- The head of "The Eugenics Research Association," a group which opposed interracial marriage and supported forced sterilization of the mentally disabled

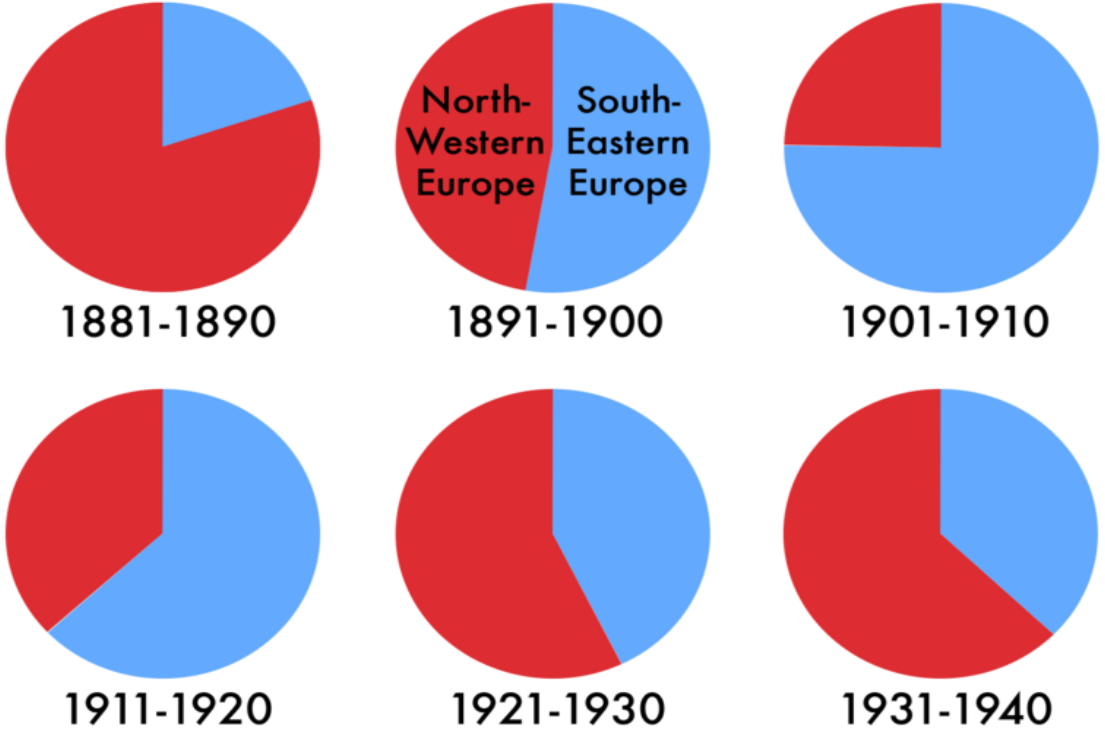
The Architects of the Bill II.

Sen. David A. Reed, R-PA

- Appointed to U.S. Senate and later reelected between 1922 & 1935
- Served as a major in field artillery in World War I. Before and after practised law
- Served as chairman of the Committee on Expenditures in Executive Departments and Committee on Military Affairs

The Consequences

The act limited mainly immigration from South and Eastern Europe, while still allowing North European immigrants to enter the country.



Proportions of immigration to the US by the origin of migrants

The Consequences II.

- Czechoslovak quota (1924-1925): **3,073**

- Effectively ended the European immigration wave that began in 1880‘s

Further reading

- Roger Daniels, *Coming to America: a history of immigration and ethnicity in American life*, (New York: HarperCollins, 2002).

- Elliot Robert Barkan, *From all points: America's immigrant West, 1870s-1952*, (Bloomington: Indiana University Press, 2007).

- Leonard Dinnerstein, Roger L. Nichols, and David M. Reimers, *Natives and Strangers: A History of Ethnic Americans*, (Oxford: Oxford University Press, 2003).

Race in American Higher Education: Grutter and Admissions Policies

By Hortencia Lara

Can Colleges use race to admit students?

TIME LINE

Executive Order 10926

Kennedy utilizes term "Affirmative Action"

1961

1964

Grutter Case

Race conscious policies are constitutional

Civil Rights Act

Outlaws discrimination based on race, color, religion, sex, or national origin

1978

2003

Fisher Case

Use of race in policies must be held up to strict scrutiny

Bakke Case

Quotas are unconstitutional

2013

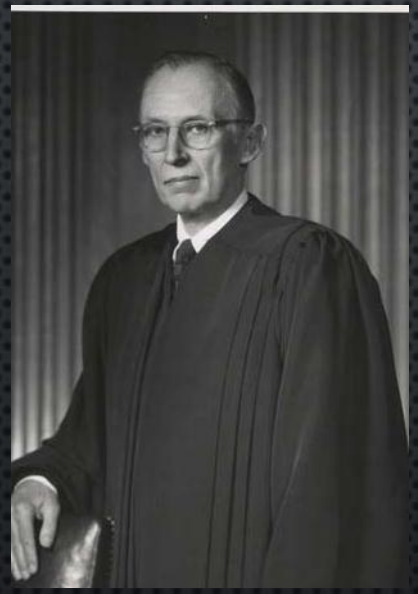
OUTCOME OF BAKKE

CAN UNIVERSITIES UTILIZE A RACE BASED QUOTA IN ADMISSIONS POLICIES?

NO, THE USE OF QUOTAS IN ANY PUBLIC INSTITUTION IS UNCONSTITUTIONAL.

UNIVERSITIES CAN, IN THE INTEREST OF A DIVERSE STUDENT BODY, UTILIZE RACE AS A FACTOR LONG AS IT IS NOT THE DETERMINING FORCE IN ADMISSIONS.

Outcome of Bakke



While the goal of achieving a diverse student body is sufficiently compelling to justify consideration of race in admissions decision under some circumstances, petitioner's special admissions program, which forecloses consideration to persons…, is unnecessary to the achievement of this compelling goal…"

-Justice Powell, 1978

Grutter v. Bollinger

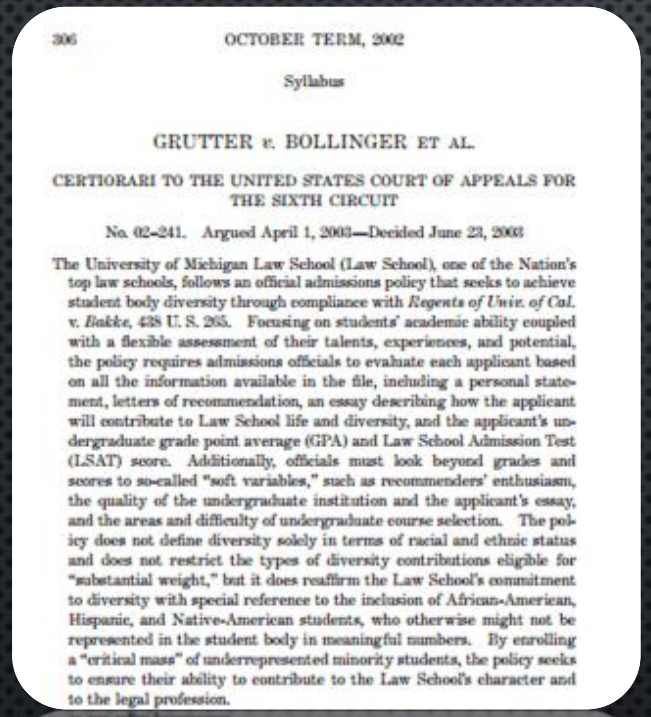
Barbara Grutter

- Was Denied Admission to the University of Michigan Law School in 1996.
- Alleged that the Law School used her race against her, violating the 14th amendment and the civil rights act of 1964.
- Claimed that the Law School gave minority students a "significantly greater chance of admission than students with similar credentials from disfavored racial groups."

