STUDENT CORE TEXT

ARMY JROTC

LEADERSHIP EDUCATION & TRAINING

Citizenship and American History

US Army Cadet Command - FT. Monroe, Virginia

HEADQUARTERS, DEPARTMENT OF THE ARMY

DISTRIBUTION RESTRICTION: APPROVED FOR PUBLIC RELEASE; DISTRIBUTION IS UNLIMITED.

STUDENT CORE TEXT

ARMY JROTC

LEADERSHIP EDUCATION & TRAINING

Unit 6: Citizenship and American History

US Army Cadet Command - FT. Monroe, Virginia

HEADQUARTERS, DEPARTMENT OF THE ARMY

DISTRIBUTION RESTRICTION: APPROVED FOR PUBLIC RELEASE; DISTRIBUTION IS UNLIMITED.

Unit 6 Table of Contents

Chapter 1: You the People — The Citizenship Skills
Lesson 1: The Preamble 1
Lesson 2: Introduction to the Citizenship Skills 2
Lesson 3: Cooperation and Patience 7
Lesson 4: Fairness, Respect, and Strength 17
Lesson 5: Self-improvement and Balance 28

Chapter 2: Your Job as an American Citizen
Lesson 1: Becoming an American Citizen — Naturalization and Immigration 37
Lesson 2: Rights, Responsibilities and Privileges of American Citizens 43
Lesson 3: Participating American Citizens 55

Chapter 3: You the People — The Citizen Action Group Process
Lesson 1: Making Decisions — Majority and Consensus 60
Lesson 2: Establishing Ground Rules 64
Lesson 3: Small Group Meetings 66
Lesson 4: Representative Group Session 73

Chapter 4: The Founding of a Nation (1776–1814)
Lesson 1: Revolution and Independence 80
Lesson 2: Your Constitution — Its Purpose, Reality, and Use 109
Lesson 3: Young America 117

Chapter 5: Growth of a Nation (1815–Present)
Lesson 1: The Formative Years (1815–1899) 126
Lesson 2: World War I (1914–1918) 163
Lesson 3: World War II (1939–1945) 175
Lesson 4: The Cold War (1946–1959) 208
Lesson 5: Times of Turmoil (1960–1976) 221
Lesson 6: America's Challenge to Change (1977–Present) 238
Lesson 7: Touring Historical Sites 258

Chapter 6: The Federal Judicial System
Lesson 1: Introduction to Chief Justice 263
Lesson 2: The Federal Courts 270
Lesson 3: John Marshall and the Judicial Review 280
Lesson 4: The Department of Justice 281
Lesson 5: Military Justice 287
Lesson 6: Enforcing the Law 294

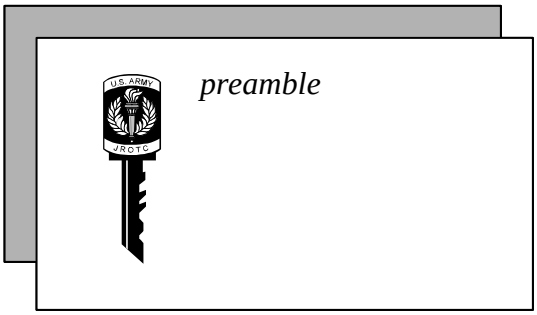
Chapter 7: Sources of Power
Lesson 1: The Organization and Power of Congress 299
Lesson 2: The Executive Branch and Sources of Presidential Power 316
Lesson 3: Political Parties, Voting, and Elections 326

Chapter 8: Advanced Citizenship and American History
Lesson 9: Advanced Citizenship and YTP Projects 345

Glossary 397

YOU THE PEOPLE — THE CITIZENSHIP SKILLS

LESSON 1: THE PREAMBLE



THE PREAMBLE TO THE UNITED STATES CONSTITUTION

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our prosperity, do ordain and establish this Constitution for the United States.

LESSON 2: INTRODUCTION TO THE CITIZENSHIP SKILLS

balance
cooperation
fairness
patience
respect
strength
self-improvement

MISSION

You the People Educational Programs are designed to train Americans to make their Nation truly a country of the people, by the people, and for the people.

Within this overall mission, the *Cadet Citizenship Training Program is* designed to help cadets:

- Better understand the development of the United States system of government
- Learn the mechanics of how government works in the United States through hands-on exercises and experiences
- Develop interpersonal skills that will assist them throughout their personal and professional lives

The primary teaching tool for this training program is the Citizen Action Group Process. The purpose of this group is to help cadets become effective citizens, able to guide the governmental activity in their school, town, state, and country as the Founders of the United States of America envisioned.

After completing this course, cadets will be better educated and trained to effectively participate in their local, state, and federal governments by voting and by other means (for example, attending meetings, communicating effectively with representatives, and invoking change in their community).

INTRODUCTION

Our United States government is based upon the notion that people can rule themselves without a monarch, dictator, or other sovereign. This idea was brought about through our Declaration of Independence. The United States Constitution was designed to make this idealistic notion of government work by giving the American people guidance as self-rulers.

Because the basic power in our government is vested in the individual citizen, we are one of the unique forms of governments functioning in the world today. Being a citizen is the highest political office in our nation. As citizens, we spread our power among several entities: the President and the Cabinet, members of Congress, and the justices of the Supreme Court.

However, the diffusion of power does not stop here. There are thousands of governments across the United States, many again divided into sub-governments (state, county, city, and local entities). Obviously, our system is designed to prevent any one government from having too much power.

Americans have always been cautious of anyone or group having too much power. Therefore, our government pits human nature against itself. History has shown that people crave power, and once having it, people will use that power to stay in power. It is human nature not to share power. We see this happening in many countries throughout the world (including our own).

History has yet to show whether a government focused on self-rule and power-sharing is successful. Our government, like other governments before us that have tried this idea called democracy, is an experiment in human behavior.

We have a great responsibility for the future of the world to make this experiment work. That is why the *You the People Educational Series* was developed to help this experiment succeed! The only way our government will continue to succeed is if we, as individual citizens, are willing to make it work.

What happens to an organization with a lazy, uncaring boss? Usually, this type of organization is also lazy and uncaring, mirroring its boss. We are "the boss" of this nation. We need to set the example for our employees — our elected officials. How can we do this?