Dean Lee Bollinger

- Claimed that the law school had a compelling interest in a diverse student body.
- While looking for a "critical Mass" of minority students, the Law School never implemented a quota system that favored certain groups of students over others.
- By not using a quota or utilizing race as the determining factor in admissions, policies were constitutional.

THE RULING



306 OCTOBER TERM, 2002

Syllabus

GRUTTER *v.* BOLLINGER ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 02-241. Argued April 1, 2003—Decided June 23, 2003

The University of Michigan Law School (Law School), one of the Nation's top law schools, follows an official admissions policy that seeks to achieve student body diversity through compliance with *Regents of Univ. of Cal.* v. *Bakke*, 438 U. S. 265. Focusing on students' academic ability coupled with a flexible assessment of their talents, experiences, and potential, the policy requires admissions officials to evaluate each applicant based on all the information available in the file, including a personal statement, letters of recommendation, an essay describing how the applicant will contribute to Law School life and diversity, and the applicant's undergraduate grade point average (GPA) and Law School Admission Test (LSAT) score. Additionally, officials must look beyond grades and scores to so-called "soft variables," such as recommenders' enthusiasm, the quality of the undergraduate institution and the applicant's essay, and the areas and difficulty of undergraduate course selection. The policy does not define diversity solely in terms of racial and ethnic status and does not restrict the types of diversity contributions eligible for "substantial weight," but it does reaffirm the Law School's commitment to diversity with special reference to the inclusion of African-American, Hispanic, and Native-American students, who otherwise might not be represented in the student body in meaningful numbers. By enrolling a "critical mass" of underrepresented minority students, the policy seeks to ensure their ability to contribute to the Law School's character and to the legal profession.

- THE LAW SCHOOL WAS CONDUCTING A HIGHLY INDIVIDUALIZED REVIEW OF EVERY APPLICANT, RACE WAS ONLY ONE OF MANY FACTORS USED WHEN DETERMINING ELIGIBILITY.
- THE LAW SCHOOL'S ADMISSIONS PROGRAM DID NOT UNDULY HARM MEMBERS OF ANY RACIAL GROUP.
- STATISTICALLY THE LAW SCHOOL'S MINORITY ADMISSIONS WAS INCONSISTENT WITH A QUOTA.
- THE LAW SCHOOL HAD CONSIDERED *WORKABLE* RACE-NEUTRAL ALTERNATIVES.
- SCHOOLS HAVING A COMPELLING INTEREST IN A DIVERSE STUDENT BODY DOES NOT VIOLATE THE CONSTITUTION.

Arguments on Race in Affirmative Action

Pro

- Gaps in college enrollment minorities and white male students exist.
- Provides an educational advantage for all students.
- Provides for greater social mobility.
- "We do not live in a race blind society".

Con

- Affirmative action policies are outdated and now cause a form of reverse discrimination.
- Students admitted under such policies are at times unable to succeed in competitive schools.
- Intelligence is not linked to race.
- There are alternatives to race conscious policies.

Race Neutral Alternatives

- Percentage Plans
- Lottery
- Decreasing emphasis of undergraduate GPA and LSAT scores
- Eliminate affirmative action in schools

These alternatives would force universities to lower academic quality, dramatically sacrifice diversity, or BOTH.

STATE ACTION

California
- 1996- Proposition 209
  - Prohibits affirmative action state wide.

Texas
- 1997- 10 Percent Plan
  - Race does not play a role in Percent Plan in state colleges and universities.

Washington
- 1998- Initiative 200
  - Prohibits affirmative action state wide.

Florida
- 1999- One Florida
  - Prohibits affirmative action state wide.

Michigan
- 2006- Proposal 2
  - Case Pending in the Supreme Court.
  - Prohibits affirmative action state wide.

Nebraska
- 2008- Initiative 424
  - Prohibits affirmative action in state colleges and universities.

Colorado
- 2008- Amendment 46
- Failed At Ballot

Arizona
- 2010- Proposition 107
  - Prohibits affirmative action state wide.

New Hampshire
- 2011- House Bill 0623
  - Prohibits affirmative action state wide.

Oklahoma
- 2012- State Question 759
  - Prohibits affirmative action state wide.

How State Bans Affected Graduate Enrollment

As of 2012, universities in Texas, California, Washington, and Florida have seen a -12% average portion of graduate students of color in all graduate programs after bans.

With - Engineering: -26%

Natural Sciences: -19%

Social Sciences: -15.7%

Humanities: -11.8%

FISHER V. UNIVERSITY OF TEXAS AND THE FUTURE

- ABIGAIL FISHER WAS NOT ACCEPTED INTO THE UNIVERSITY OF TEXAS AND CLAIMED THAT HER RACE WAS USED AGAINST HER, VIOLATING HER 14TH AMENDMENT RIGHTS.
- THE SUPREME COURT WHO RULED THAT ANY UNIVERSITIES USE OF RACE IN SHOULD BE HELD UNDER "STRICT SCRUTINY".
- THE UNIVERSITY DID HAVE A RACE BLIND ALTERNATIVES IN ITS POLICIES, THE TOP TEN PERCENT PLAN AND THE INDIVIDUALIZED REVIEW OF APPLICATIONS, MAKING THE POLICIES CONSTITUTIONAL.

- COLLEGES AND UNIVERSITIES IN STATES THAT HAVE NOT BANNED AFFIRMATIVE ACTION WILL NOW HAVE TO PROVE THAT THE USE OF RACE IN POLICIES IS ABSOLUTELY NECESSARY FOR A DIVERSE STUDENT BODY.
- RACE CONSCIOUS POLICIES WILL BE UNDER GREATER SCRUTINY.
- NEW RESTRICTIONS ON RACE IN POLICY ARE EXPECTED TO APPEAR.

Bibliography

- "Affirmative Action: State Action." Affirmative Action: State Action. http://www.ncsl.org/research/education/affirmative-action-state-action.aspx (accessed February 20, 2014).
- Garces, Liliana M.. "Racial Diversity, Legitimacy, and the Citizenry: The Impact of Affirmative Action Bans on Graduate School Enrollment.." *Journal of Higher Education* 36, no. Sep. (2012): 93-132. ebscohost.com (accessed February 20, 2014).
- "Grutter v. Bollinger - 539 U.S. 306 (2003)." Justia US Supreme Court Center. http://supreme.justia.com/cases/federal/us/539/306/case.html (accessed February 19, 2014).
- Moore, Jamillah. *Race and college admissions: a case for affirmative action*. Jefferson, N.C.: McFarland & Co., 2005.
- "Opinion recap: More rigorous race review." SCOTUSblog RSS. http://www.scotusblog.com/2013/06/opinion-recap-more-rigorous-race-review/ (accessed March 3, 2014).
- "Regents of Univ. of California v. Bakke - 438 U.S. 265 (1978)." Justia US Supreme Court Center. http://supreme.justia.com/cases/federal/us/438/265/case.html (accessed February 20, 2014).

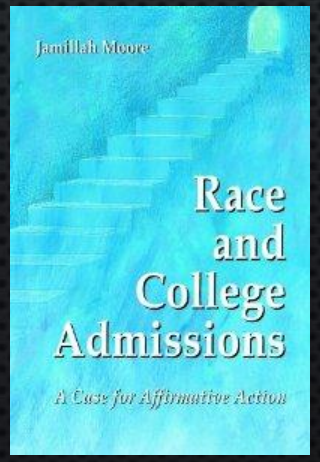
SUGGESTED READINGS

Times Ideas "Why We Still Need Affirmative Action"

By Toure

Racial Diversity, Legitimacy, and the Citizenry: The Impact of Affirmative Action Bans on Graduate School Enrollment

By Liliana M. Graces



Race and College Admissions: A Case for Affirmative Action

By Jamillah Moore

Fong Yue Ting vs. The United States and the Chinese Exclusion Act

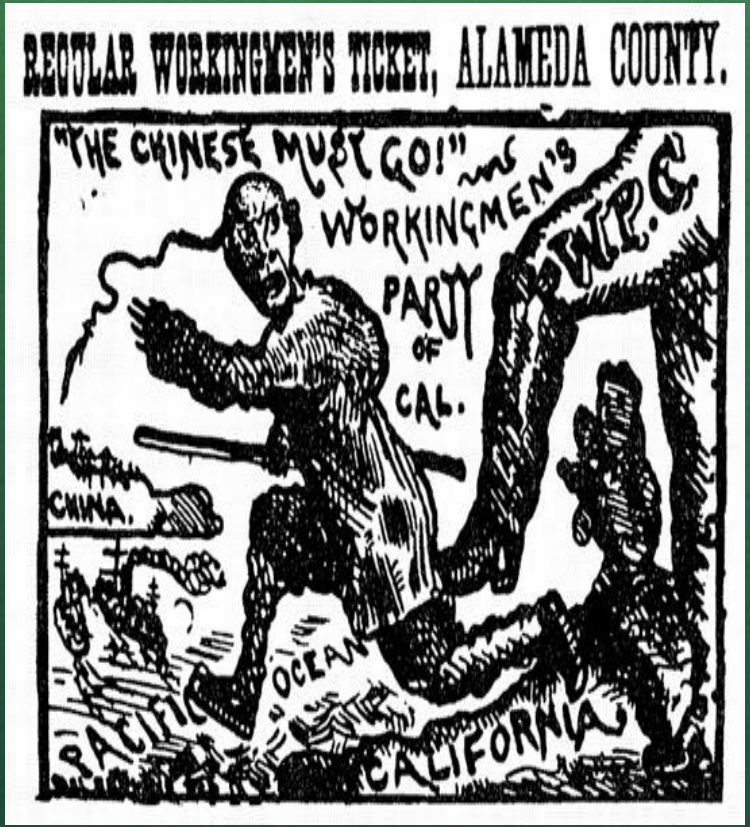
Brandon Allgood

Chain of Causality

Railroad

- The first transcontinental railroad was aimed to be built between 1863-1869
- Provided a job opportunity for those fleeing the Taiping Rebellion in China
- Chinese Miners gave up Gold Fever for the railroad

Anti-Chinese Sentiment

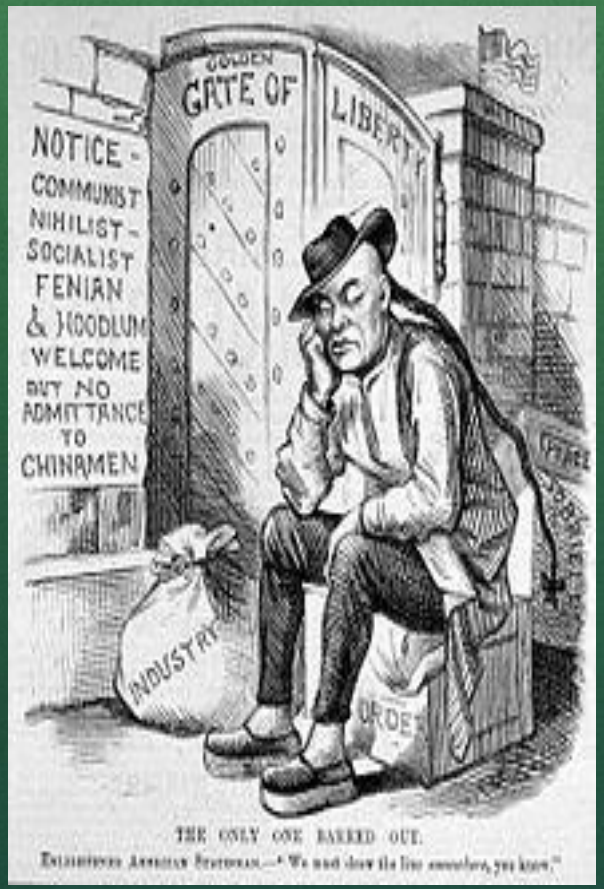


- American railroad workers took offense to hiring Chinese
- Anti-Chinese sentiment became commonplace for a time throughout all of the United States
- Some Americans took action against the Chinese via riots and massacres

Chinese Exclusion Act

- In lieu of Anti-Chinese Sentiment throughout the country, the Chinese Exclusion Act was proposed
- Passed in 1892, and signed into law by Chester A. Arthur, it prohibited the immigration of Chinese to the United States

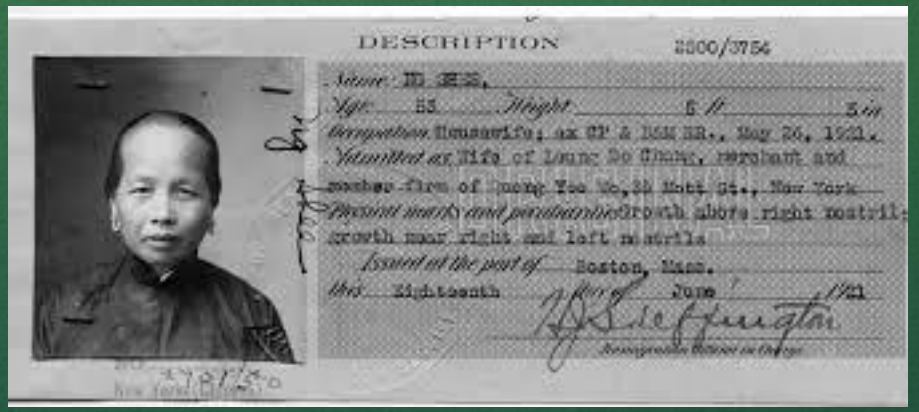
Chinese Exclusion Act Cont.