Our government operates under a representative form of democracy, much like your school's student government. We vote for our government representatives (senators and congressmen/women) every few years, just as you vote for your class representatives and officers. These representatives then go to Congress and make decisions for us by discussing and voting on bills introduced into the Legislature. We also have other ways to become involved in our government, such as attending party caucuses, introducing and voting on initiatives, and communicating regularly with our congressional representatives. However, most American citizens tend to limit their involvement in government to voting in political elections. Sometimes several years lapse between elections. Thus, we citizens are inclined to be *indirectly* involved, allowing our elected representatives to operate our government for us. For many reasons, this representative type of government is changing.

THREE REASONS WHY REPRESENTATIVE DEMOCRACY IS CHANGING

Bran Beedham in his article, "A Better Way to Vote," *(The Economist,* September 11, 1993), sees this representative form of democracy changing for three reasons:

1. *Inconsistent Quality of Representatives.* Each election year we seem more disappointed with the caliber of people running for office. As voting citizens, we are presented with several choices at election times. Most representatives have relatively minor differences of opinion on issues such as public spending and economic strategies. As Beedham says, "The old war of principle, the contest between grand ideas, is over. The new politics is full of dull detail." This "dull detail" has disillusioned many voters with the political system. Some of our elected representatives may not be as effective as we would like them to be, and they may not necessarily express our point of view. This dissatisfaction with our representatives opens the door for another big factor in our political system — the lobbyist. Lobbyists are people who work for special interest groups, like the National Rifle Association or the Sierra Club. They represent an organization of people who share a common point of view. Their primary responsibility is to communicate this point of view to our government.

   Lobbyists spend money and time influencing our representatives to sponsor and vote for legislation that supports this single point of view. Because lobbyists are generally present during legislative sessions, they can wield more influence over

our elected officials than we, as citizens, can.

When grand ideas (and "dull detail") are debated in Congress, the lobbyists are there because we, as citizens, generally are not present. We need tools and skills to be effective bosses. The goal of the *You the People Educational Series* is to provide citizens with these needed tools and skills.

2. *Better Educated Populace.* Secondly, according to Beedham America's democracy is changing as a result of our population's changing educational level. Because of the success of our public education system and economic programs, there is no longer a substantial separation in education between the people of the United States as there was when the Constitution was written some two hundred years ago. The majority of Americans are in the middle class, where education and wealth are nearly equal. Thus, most Americans are better able to become actively involved in government than was the case in the late 1700's. We still need training to govern effectively, but we now have the background and education.

3. *Movement Away from a Party System.* Lastly, Beedham contends that democracy is changing because of the evolving role of the nation's political parties. The party system has allowed the representative form of government to function. It has been safer than giving power to one person or a group of persons. Furthermore, the party system has served an important purpose because each party acts as a trainer of people running for office and as an evaluator of issues. Political parties have also aided in the discussion process of these issues.

   Today, important issues (such as balancing the budget) are debated more on their merits than on whether the issues are political party platforms. We also are more likely to vote for issues and representatives based on individual traits rather than party lines. We are capable of training ourselves and evaluating issues and representatives without party intervention. To be effective, however, we need more skills, which is the purpose of the *You the People Educational Series.*

Therefore, representative democracy is evolving toward a new form of democracy in America, what Beedham calls "Direct Democracy." In Beedham's words,

... it should be possible to reorganize politics in a less party-controlled, less vote-once-every-x-years, way: in short, a more directly democratic way.

Of course, the move from a looser form of democracy to this more developed variety has to be made with care. It requires the ordinary voter to become more knowledgeable about a variety of subjects, and to use his judgment responsibly.

Many states within the United States as well as other countries, such as Switzerland, already practice a form of direct democracy. In Massachusetts, for example, regular town meetings are held in which citizens can voice their opinions on issues. In Switzerland, citizens regularly vote on a variety of issues ranging from global treaties to road construction projects.

Direct democracy would allow us, the common citizen, to exercise power (given to us by the authors of the Constitution) and exert more influence over our government. There are ways to accomplish this. One is through a referendum process wherein issues are frequently brought to the voters to provide input for members of Congress and the President. Another is through application of the latest technology to gather voter input.

Our advancing technology has made it more practical to bring issues to voters. Soon we may all be able to vote through our television or computers. This direct democracy may be more effective because it will be more *indicative* of how the citizens feel about the issues. It will also lessen the influence of the lobbyist, because lobbyists will be dealing with an entire nation of active citizens, not just a few representatives.

Most of us want more influence over our government. However, to attain this, we need to become better educated and organized, to gain awareness of the process and the issues, and to present our views in such a way that they will be heard.

Soon each of you will become eligible to vote (if you haven't already). You will have the opportunity to register as a voting citizen of this country, and when you do, you will hold the highest office in our nation.

YOU THE CITIZEN

The Declaration of Independence established the ideals upon which this nation is based: freedom, equality, and unity. These ideals provide our country with a common theme.

The Constitution was written so that every American citizen is given equal opportunity to pursue these ideals. Only by exercising our rights as citizens can we enhance our governmental ideals of freedom, equality, and unity.

Once you have registered to vote, you hold the highest office in America. You are the one who elects those representatives who go to Washington, D.C. and administer the government. It is your tax money those representatives decide how to spend.

The Constitution specifies that the people rule the American government. American citizens, on paper, hold the ultimate power in this nation. While it appears that the President holds the highest office in this nation, as American citizens we really do. The President works for us.

How will you use your power as a registered voter? Do you care about this responsibility? Will you vote regularly? In what other ways (in addition to voting) will you participate?

Your answers to these questions will determine what kind of life you will have as well as what quality of life you will pass to your children and your children's children.

How can you become a more effective citizen of this country? The best way is to educate yourself.

The You the People text is organized into two main sections, each with corresponding exercises and classroom activities:

1. *Citizenship Skill Development*
   To become an effective citizen you must develop certain skills or values that were well known to the Founders of our nation. Most of us have forgotten or have never learned these skills. This section provides an overview of the skills.

2. *Citizen Action Group Process.* This section forms the core of the *You the People Educational Series:* a pro-active group process known as the Citizen Action Group Process. This process may be the future of democracy in America. Several types of these groups are already developing through grassroots organizations in many communities across the nation, perhaps even your own. In this section, you will get a chance to practice being a member of a Citizen Action Group and address issues that may concern you or others in your school. With this knowledge and experience, you can then decide how you want to participate at the next level — in your own communities.

CITIZENSHIP SKILL DEVELOPMENT

The Preamble to the United States Constitution sets the stage for the success of our nation. Individual values, which are also important to the success of our nation, are inferred from the Preamble and are called citizenship skills in this Cadet Citizenship Training Program. These citizenship skills are basic human values the Founding Fathers envisioned when they drafted the Constitution.

The Preamble to the United States Constitution

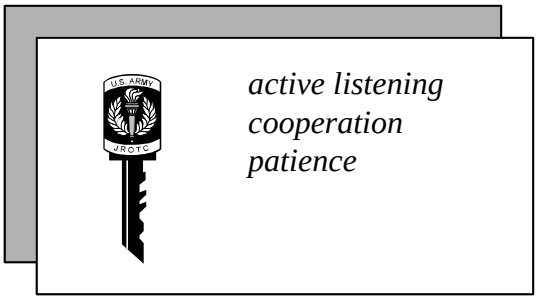
We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Our government is based upon seven main citizenship skills. These individual skills are also interdependent; that is, to practice one skill you will need to use the others as well.

THE SEVEN CITIZENSHIP SKILLS

- *Skill 1:* ***Cooperation*** — "We the people", not we the individuals; work together as a group.
- *Skill 2:* ***Patience*** — A "more" perfect union; take progressive steps towards a better situation.
- *Skill 3:* ***Fairness*** — "Establish justice"; consider the common good as well as individual desires.
- *Skill 4:* ***Respect*** — "Insure domestic tranquility"; accept your fellow citizens.
- *Skill 5:* ***Strength*** — "Provide for the common defense"; stand up for what is right, denounce what is wrong, and admit your mistakes.
- *Skill 6:* ***Self-improvement*** — "Promote the general welfare"; seek knowledge and skills.
- *Skill 7:* ***Balance*** — "Secure the blessing of liberty to ourselves and our posterity"; support our nation's ideals (freedom, equality, and unity) by harmonizing or compromising solutions to our problems.

LESSON 3: COOPERATION AND PATIENCE



SKILL 1: COOPERATION

The Preamble to the Constitution states "We the people," not we the individuals. The premise here is that we can rule more effectively if we cooperate as a group to solve problems. In some instances, this might mean looking out for the common goals of the group at the expense of personal desires.

Cooperation involves thinking, as a group with each person trying to help the group in whatever way is best given the time and circumstances involved. Properly done, cooperative efforts can be more efficient and more successful than individual efforts, To accomplish this, however, people need an attitude of working together to achieve a common goal.

For example, a new student joined a science class that was undertaking a major research project to monitor the water quality of a nearby river. The instructor asked the class to include this new student in their project. Because she was not trained in collecting and recording water quality samples, an easy solution would have been to assign her a minor role. However, a group of students offered to spend their own time, after school, to train her. They knew their project would be enhanced if they had another trained sampler who could collect valid samples from an additional location along the river.

The students' efforts are an example of a cooperative attitude. They did this extra work to help the overall purpose of the class research project.

Cooperation does not mean, however, we give up our beliefs and opinions for the good of the group or to support a poor idea. Instead, cooperation uses individual talents to obtain the very best group results.

It follows the popular saying: The whole is greater than the sum of the parts. When we cooperate using everyone's best talents, the group is more powerful than all the individual efforts.

Cooperation is an important citizenship skill because any nation of, by, and for the people must work together. If we can truly govern ourselves, then we have to be willing to subordinate some of our individual desires so that the whole (our country) operates efficiently and effectively.

Cooperation is an active skill based upon a common purpose and common goals to achieve that purpose. The students in the example above were aware of the common purpose of the research project (to collect valid data) and recognized this purpose could be enhanced if they had another trained person taking samples from an additional location. Their actions were in support of this purpose.

Cooperation is important to achieving the rights promised to us in the Declaration of Independence (life, liberty, and the pursuit of happiness). Cooperation also supports peaceful coexistence. Cooperation means, among other things, helping others to see your point of view or helping them to clarify their own

point of view. Without cooperation, humans break down into bickering, small groups, constantly fighting each other, as many societies have done all too often. Sometimes, cooperation is necessary for survival.

For example, geese fly in a "V" formation for a specific reason. Scientists have found that each goose receives uplift from the one in front. By flying this way, geese extend their flying distances by more than 70 percent. Whenever a goose falls out of formation, it quickly feels the drag of flying alone and joins the formation again. The honks from behind encourage the leader to maintain the pace. When the leader is tired, it moves to the rear and a goose near the front takes over. If a goose lands for a rest or is injured, two or three from the flock will land with it and wait until the tired goose is able to fly again or dies. Then they will fly together in a smaller "V" formation until they catch up with a larger flock. The flock depends on each goose cooperating and working together.

Do we humans have as much sense? Let us look at an example.

COOPERATION EXAMPLE

The senior class of Lincoln High School must plan and perform a community service project as part of their graduation requirements. Manuel volunteers to head up a committee on the project because he works after school at the Community Youth Center and has an idea for the project.

He schedules a meeting to begin organizing the project. Twenty students as well as Mr. Chavez, the senior class adviser, attend the meeting.

"Listen up, everyone," Manuel says. "Today I'd like us to agree on the project we're going to do and then assign some committees to begin the planning. Is that okay?"

When everyone nods or voices their approval, Manuel asks for ideas.

"Well, first, how much time are we talking about?" the class president, Gina, asks. "And will we have to do this after school or do we get time off during school hours?"

Mr. Chavez answers, "To your first question, that's entirely up to you seniors. The project can be as small or big as you want. All that is required is that it contributes in some way to our community. And in answer to your second question, yes, you will be given time off during school hours to work on your service project, but not the entire senior class at one time."

"Let's think of something that requires lots of work," Brian suggests, "because then we can miss more school."

"And still keep up with your assignments and academic requirements," Mr. Chavez adds.

"That's not fair," Kylene says. "If we have to do this service project during school hours, why do we have to make up our work?"

"Yeah," three or four other students agree.

"Can we get back on track here?" Manuel asks. "The graduation requirements have already been set. Let us get down to business and decide on a project. I've got an idea."

However, students are talking back and forth among themselves and questioning

Mr. Chavez on how much extra work, they might have to do if they miss classes to do the service project. No one seems to hear Manuel.

"Come on guys," Manuel pleads. "Who cares about the extra work? This is for a good cause."

"Easy for you," Ernie says. "You don't have to work six hours after school. I've got enough homework as it is."

"Yeah, me too," Melinda chimes in.

"I work too," Manuel protests, "and I've got plenty of homework."

"But you can do your homework while you run that easy front desk at the youth center. I can't at my parents' restaurant," Ernie says.

The meeting dissolves into arguing and bickering. Manuel ends it in frustration with nothing accomplished.