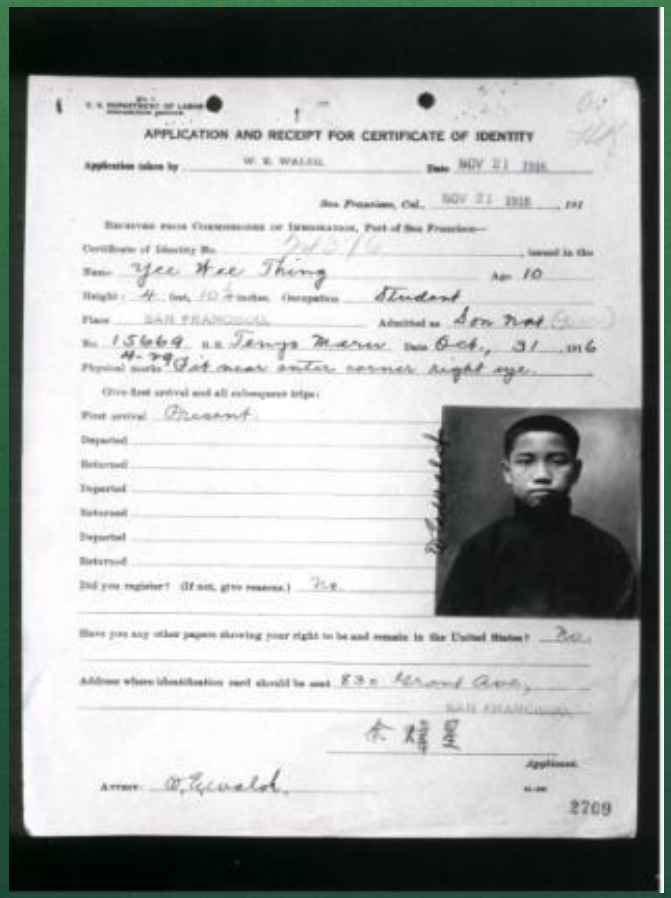
- Backbone of the Act was the US-China Burlingame Treaty of 1868 which permitted the U.S. to outlaw Chinese immigration
- The C.E.A. was supposed to last 10 years but was renewed in 1892 and made permanent in 1902
- It was repealed in December, 1943 by the Magnuson Act

Geary Act

- The Geary Act of 1892 was passed in coordination after the Chinese Exclusion Act
- The Geary Act said that all Chinese in the U.S. already had to carry a resident permit
- No permit could result in deportation or 1 year of hard Labor



Fong Yue Ting



APPLICATION AND RECEIPT FOR CERTIFICATE OF IDENTITY

Application taken by W. E. WALSH. Date NOV 21 1916

San Francisco, Cal., NOV 21 1916, 191

Name Yee Hee Thing Age 10

Occupation Student

Place SAN FRANCISCO Admitted as Son Mot

No. 15669 U.S. Tenyo Maru Date Oct., 31, 1916

Physical marks Cut near outer corner right eye.

Give first arrival and all subsequent trips:

First arrival Present

Have you any other papers showing your right to be and remain in the United States? No.

Address where identification card should be sent 830 Grand Ave, SAN FRANCISCO

Applicant.

Attest: W. Tyrrell.

2709

Resident Permit, what Ting did not have

- Chinese immigrant who settled in New York
- Labeled as a laborer from No. 1 Mott Street who pleaded guilty to not having residential permit placed by Geary Act
- Turned himself in at New York Sheriff's Office in 1893

Fong Yue Ting vs. U.S., 1893

- Fong Yue Ting vs the United States was a Supreme Court case in 1893
- Initially, the case started out in a New York District Court and went all the way to the Supreme Court
- Ting challenged the country's right to deport citizens who had legally immigrated, specifically Chinese

Fong Yue Ting vs U.S. cont.

- The Supreme Court ruled that the country had the right to deport citizens as it pleased
- The Court also ruled to maintain the Geary Act
- The vote in the court was 6 to uphold, 3 against


THE

Chinese Must Go!

Mayor Weisbach

Has called a MASS MEETING for this (Saturday) evening at 7:30 o'clock

AT ALPHA OPERA HOUSE.

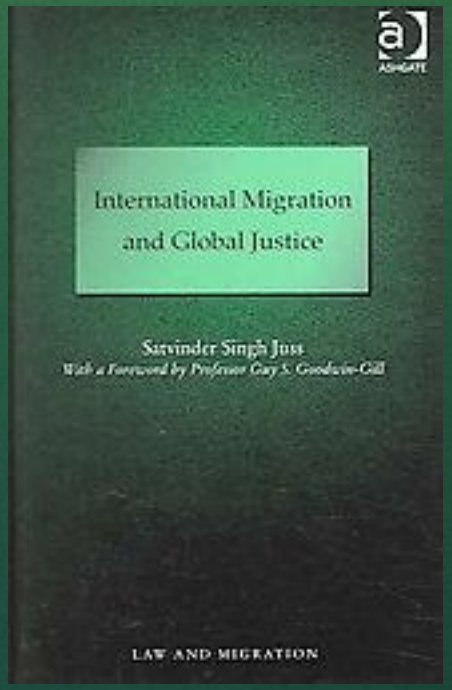
To consider the Chinese question.

TURN OUT.

Further Readings

- Gyroy, Andrew. Closing the Gate: Race, Politics, and the Chinese Exclusion Act. University of North Carolina Press, 2000

- Singh Juss, Satvinder. International Migration and Global Justice. Hampshire, England; Ashgate Publishing, 2006.