Some questions to discuss:

1. Was this meeting cooperative?
2. Did anything get accomplished?
3. What interested the students?
4. What was the result?
5. What would make the meeting more successful?
6. What would you have done if you were Manuel?
7. Have you ever experienced a meeting or situation like this? If so, what does it feel like?

The best way to develop cooperation skills is to have a common purpose and goals to reach that purpose in mind. In Manuel's meeting, his goal was approved, which was to decide what the senior class would do as the service project. However, he did not get the students to agree to the purpose in the first place — which was to contribute a service to the community and fulfill their graduation requirements. The meeting dissolved when they could not agree on the purpose of the project.

As a class, let us work through some exercises to practice cooperation skills and see how much smoother things go when you have an overall purpose and goals to achieve that purpose.

COOPERATION EXERCISE I

Your class has been given an assignment to prepare a presentation for the student body, complete with visual aids, on how to become a better citizen. The only guidance is that the presentation must last 15 minutes, has to be entertaining, and has to demonstrate what an effective citizen is for the audience.

Your instructor will tell you how long you have to prepare for this assignment. Everyone must work together to prepare one presentation.

For this exercise, assume this presentation is very important and that a fair amount of your grade depends on it. Also assume you will be given one grade as a class (that is, everyone in the class will get the same grade).

Some questions to discuss as a class after the exercise is completed:

1. What did you observe about yourself in the above exercise? What did you like about your participation? What didn't you like about your participation?

2. Were you required to cooperate?

3. Did you have to learn something new or go ask someone for help to do your portion of the presentation?

4. Did you offer to help someone on a portion of the presentation? Why or why not?

COOPERATION EXERCISE 2

This exercise needs at least 25 people. Pick one of the largest members of your class and have that person lay flat on a long table.

The purpose of this exercise is to lift the person above your heads together as a group. Stand equally spaced around the table and put one index finger underneath the person on the table.

When your instructor gives the command, each of you lift the person using only your index finger. Once you have lifted the person, slowly lower him or her back to the table, as your instructor guides you.

Questions to discuss as a class:

1. Was this exercise difficult? Why or why not?
2. How hard was it to lift the person from the table when you were all working together? Why?
3. Did the person feel light, as if he or she might fly into the air? Or did this person feel heavy?
4. Do you think you could have lifted this person by yourself or with one or two others as easily?
5. What did you learn from this exercise?

You probably learned from the cooperation exercises that for your group to cooperate better everyone also had to listen and communicate with each other. Communication occurs when the sender knows the receiver has "heard" and "understood" the message sent (not necessarily that the receiver has agreed with or accepted the message).

Much of our reluctance to cooperate is rooted in poor communication. We tend to make an evaluation based on a few words that mean something different to us than they do to others.

It is best if we hear what others are saying so we can make good joint decisions based on fact not personal evaluations. One way to do this is to learn to communicate better.

At least 50 percent of communication involves listening. However, studies show that we listen less than 30 percent of the time. We miss most of what is being communicated, and we make wrong evaluations as a result.

To be effective at cooperating and communicating, it helps if we are effective listeners, or active listeners.

ACTIVE LISTENING TECHNIQUES

Active listening is listening with eyes and ears. It requires you to be completely focused on the communicator, looking into her or his eyes and watching her or his facial expressions and gestures.

How do you feel when your parents or friends do not seem to hear your message? Frustrated? Ignored? Perhaps even insignificant?

We feel more valued if we know others are hearing us. We also are more willing to express our ideas when others listen. Because we want a free exchange of ideas in this Cadet Citizenship Training Program, listening is an important skill to practice for this program. The following techniques will help improve listening skills:

1. *Maintain an Open Body Position:* This position shows you are receptive to what is being said. An "open" position means legs or arms are not crossed, hands are down at your sides or sitting side by side in your lap, and your face is inclined slightly toward the speaker.

2. *Maintain Eye Contact:* How many times have you talked with someone and noticed his or her eyes everywhere but on your own face? Do you feel like the other person isn't really hearing what you are saying? When you look the speaker in the eye, you have to focus on what he or she is saying. Maintain eye contact as much as possible while listening to someone.

3. *Repeat Back and Clarify What has Been Said:* To reassure the speaker that you are listening, repeat back major elements of what you heard. The idea is to make sure you understand what was intended to be said. This is called "reflective listening." Even if you don't agree with what that person said, repeating it back makes him or her feel valued because they know you heard what was being said. If you want to know something about another person's ideas, ask him or her until you both understand each other.

4. *Check Out the Meaning of What You Heard:* Check out what you have heard by asking questions. For example, "I heard you say . . ., is this what you meant?" It is best not to assume you know what the other person said. Before making any evaluations, be as sure as you can about what the other person meant.

5. *Ask Many Questions:* Public speakers generally welcome many questions after a speech. The speaker knows you have listened to his or her speech when you ask questions. These questions also get the creative juices flowing. New options and ideas may come to you through this question and answer interchange. The entire discussion you are participating in will be more cooperative and effective because of further questioning. An extra bonus is that as you improve your listening skills, you may also improve your relationships — with your friends, your parents, your instructors, and your siblings.

The following are some exercises to hone your communication skills.

COMMUNICATION EXERCISE I

1. Select a partner.
2. Sit facing but not touching each other, both feet flat on the floor, arms rested on your knees, arms and legs uncrossed.
3. Decide who will be the communicator and who will be the receiver.

4. The communicator should think of a simple message he or she wants to communicate to the receiver.
5. When that message is known, the communicator asks the receiver if he/she is ready.
6. The communicator then tries to communicate the message to the receiver without using intelligible words (no foreign language either). You can use as many gestures as you want (no obscene ones), and you can also use voice inflections, but do not leave your chair.
7. The receiver then tells the communicator what he or she perceives the message is.
8. When completed, try another message with the roles reversed.
9. Discuss the results of this exercise together as a class. Some questions to discuss together include:
    a. Could you understand the message being relayed to you?
    b. Was your message understood when it was your turn to send it?
    c. How difficult was it for you to communicate when you could not speak?
    d. At any time during this exercise did you feel frustrated enough to quit?
    e. Have you felt that way at other times when you've tried to communicate something important (to a parent, friend, instructor, coach, or someone else)?

COMMUNICATION EXERCISE 2

Listen to a political speech or debate on television or video without viewing the picture. Write down your answers to the following questions: if it was a debate, in your opinion, who won? Why? Was the speaker(s) effective? Did you understand his or her points? Did you trust the speaker(s)? Why or why not?