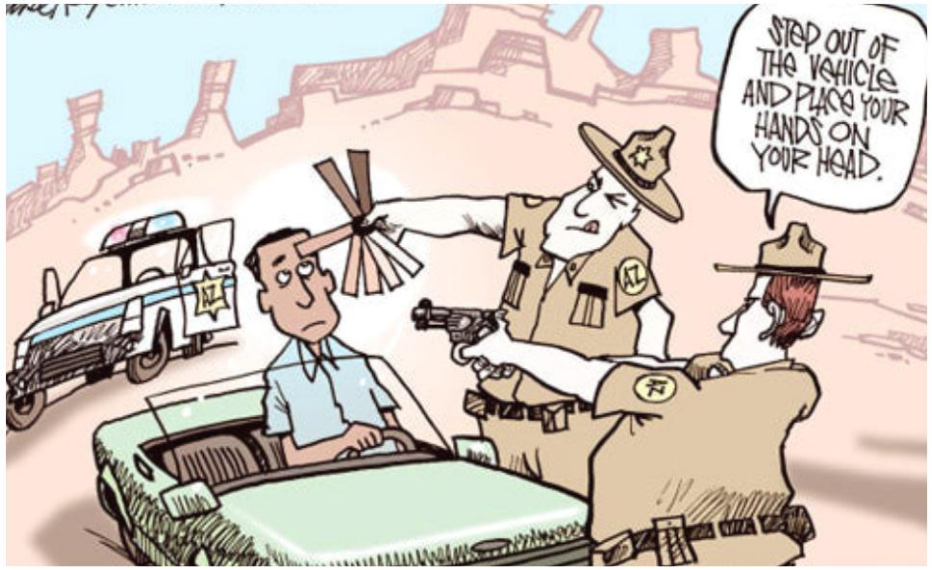


Chicago v. Morales

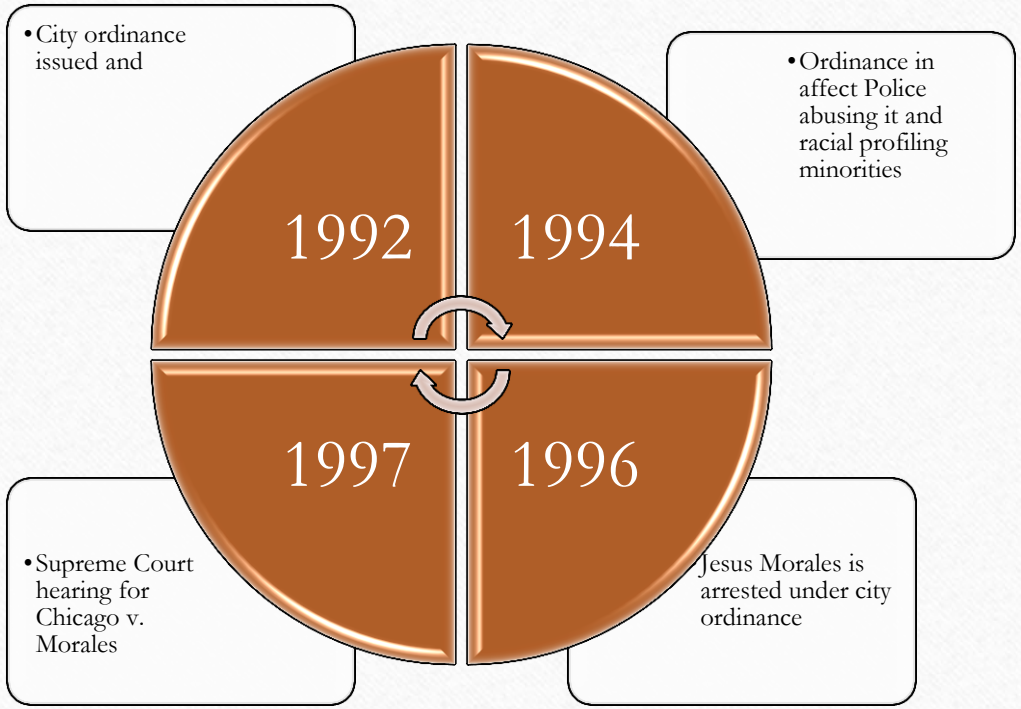
An in-depth look at racial profiling in American cities in the 1990s.

By: Devandrew Johnson

Political cartoons



Timeline


•City ordinance issued and
1992
1994
•Ordinance in affect Police abusing it and racial profiling minorities
1997
1996
•Supreme Court hearing for Chicago v. Morales
Jesus Morales is arrested under city ordinance

Summer of 1992

- Growing gang violence occurring in city
- Drive-by shootings and gun violence cause community leaders to push for a law.
- Law implemented in the Summer of June 1992 known as a "Loitering Ordinance"

City Ordina

- Introduced to reduce gang violence in the inner city of Chicago
- Police begin to profile individuals on the basis of appearance of individuals arresting Loiterers whom looked suspicious
- Imprisonment rates rise and individuals jailed without probable cause

TH

Before High Court, Chicago Defends Approach to Gangs

By LINDA GREENHOUSE

WASHINGTON, Dec. 9 — In a spirited Supreme Court argument today, the City of Chicago defended an anti-loitering law that permits arrests not only of suspected gang members, but also of anyone else who, standing with "no apparent purpose" on a public street near a gang member, defies a police order to move on.

"The Constitution does not protect the right to stand next to a gang member," Lawrence Rosenthal, Chicago's deputy corporation counsel, told the Justices in what appeared to be an uphill battle to resurrect a 1992 city ordinance that has drawn widespread attention from around the country as a potential model for a new approach to gang violence.

Tens of thousands of people were arrested under the law during the three years it was in effect before an Illinois appellate court declared it unconstitutional in 1995. Mr. Rosenthal said the law imposed "at most a minimal inconvenience" when compared to the "enormous evils" visited by gangs on terrified Chicago

The law authorizes a police officer who "observes a person whom he reasonably believes to be a criminal street gang member loitering in any public place with one or more other persons" to order the entire group to move on and to arrest anyone who remains. Loitering is defined as "to remain in any one place with no apparent purpose."

Many of the Justices' questions for Mr. Rosenthal, Chicago's lawyer, dealt with how the police are supposed to identify the purposeless loiterers to whom the law should be applied. Mr. Rosenthal insisted that any concern for the law's vagueness was misplaced.

All people have to know is to obey an order to disperse, he said. "A law that says one cannot stand still in the city of Chicago when ordered to move is not vague," Mr. Rosenthal explained, adding that there was little potential for innocent people to be swept up along with gang members. In gang-ridden neighborhoods, people are afraid to use the streets and are not likely to be on them in any event, he said.

But some Justices still had ques

Implementation

- Ordinance that seeks to impose criminal penalties for conduct by vaguely defined violations deemed to have been committed in discretion of law enforcement officers denies due process.
- If an individual refused to disperse from the location after being told to leave they would be arrested without having actually done anything. There is a fine of up to $500!
- Which made it easy for police to pick and choose who they wanted to apprehend giving the officer outright distinction to profile his said “criminal”.

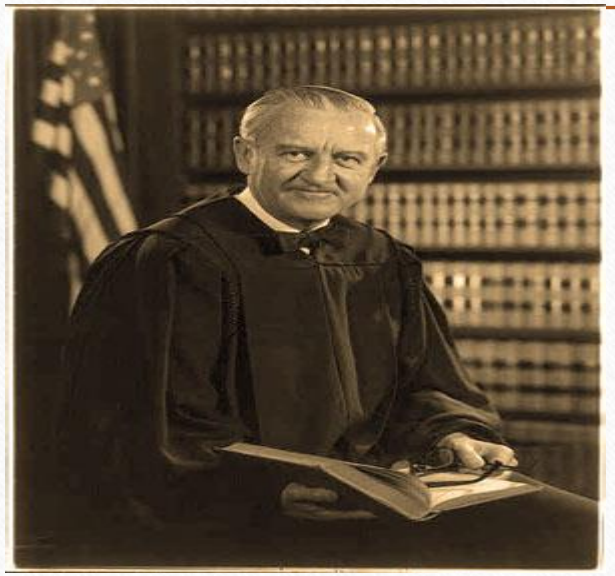
Community Complaints & Testimonies

- Communities were complaining about the gangs Aldermen complained in 93 to how it gang violence was worsening.
- “Many witnesses described steps they had taken, individually and in groups, to effectively combat gang presence. A member of the Northwest Neighborhood Federation reported that the Federation had "evicted five gangs from five different [Chicago] communities.”
- Witnesses and aldermen alike testified as to their frustration about the lack of police responsiveness to the incidence of serious and already illegal activities of the gang members. Oftentimes, the police are called but they take too long to respond

Ms. Jacksons testimony

- Ms. Susan Mary Jackson, an eighty-eight year-old resident, said, "We used to have a nice neighborhood. We don't have it anymore.... I am scared to go out in the daytime.... You can't pass because they are standing. I am afraid to go to the store.... At my age if they look at me real hard, I be ready to holler”

Court ruling



- Viewed this a direct violation of about three constitutional amendments for its citizens.
- The laws vagueness was not specific enough and gave implementers to much power and jurisdiction
- Unlawful in its implementation and too harsh on its citizens

Aftermath of Implementation of Ordinance

- Between August 1992 and December 1995, Chicago police officers issued over 89,000 dispersal orders and arrested over 42,000 people for violating the gang-loitering ordinance.
- There were 5,251 arrests in 1993, 15,660 in 1994, and 22,056 in 1995.
- Two other Cook County trial judges, however, found Morales and five other persons guilty of violating the ordinance and issued jail sentences ranging from one to twenty-seven days

Court Proceedings leading up s

- The City of Chicago appealed the circuit court disn
  Ramsey, and sixty-two other persons. On Decembe
  court affirmed those dismissals, thereby halting furt
  gang-loitering ordinance and later reversing the convictions of Morales and five other persons.
- According to the court, the ordinance infringed on federal and state constitutional rights of assembly, association, and expression because it subjects innocent persons, regardless of their conduct, to dispersal order and arrest for merely associating with gang members in public places.

The debate over race language in the law and ambiguity

- http://www.c-span.org/video/?c4486213/chitown

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- https://www.aclu.org/content/aclu-amicus-brief-chicago-v-morales-et-al another court brief with all the stautes
- http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7004&context=jclc court brief

Case comment, City of Chicago V. Morales: Street Gangs, Public Spaces, And the Limits of Police Di

Mean streets: Chicago youths and the everyday struggle for empowerment in the multiracial city

Religious Freedom:

A Balancing Act Between Majority and Minority Rights

Jonathan Larreau

Process of Law

1949

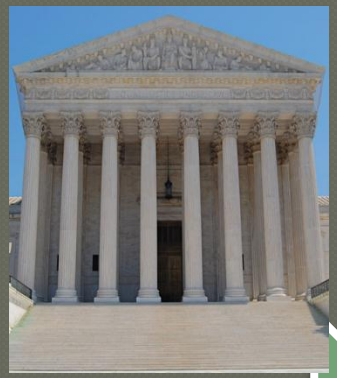
- Pennsylvania Creates Bible Reading Law

1956

- Ellery Schemp Protests Law

1958

- Case starts its way through court process



1963

- Supreme Court

Pennsylvania Statute 15-1516


1949 Act 14

Click here to pri

A provision of this statute is set to expire in 2014 and 2015

Section 1516. Bible Reading in Public Schools.--At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian.

(1516 amended Dec. 17, 1959, P.L.1928, No.700)

- Required students to read 10 verses out of the bible at the beginning of the day each day
- Required the recitation of the Lord's Prayer

Schempp Family

- Edward Schempp (Father) was a Unitarian Universalist
- Sued school district on behalf of his son Ellory Schempp in 1958

Unitarian Universalist Faith

- Believe in One God
- Believe Science, Philosophy and Reason can coexist with faith in God
- No Religion can claim a monopoly on theological truth
- The Bible was written by man therefore is subject to human error
- Do not believe in the Divinity of Christ
- Do not believe in the Holy Trinity
- Do not believe in immaculate conception
- Do not believe in Original Sin

Actions of Ellory Schempp

Chicago Tribune (1963-Current file); Jun 18, 1963;
ProQuest Historical Newspapers: Chicago Tribune (1849-1990)
pg. 2

Atheist, Unitarians Win Ban on Prayers

Rebels in Class

Providence, R. I., June 17 (AP) —"Religion by rote is degrading," says the Pennsylvania youth whose actions provoked one of the cases decided by the Supreme court in today's ruling on Bible readings in the public schools.

Ellory F. Schempp, 22, is a Unitarian from a family long active in church affairs. He has no quarrel with organized religion. He has no quarrel with discussions of religious philosophy in schools, but he does feel strongly about the morning routine of Bible reading and prayer.

"Religion is too precious to be relegated to this practice," said Schempp, a graduate student in physics at Brown university.

Reads Koran Instead

It is 6½ years since the morning he sat at his desk in Abington, Pa., High school, reading a borrowed copy of the Koran, a book of Moslem sacred writings, while the class went thru its compulsory reading of 10 Bible verses and recitation of the Lord's Prayer.

"My home room teacher told me I would have to pay attention," Schempp said. "I replied that in conscience I no longer felt that I could."

Schempp was sent to school authorities. A truce was worked out whereby he reported to his home room each day but left during the opening ceremonies.

Sent to Principal

In his senior year, Schempp was sent to the principal when he again asked if he could be excused from the exercise. He says the principal called him a "rabble rouser." Schempp said he then participated in the ceremony.

But meanwhile the court suit had started.

From the time the case first attracted public attention, Schempp and his family were subjected to abuse in person, by letter and telephone.

At his parents' home in the Philadelphia suburb of Roslyn, his father, Edward, said, "This is an opportunity for all men of good will to show that their religion and belief in God is compatible with our democratic way of life."