Now watch the same political speech or debate with the picture. Write down your additional perceptions: Did any of your answers from question #1 above change? Why or why not? Did you hear anything different this time when you watched the speaker(s)? Why or why not?

In 1960, a debate between presidential candidates Richard Nixon and John F. Kennedy was simultaneously televised as well as broadcast on radio. After the debate, viewers and listeners were sampled. Those listening to the debate on radio thought Nixon won, but those viewing the debate on television felt Kennedy won. Why do you think there was this difference?

These exercises show how little of what we communicate to each other is through our words and how much more is expressed through our body language (such as crossed arms, wandering eyes, gestures). These exercises also illustrate just how critical the listening role.

COOPERATION SUMMARY

How do you feel about this cooperation module and the exercises? Your answer to this question will give you a clue about your attitude toward cooperation. Cooperation is learned for most of us. Some of us are more prepared than others.

It is worth the effort to develop a cooperative attitude because the way you go about doing something can influence the result. If you approach this Cadet Citizenship Training Program with a positive attitude, then you, and possibly the rest of your class,

may achieve great results and feel better about one another as well.

Cooperative decisions tend to produce the most long-lasting results. You probably learned during these exercises that to be cooperative you also had to be patient as well. That is the next citizenship skill.

SKILL 2: PATIENCE

The Founding Fathers' goal was to form a more perfect union. The Articles of Confederation were not working well at the time and the Founders wanted to improve this design of government in the Constitution. In so doing, they were working toward a more perfect situation in our government.

The **patience** citizenship skill illustrates this idea of progressing toward a more perfect situation. Patience is knowing when it is best to wait, when it is best to act, and how much action one should take based on the circumstances. It is both an active and a passive skill.

One example of the use of patience in our nation's history is the signing of the Declaration of Independence. Why was the Declaration signed in 1776? Why not after the Stamp Acts or the Boston Massacre?

The Founding Fathers had been preparing for independence for some years before 1776. Committees of Correspondence had been formed, ammunition and weapons were being stockpiled, and political discussions were ongoing.

These preparations helped the independence movement. The Founders knew that independence from England would probably mean war. War required soldiers and the new colonies did not have a draft. Anti-English sentiment had to be widespread among the people, not just the political leaders of that time. Enough American colonists had to feel so strongly about their freedom that they would fight for it.

The Founders' preparations encouraged the anti-English feelings in 1776. Before this time the Founders were unsure if enough American colonists were ready to fight. Waiting until after 1776 provided too many unknowns. The English oppressions might lessen, thereby reducing the colonists' strong desire for freedom, or English oppressions might escalate, making the colonists' desire for freedom even stronger.

Therefore, the Founders felt the time was "ripe" for declaring independence in 1776 and they acted accordingly. They were successful because they used the patience citizenship skill effectively.

Patience is not just waiting for something; it is knowing when is the right time to act. In other words, patience is knowing when to act and when to wait. You have probably been told sometime in your life to be patient, to wait. Practicing the patience citizenship skill means waiting for something, as the Founders did when they waited for the right time to declare independence from England.

Patience is one of the most difficult skills to practice. Sometimes we do not like to wait because we have been programmed by our culture to receive instant gratification. In addition, sometimes we like to "tune out" the world and watch it go by. In both cases, we are not using the patience citizenship skill effectively.

To understand how patience can work to our benefit, let us work through an example.

PATIENCE EXAMPLE

Javila lives with her mother. Her father lives in another state. Under her parent's divorce agreement, when she turns sixteen, Javila can decide which parent she wants to live with.

She wants to spend the summer with her father to see if she would like living with him. Javila knows she will have a difficult time gaining her mother's approval to do this.

One evening Javila decides to talk to her mother about her idea. She walks into the kitchen and notices her mother going over the checkbook.

Her mother looks up. Javila notices her mother looks tired. "Do you need something?"

Javila hesitates, knowing it is probably not a good time to bring up the issue of spending the summer with her father.

"Naw," Javila answers. "It can wait."

Two weeks go by. Javila talks with her dad and finds out that he can get her a job at his office for the summer.

One night Javila and her mom are watching a television program and an advertisement comes on for teen summer employment.

"What do you want to do this summer?" her mom asks.

Javila takes a deep breath. Her heart starts pounding. No matter how scared she might be, this is the right time to bring up the issue.

"Well," she says hesitantly, "I might already have a job."

"Really, where?"

"At Dad's office."

"Your dad's! But that's thousands of miles away."

Javila gulps and looks at her mother. "I know, Mom. I love it here. I really do. However, I have been thinking a lot about Dad. I'd like to spend the summer with him."

Her mother gets up and shuts off the television. "So why are you interested in staying at your dad's this summer?"

Javila feels a little sick to her stomach. Should she tell her mother the real reason? "Well," she begins, "I might be interested in living with Dad. I want to see what it's like first."

"You'd switch high schools this late?" her mother asks.

"Maybe," Javila answers, "I do not know. Or maybe after graduation... I do not know. I just want to see, that's all."

"I'm not thrilled about this," Javila's mom admits, "but I know you can go whether I want you to or not."

"I want your approval, though," Javila says. "I love you Mom, honestly I do. It has nothing to do with you. I just miss Dad."

"Well, I don't like it... you being so far away," her mother says, "I was hoping you wouldn't leave until after graduation." Javila's mom looks at her and sighs. "You're grown up now. Maybe, it's time . . ."

Javila not only needed to know how she was going to approach her mother on this issue (she'd done her homework and found a possible job at her dad's office, something she knew would interest her mother), but Javila also needed to know when was the best time to approach her mother. The "when" comes from developing the patience skill.

This patience skill can also work against Javila if she waits until it is almost too late before she asks. What could have happened if she waited just before school was out? What would have happened, if Javila had stalled finding a job knowing that she had one lined up at her dad's office? In either case, her mother would probably have felt pressured to agree with Javila.

Some of us tend to use patience this way, as a power or control tool. If we let things, hang on long enough, soon it is crisis time and a decision has to be made.

However, this tactic does not always work in our favor. If we wait until the last minute to ask our parents for something, chances are slim, we will get what we want. More often, the answer is "no" because we have not given them ample time to consider our request.

Patience is used too passively in this case. The "Dad, can I have the car tonight?" request might be better received if you asked at an opportune time well in advance, of when you want it. "On Friday night, some of us want to go to the lake for a picnic. Can I use the car?"