- Protested Law
  - Read Koran instead of Bible during Devotionals
  - Refused to stand and recite the Lord's Prayer
  - Refused to discontinue actions

Constitutional Issues

- 1st Amendment
  - Establishment Clause
    - Congress shall make no law respecting an establishment of a religion …

- 14th Amendment
  - No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws

Arguements

- Pennsylvania Litigator tried to get the case dismissed because Ellery was no longer in school due to graduation. Also, made claim that the reading of the bible was not sectarian due to all Christians utilizing the bible
- Schempp Litigator made the case that the social pressure of all student involved in Devotionals was in essence a requirement to be involved. An endorsement of a specific religion

Conclusion

- The Supreme Court decided that the Pennsylvania Law was unconstitutional stating that the law was in fact an establishment of a specific religious perspective

The Bible Belt

- Supreme Court Decisions dealing with religious practices impact this areas legislation greatly
- In 1963, Delaware and Pennsylvania was included in this category

Public Reactions

The School Prayer Decision
The Christian Science Monitor (1908-Current file); Nov 27, 1963;
ProQuest Historical Newspapers: The Christian Science Monitor (1908-2000)
pg. 24

The School Prayer Decision

The School Committee of North Brookfield, Mass., in October voted to continue the practice of Bible readings and recitation of the Lord's Prayer in its public schools notwithstanding a ruling by the United States Supreme Court. Portions of a letter by Edward W. Brooke, Attorney General of Massachusetts, to the school committee are here reproduced. He now has sued for a writ to compel the committee to end the assertedly unconstitutional practices.

On June 17, 1963, the Supreme Court of the United States, in the case of *School District of Abington Township v. Schempp*, 374 U.S. 203, held unconstitutional a Pennsylvania statute which provided for the daily reading of a portion of the Bible during the opening exercises of the public schools.

Under Article III of the Constitution of the United States, the Supreme Court is empowered only to decide cases and controversies. The court cannot render advisory opinions; the scope of its decrees is limited to the controversies to which the decrees relate.

However, the principles set forth in the *Schempp* opinion are not so limited in their application. The significance of the *Schempp* case lies in its exposition of specific limitations on the powers of state officials and political subdivisions. These limitations are imposed by the principles of the First Amendment of the Constitution of the United States. Article III makes this court the final interpreter of the meaning of the Constitution. The paramount position which the Constitution holds in this nation is clear.

* * *

The principles of the First Amendment, as they were defined in the *Schempp* case apply uniformly throughout the nation. Obviously, since these principles invalidated the Pennsylvania statute in the case involving the School District of Abington Township, they likewise invalidate the same statute in the case of any other school district in Pennsylvania; and they likewise invalidate an indistinguishable statute in Massachusetts or in any other state. In short, the *Schempp* case became the law of the land.

In a very real sense, the success of the American form of government depends upon the voluntary compliance by the public official and the private citizen of the United States with principles of law which are expounded by the Supreme Court in explanation of judgments rendered in controversies to which such officials and private citizens are not even parties.

The underlying basis of the court's decision is that matters of religious indoctrination for children are for the parent to decide. In a period of silent meditation a Catholic child may pray as he is accustomed to pray; a Protestant child may pray as he is accustomed to pray; a Jewish child may pray as he is accustomed to pray. Even the atheist child, with whose parents we may all disagree, may use this period of silent meditation to reflect, without praying at all.

The right to pray as he desires to pray, or not to pray, is the constitutional right of each and every child in our nation. We may feel that the parent who raises his child without reverence to God is misdirected. But we must also, I respectfully suggest, agree that in this most intimate matter of conscience, the parent has exclusive jurisdiction under our law. It was to preserve this liberty of conscience that the Supreme Court ruled that the First Amendment limits the power of government so that its endorsement of any religion or of religion in general is prohibited.

The only legal course open to any citizen who desires a change in the instant case is by constitutional amendment. A vote to continue the traditional Bible reading exercises in the public schools is a vote in defiance of the law. This vote of defiance must be construed as a rejection not only of the sole legal method of constitutional change; but also, I regret to say, of the basic principles of liberty under law upon which our country was founded.

* * *

Many persons have disagreed with the decision in the *Schempp* case, as many have disagreed with other decisions of the United States Supreme Court. But conscientious officials have traditionally placed their devotion to the functioning American tradition in a position of paramountcy and have complied with their oath to defend and uphold the Constitution—not as *they* interpret it, but as it has been interpreted by the highest tribunal of this land.

In a nation such as ours, obedience to God compels obedience to law. On this simple proposition all religions speak as one.

Defiance of the law is a drastic course. It is a course which I trust you will avoid by a reversal of your present position.

I must and I do ask you to immediately cease and desist your defiance of the Supreme law of the land—the Constitution of the United States as interpreted by the Supreme Court of the United States.

I trust and pray that after full discussion of the implications and meaning of your vote, you will reconsider your position.

- People disagreed with raising a child without reverence for God but understood the decision of the case
- The supreme court ruled in favor of limiting the governments ability to endorse a religion

Public Reactions

Can Schools Still Use Sacred Music?

By Paul Hume

"ARE AMERICAN public school choral directors violating the United States Constitution when they use music written to a Biblical text?"

Hume

The question is raised in the January issue of Music Educators Journal, the official publication of Music Educators National Conference, which has headquarters here in Washington. The author of the article, "Are We Violating the Constitution?" raises an issue that would not have given me very long or serious thought if he had not offered this specific information midway in his article:

"A number of public schools in this country have deleted all sacred music from the course of study, some of them by official action of the boards of education and others by implied directive to instructors. Still other teachers have on their own discontinued singing sacred songs in order not to invite 'church-state' criticism from parents or administration."

Donald Meints is the author of the unsettling article. As director of the Lockport Township High School Choir in Lockport, Ill., he is in the same spot as thousands of choral directors across the country. He has studied two Supreme Court decisions which bear on this problem, both of them rendered on June 17, 1963. One (Schempp vs Abington Twp. Schools, Pa.) involved the question of the constitutionality of a state requirement that called for "reading of ten verses from the Holy Bible, without comment, every day at the opening of each public school."

The other (Murray vs. Baltimore Board of Education, Md.) contested the daily reading of the Bible or the Lord's Prayer as a devotional exercise in the public schools. In one ruling for both cases, the Court found both state requirements to be unconstitutional. That part of the ruling, however, from which Meints takes comfort, quite properly it seems to me as a musician who is a layman when it comes to the law, is Justice Tom C. Clark's comment:

"It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be consistent with the First Amendment."

AFTER PONDERING these statements and questions for a time, I did some checking around in the Washington area, talking with the top officials in public school music in the District of Columbia as well as Montgomery and Arlington counties.

Paul Gable, supervisor of music in D.C. public schools was forthright. He said that the question had not come up and that, beyond question, the finest music is found in the vast body of what is included under the label of "sacred music."

Both Chester Petranek of Montgomery County and Florence Booker in Arlington agreed with Gable's assessment of the quality of sacred music in the repertory. On this point, for that matter, there can be no question. Any representative cross-section of musicians would agree that, without any consideration of text whatsoever, the world's greatest musical masterpieces include such mountainpeaks as the B Minor Mass of Bach, his settings of the Passion of St. John and of St. Matthew, Handel's Messiah, and the masses of Mozart, Haydn and Beethoven, to mention only a few.

IT IS equally undoubted that, in the course of hundreds of performances of these works that take place during a year, there are many singing and playing who do not agree with the sentiments which they contain.