What's been added with this scenario is giving a reason along with advance notice of your request. The added reason may also help you get what you want. Note that Javila told her mother the real reason why she wanted to spend the summer with her dad to see if she liked it enough to live there.

Think of patience as knowing when there is a window of opportunity in which the timing is perfect to act or to at least take a small step toward a goal. For example, the Founders felt the perfect time to act for independence was 1776. The colonists were not quite ready before this and they might never be as ready again. The Founders had waited long enough. If they delayed longer, they risked an unsuccessful independence movement.

To help develop the patience citizenship skill, let us try a class exercise.

PATIENCE EXERCISE

Your school has been without a student lounge since enrollment increased and the student lounge was turned into a study hall. A few of you would like to see a student lounge, with pop and snack machines, reopened somewhere on campus.

Answer the following questions to determine when might be the best time to approach the proper authorities on this issue:

1. Who is the person or persons you should speak to? (This person can make the decision. Javila did not go talk to her next-door neighbor. The person she needed to make the agreement with was her mother.)

2. When might not be a good time to approach them? (For Javila, this was when she knew her mother was tired or when her mother was not receptive to her idea.)

3. When might be a good time to approach them? (For Javila, this was

the time when her mother asked her about her summer plans. Javila also gathered information that might help her make an agreement with her mother. She knew, for instance, there was the possibility of a summer job in her father's business.)

PATIENCE SUMMARY

Patience is the skill of knowing when to act and when to wait. It is a timing skill and one that requires lots of practice, and yes, patience with yourself and others.

Research your issues. Talk with others and find out all the angles to your problems. Garner support for your point of view. When you think you have enough support, act on your issue or request.

You might not get everything you want, but it is better to reach an agreement on some of your requests than on nothing at all. That is also an aspect of the patience skill making progress one step at a time.

A journey unfolds in this way. Patience is knowing when to step and when to be content with that small step of progress. Life tends to give us what we want if we take it one step at a time and we are willing to wait for the opportune time to ask or to act.

Of course, being patient usually requires a certain amount of fairness, which is the next citizenship skill we will discuss.

LESSON 4: FAIRNESS, RESPECT, AND STRENGTH

acceptance
equality
fairness
individual desire
learn to listen
respect
the common good

SKILL 3: FAIRNESS

Establishing justice, which the citizenship skill of fairness is about, involves balancing **individual desires** with **the common good**. This is a tricky balance to maintain and why we have a unique Supreme Court. Our justice system is based on following the spirit of the law. In turn, the laws are based on the ideals of the Declaration of Independence.

We elect representatives and judges (in most cases) who then create and execute the laws of our country. A sense of fairness within ourselves is important if we are to pick the right people to make and enforce these laws.

The United States' ideal of "equality" is a good illustration of the fairness citizenship skill. Under our Constitution, we citizens are encouraged to grow as individuals, but we must also promote equality so that all people have an equal opportunity to grow as well.

The method our government has chosen to promote equality has some inherent conflicts. Like most methods, there are two ways of looking at the promotion of equality: Do we promote individual opportunity or do we focus on bringing everyone up to the same level? In other words, do we look at the "form" of a person (that is, their race, religion, economic status) or do we look at both the "form" and "substance" when promoting opportunity, where "substance" is how much education the person has, how qualified that person is for the job, and so on.

One way equality can be achieved is if there's balance between the two ways (form and substance), allowing equal opportunity while maintaining objective standards for promotion balancing individual desires against the common good for the nation as a whole. That is where fairness comes in.

Fairness means we constantly measure our individual desires against what is in the best interest of others and the majority of people around us.

A dress code is a good case study to help understand this fairness citizenship skill.

FAIRNESS EXAMPLE

Some students at Belger High have been wearing vulgar T-shirts, an advertisement for a popular rock band. Many instructors, parents, and even other students have complained to Mr. Jeffries, the school principal, as well as the school board. It seems to Mr. Jeffries that the more complaints he hears from adults, the more students he sees wearing the T-shirts.

Finally, Mr. Jeffries decides to meet with students and talk about the problem. He holds the meeting in the gym. Kids show up wearing the vulgar T-shirts.

"You look like you all belong to the same basketball team," he comments. The kids laugh.

"You probably know why I called you here today," Mr. Jeffries continues.

"Yeah, you got a problem," one kid yells out.

"That I do," Mr. Jeffries says, "but so do all of you, because if the school board gets any more complaints you aren't going to like what they decide to do. So I'm here to listen to your side."

"It's our right to wear or not wear what we want to school," another kid pipes up.

"Within reason," Mr. Jeffries answers.

"We are not being vulgar, just our shirts are," another one adds eliciting smirks and giggles from the audience.

"Let me put this another way," Mr. Jeffries says. "Why do you think magazines like Playboy aren't displayed prominently at newsstands?"

"They should be!" someone yells.

"But they're not," Mr. Jeffries says, "and for a good reason. Some people's beliefs are infringed upon when they see what they consider obscene material in public."

"But that's censorship!" another kid says. "Censorship is unfair."

"Some censorship is needed to protect the common good of our society," Mr. Jeffries says. "That's why we're here today. What's a fair solution that fulfills your individual desires but also protects the common good of our school and community?"

Mr. Jeffries and the students needed to consider the fairness citizenship skill to resolve their problem. The common good of the community and school was being affected by the students' desires to wear these T-shirts at school. We are confronted with these issues, big and small, every day of our lives. You have probably experienced this in your own homes when your parents' or guardians' wishes may have conflicted with your individual wishes.

Since we can all become better at recognizing and utilizing fairness in our own lives, let us work through an exercise to help develop this fairness citizenship skill.

FAIRNESS EXERCISE

As a class, discuss how you will resolve the T-shirt issue using fairness as your overriding guidance. Fill in the blanks on the fairness worksheet.

FAIRNESS SUMMARY

Fairness is one of the reasons we have laws in this country. Laws attempt to balance the desires of the individual with those of society. Laws set standards for individual behavior in order to protect society. These laws bind all of us even if they reduce our individual freedom to some degree.

It is your desire to own and drive a car. However, someone else's desires can be infringed upon if you decide to speed or drive recklessly, thereby endangering yourself and others.

Laws are necessary for the common good of our society. Fairness is the skill we are using when we create and obey these laws. Fairness compels us to temper our individual desires to protect and **respect** others. The trick is to maintain a balance not to give up too much for others or not to give up too little so that others suffer.

Generally, we are willing to give up some of our personal freedom for the higher or greater good. Thus, fairness requires having a higher purpose or goal in mind. If people break the law, eventually they must pay the consequences. Serving jail time is a restriction of personal freedom, but it is necessary for the higher purpose of protecting society and promoting acceptable behavior.