Meints makes this point strongly when he refers to one of the famous choruses from Mendelssohn's famous oratorio, "Elijah," which goes on for pages on the phrase, "Baal, we cry to thee." No one, as far as Meints knows, has ever felt the slightest inclination to embark on the worship of Baal as a result of singing this passage.

My own experience offers further similar thoughts. As the director of a men's glee club, I often conduct the young men of Georgetown University in some of the world's famous drinking songs, all of which glorify the marvels of wine, beer or stronger drink.

Yet it is hard to conceive of anyone believing that such songs encourage experimentation in drinking or any other devotion to any particular liquid refreshment.

In connection with the centennial observations of the Civil War, my glee club sang a medley of songs that came out of that conflict. These were evenly divided between songs of the north and those of the south.

Clearly the sympathies not only of the men as they sang, but of their listening audiences as well, was with one side o rthe other, and the singing of the songs did little to make converts to the other cause.

MEINTS SEEMS to be on firm ground when he suggests that, in the light of Justice Clark's summary of the issues involved in the two cases cited, those choral directors who have eliminated all sacred music from their courses are going far beyond the Court's implication. This was the reaction of both Petranek in Montgomery County and of Miss Booker, whose Washington-Lee High School choruses in Arlington have, for over a generation, been among the outstanding high school choral groups in the country.

Music is a part of our cultural heritage and its study, whether or not words are involved, is obviously to be encouraged at every level of our school systems. To suggest that a vast quantity of its finest examples is no longer usable in our education systems reaches beyond any reasonable realm.

- People began to wonder where the implications of the decisions would go
- Would it reach into the realm of what type of music could be sung during choir classes

Public Reaction

Schools in Nine States Keep Reading Bible Despite Court Rulings

South Offers Most Opposition To Ban; Civil Liberties Union Files New Suits in Delaware

By Neil Ulman
Staff Reporter of The Wall Street Journal

When Brandywine High School near Wilmington, Del., opened for the fall term at 8:10 this morning, the day started the same way it has for years. Pupils listened to a reading of five verses from the Bible, then recited the Lord's Prayer.

Thus ritual, required by state law, is being continued this year in Delaware despite U.S. Supreme Court decisions that such practices and laws are unconstitutional. But Delaware is not unique. A Wall Street Journal survey shows that Bible reading and prayers will continue in school districts in at least eight other states, where it has been established by law or custom.

Law suits by parents of pupils and civil liberties groups may eventually force all these school districts to abandon their traditional religious observances. But for the time being they are prolonging the controversy over the role of religion in public education, a controversy almost as old as the nation itself.

For some educators the argument appeared to have been settled by a pair of recent Supreme Court decisions. In June 1962 the High Court ruled unconstitutional "laws requiring or permitting" New York state pupils to recite a 22-word "non-denominational" prayer composed by state officials. And this past June the court struck down a Pennsylvania law and a Baltimore school board rule, both of which required daily Bible reading in school.

Some States Drop Requirement

At the time of the most recent court decision, 11 states besides Pennsylvania had laws requiring Bible reading or prayers in schools. Of these, Maine, New Jersey and Massachusetts have said they will drop the requirement.

Says Massachusetts Attorney General Edward W. Brooke: "As a Constitutional ruling under the fourteenth amendment these decisions set forth the supreme law of the land and are binding on the states and all political subdivisions thereof."

But Delaware Attorney General David P. Buckson takes a different view. A few weeks ago he sent a five-page legal opinion to the state superintendent of public instruction advising him to see that Delaware schools obey the state law requiring Bible reading. Mr. Buckson says that the Delaware law is valid until specifically set aside.

Irving Morris, president of the Delaware chapter of the American Civil Liberties Union, the national organization which helped bring the Pennsylvania law before the Supreme Court, last week filed two suits in Federal District Court to invalidate the Delaware law. George R. Miller, Jr., state superintendent of public instruction, says he expects the suits to be successful. But he adds that until they are, the Bible will be read in state public schools.

Resistance to Bible

In the South, where there is general resentment of the Supreme Court because of its stand on integration, resistance to the school prayer decisions is particularly strong. Alabama Gov. George C. Wallace vows he will go to school himself if necessary to read the Bible. And State Superintendent of Education A. R. Meadows asserts "in Alabama the schools will read the Bible as they've always been doing. How much of it they want to read is up to the schools."

Mr. Meadows says the Bible is read "as the most authentic source there is on religion." Moreover, he points out that the Constitution guarantees freedom of religion and claims: "The people ought to keep the freedom of religion if the people don't know what religion is."

Education officials in Georgia apparently haven't taken any official recognition of the Supreme Court decisions and are proceeding as "before the decision should appear," according to Ben Fortson, secretary of state and chairman of Georgia's educational services. For about 30 years state law has required teachers to read a passage from the Bible each day without comment.

Texas, Georgia, South Carolina and Florida officially have adopted a hands-off policy, saying practices by local school districts. As a result, it's expected that in most cases such practices will continue.

"I assume the schools in South Carolina will do like they've always done. They've always read the Bible when they wanted to and prayed when they wanted to," says Jesse Anderson, state superintendent of public instruction. South Carolina has no law requiring religious observances, but it's been a school custom for years.

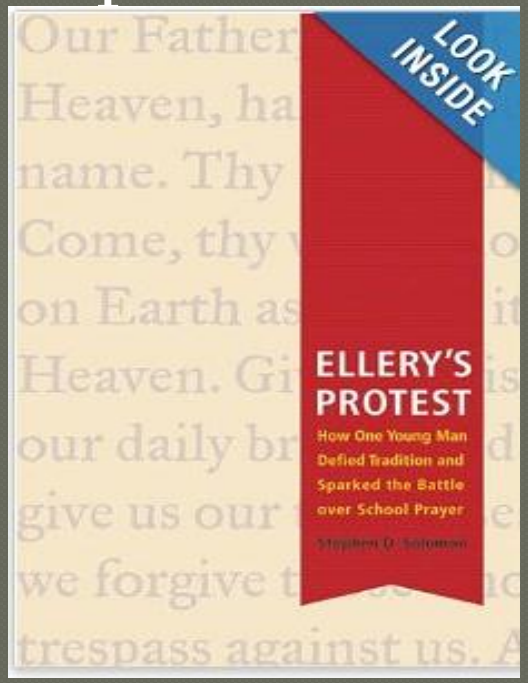
Claude L. Purcell, Georgia's superintendent of schools, believes schools in the Peach State will keep on reading the Bible "pretty much as they did before," although he believes the 1951 state law requiring Bible reading has been invalidated by the court decisions.

Please Turn to Page 18, Column 3

- Some states resist the decision
- Delaware Attorney General advises Superintendent of Schools to Obey the State Law
- Governor Wallace states he will go to the schools and read the bible to the students himself

Other reading

- Ellery's Protest: Stephen Solomon



- The Establishment Clause: Leonard Levy