Part of your group process will be deciding on a higher purpose so that fairness can work. Practicing fairness helps if we have respect for one another, which is the next citizenship skill.

★★★★★★★★★★★★★★★★★★★★★★★★

FAIRNESS WORKSHEET

Issue: To allow or not allow kids to wear the nude T-shirts to school.

Considerations (add to those already written in the blanks):

Individual Desire: Individuals free to choose what to wear

Common Good: Insulting/degrading to some members of society

Fairness Quotient:

How much weight given to individual desire to choose what to wear?

(in a percentage, less than 100)

How much weight given to common good of protection from discrimination/insult?

(in a percentage, less than 100)

Possible solution, considering fairness quotient:

SKILL 4: RESPECT

The Preamble to the Constitution states "...insure domestic tranquility..." This can be a challenge in a diverse country like the United States. This nation has a wide mix of cultures, races, and religions. We have achieved togetherness within this diversity because we have common ideals. The Constitution and the Declaration of Independence are based upon our common ideals of freedom, equality, and unity.

To work toward these ideals, our nation must learn to accept and incorporate the various differences in our society. To do otherwise is to resort to fighting wars over these differences.

Our institutions and laws are designed to ensure, as much as possible, that our government works together so that we rule as one unified body. In order to be unified, however, we must recognize each other as being equal and deserving of respect.

Think of respect as having **acceptance** of others, not necessarily, love for each other. Nice though it may be, loving everyone is difficult to achieve. We all evaluate others. The difference is how we act on these evaluations. That is where respect comes in.

Respect is a critical citizenship skill for any nation with our ideals (freedom, **equality**, and unity). If we can respect each other with all our differences, then we will feel secure enough to state our ideas and opinions to each other. Everyone's opinion matters and deserves to be heard no matter how much we may disagree with it.

Respect is especially important to the Citizen Action Group Process introduced in this Cadet Citizenship Training Program. Without it, this group process might be stymied or dominated by one person or a group of persons. Respect allows cooperative communication to take place.

As you practice the respect citizenship skill, you may need to evaluate those around you based on their skills rather than on any personal or preconceived judgments. Respect for each other encourages participation, and participation is needed to keep our country alive. Participation is also vital to the Citizen Action Group Process.

Let us look at an example that illustrates respect.

RESPECT EXAMPLE

Mirek has recently moved with his family from the Czech Republic to the town of Lonetree. A junior in high school, he has lots of athletic talent (speed and strength).

The football coach, Mr. Henning, is also the physical education instructor. He has watched Mirek on the track and thought Mirek was an excellent candidate for the school's offensive squad. The rest of the football team has mixed feelings. Some want him on the team; some do not.

The team needs a fast, strong halfback to help score more points against their opponents. Mirek seems the perfect match, except that some members of the team do not accept him and his different ways of speaking and behaving. In addition, the current first-string halfback is Cal, who is well-liked by the team.

When Mirek comes to football practice, he consistently outperforms Cal on the field.

Some questions to talk about as a class:

1. What should Mr. Henning, the football coach, do? Should his goal be only to win? Are there other considerations he should have?

2. How will the football team react? Do you think they will accept Mirek as a teammate? What would help them do this?

3. What are some possible solutions that are good for the team as a whole?

4. What are some possible solutions that are good for Mirek? For Cal?

5. Are there any solutions that are common between questions 3 and 4 above?

6. What would you do if you were in the coach's position?

The respect citizenship skill supports our nation's wide mix of cultures, races, religions, and affiliations. It is one of the best ways we have of working toward our common ideals of freedom, equality, and unity. If we respect each other, we can accept our differences and incorporate them in our daily lives.

You had a chance to use the respect citizenship skill when you answered the questions about how the football team can accept Mirek for the benefit of the team. The following exercise will help you develop respect for some of your classmates.

RESPECT EXERCISE

For the next week, you will be assigned a buddy by your instructor. Your job will be to help your buddy throughout the week — on homework, a problem at home or school, a sports activity, a chore, or merely giving each other encouragement and support.

After the week is complete, answer the following questions:

1. Did you participate in this week's assignment? Why or why not?

2. If you answered "no" to question # 1, what would it have taken you to participate in this assignment (for example, another partner)? Why?

3. If you answered "yes" to question 1, did you enjoy this week's assignment? Why or why not?

4. What did you discover about your buddy? (For example, she/he is not so weird after all.)

5. What did you discover about yourself during this week's assignment? (For example, I learned I do not accept help easily.)

6. Did you find that you accomplished more and had a better time with the help and support you received from your buddy? Why or why not?

RESPECT SUMMARY

Every major religion has a golden rule because it is needed and it works: Treat others as you wish to be treated. Respect their wants and differences.

The way to get respect is to first respect others. **Learn to listen** and be more accepting of other's viewpoints and ideas. This country was founded on the precept that being different is okay as long as we all work together for a common good.

Respect does not imply that you have to like everyone. In fact, this is highly unlikely given that we all have our individual preferences. However, we do have to accept that we are all equal (we're all human and we all have the same rights and responsibilities). This means we have to respect each other's efforts no matter how difficult that may be.

Try to evaluate people rather than judge them. You may not like to deal with a person whose behavior you do not like, but that does not mean things cannot or will not change later for both of you, nor does it necessarily mean that the other person is wrong. Listening carefully might reveal some truth in another's statements.

It is also difficult to stand up for what we believe in when it is not popular. That is the next citizenship skill we will discuss.

SKILL 5: STRENGTH

The Preamble included the need for common defense, which refers to national strength. To be strong nationally, we must have a nation of citizens with strong convictions.

The strength citizenship skill involves the ability to stand up for what you believe (based on factual evidence and/or your values) even in the face of strong opposition. Strength is the main skill in the drug awareness program, D.A.R.E.

Strength is saying "no" when you mean "no" and "yes" when you mean, "yes." Strength is a skill that challenges all of us.

We humans, it seems, are born with a "fear of rejection" (among other fears) written on our birth certificates. Students and adults alike all want to be accepted and liked by others. In addition, it is precisely the fear of not being accepted that keeps us from standing up for what we believe in. We are afraid if we say something others disagree with, they will not like us.

Consequently we tend to do one of two things: either we say nothing or we go along with our friends even when we do not agree. This is the working definition of peer pressure. We want our friends to like us. This is human.

We are not using the strength citizenship skill when we buckle under to peer pressure that ultimately hurts others and ourselves. We can be so afraid of "making waves" we will do what the group wants even if we do not believe in it. To the extreme, this can become dangerous. In political terms, it can lead to a dictatorship.

Germany had a democratic government in the 1920's, but by the 1930's, it was ruled by a dictator who imprisoned and executed millions of men, women, and children simply because of their race, religion, or disability. What happened? Part of it was unwillingness for people to denounce what was wrong. Unfortunately, there are countless other examples like this throughout history.

For our government to succeed, we need a nation composed of people willing to stand up for what they believe in and to denounce what is wrong.

Stand by your beliefs. Do not be afraid to say what you think, even if it might be construed as uncooperative. If you do it in a way that honors those who are listening, you will not come across as uncooperative.

Try also to be strong enough to allow others the same freedom to have and hold their own beliefs. The greatest strength in

many cases is the strength to admit when you have made a mistake.

For example, suppose you have told a joke you think is funny to someone who felt insulted by your joke. This joke poked fun at a particular ethnic group. You find out that this person belongs to that ethnic group. It takes great strength to admit that you were wrong your joke was in poor taste.

You can probably think of some times in your own life in which you either did or did not stand up for what you believed in or you were afraid to admit your mistakes. Let us look at an example.

STRENGTH EXAMPLE

Eliza is a senior in high school. Anthony, a guy in her drama class who she has always wanted to date, has invited her to a party. She accepts without hesitation.

On Saturday, Anthony picks her up and they head to the party at the home of Anthony's friend. When they arrive, Eliza recognizes a few kids from her school. She also notices a keg on the front porch.

"Want a beer?" a guy asks Anthony when they walk up on the porch.

"Sure," Anthony answers. "Steve, this is Eliza. Eliza, Steve. "

Eliza smiles.

"Are your parents gone again?" Anthony asks.

"Yep. Away for the weekend," Steve answers with a grin. "What about you, Eliza, can I get you one?" Steve finishes filling Anthony's cup and hands it to him.

Eliza looks at her feet. She has signed a contract with her folks saying she will not drink until she is legally old enough. She specifically promised not to drink and drive or to ride with anyone who drinks and drives. Anthony has just accepted a beer.

"Any cokes?" she asks, a little hesitantly.

"What, you kidding?" Steve answers. "Who'd you bring anyway, Anthony?"

Anthony looks at Eliza, who by this time is turning red. "I don't know," he answers, staring at her.

"I just don't want a beer, that's all," Eliza says.

"A wine cooler, then?" Steve asks. He fishes in a tub full of bottles and ice. "We've got plenty of flavors. My girlfriend likes the peach flavor."

"No ... no thanks," Eliza says. "I'm fine for now."

"I see," Anthony says, looking at her intently. He takes a long drink from his cup. "Let's head inside and see who's here." He takes Eliza's hand.

Eliza notices three girls from her drama class in the living room. They are looking at CD covers next to a stereo. The speakers are turned up so loud; the walls seem to vibrate to the heavy bass. Through the living room, she sees more kids around a dining room table.

Anthony says something to Eliza that she cannot hear.

"What?" she asks.

"Want something to eat?" he yells in her ears.

She nods.

They head out to the table. Anthony reaches for a bag of tortilla chips and scoops up some salsa. "It's great!" he says. "Try some. Steve's mom makes it. Watch it, though, it's pretty hot."

Eliza dips a chip in the salsa and tastes it. Immediately her mouth starts to burn and tears form in her eyes. She coughs.

"Too hot?" Anthony asks. "Do you want something to drink?"

Eliza nods, still coughing.

Anthony hands her his cup. Eliza shakes her head.

"Here," a girl next to Eliza says, handing her a glass of water.

Eliza swallows it quickly.

"Are you okay?" Anthony asks.

"Yeah... I guess I am not used to hot food. Sorry," Eliza says. She feels her date is rapidly going downhill. The water tastes good and takes some of the burning away. She smiles at the girl next to her. "Thanks. "

"Gerry."

"Thanks, Gerry," Eliza says. "Eliza. Nice to meet you." She hands the glass back. "Know where I can get something to drink?" she asks.

Eliza notices Anthony heading back to the front porch for a refill after eating more chips and salsa. She is left alone with Gerry and the rest of the group around the food table.

"Well, there's wine coolers and beer on the front porch," Gerry says.

"I know," Eliza answers.

"What were you thinking of?"

"A coke or water or something," Eliza whispers, hoping no one else at the table hears.

"Yeah," Gerry answers smiling. "I can get you a glass of water. I'm a designated driver tonight so if you need a ride home, let me know." She leads Eliza to the kitchen.

Some questions to discuss:

1. How does Eliza exhibit personal strength in this example?
2. What are her options at this point?
3. Was her decision difficult?
4. What are her chances of maintaining her strength as the night progresses?
5. What are some ways she can maintain her strength?
6. What would you have done if you were Eliza?
7. What could Eliza have done differently before the date that would have helped her maintain her strength?

Eliza was challenged by the strength citizenship skill at the party because she did not find out enough information about her date beforehand. However, though difficult, she did exercise the strength skill by honoring

her agreement with her folks and doing what she felt was right.

Let us try an exercise to see how you might use your strength skill.

STRENGTH EXERCISE

You are in the bathroom at your school when you overhear some students blackmailing another student for money. Check the action that would be your first instinct:

Immediately intervene on the student's behalf

Go for help but do not name the perpetrators

Ignore the incident and walk away

Report the perpetrators immediately

Report the perpetrators later

Wait out of sight until the perpetrators are gone and then try to find the student and offer help.

Some questions to talk about:

1. Which option did you check?
2. Were you honest with yourself?
3. Did you choose the option you believed was right or did you choose one because you thought your instructor would say it was the right choice?
4. Did you exhibit strength in your decision?
5. What did you learn about yourself during this exercise?
6. Would you say fear was a consideration in your choice?

The way you react to a situation like the one above also depends upon how brave or courageous you are. Though synonymous in the dictionary, the two terms have subtle differences. Which option above appears to be the brave thing to do? Which is the more courageous act? Take time as a class to discuss the differences.

When we speak of strength as a citizenship skill, we are talking about being courageous — having the courage of one's convictions, the courage to do what one thinks is right. Courage is an action taken fully understanding the consequences of that action and doing it anyway. The Germans who did not cooperate with the Nazis were being courageous. They were aware of the consequences, if they were caught. They had thought out their actions thoroughly before actually doing them.

Bravery is more often an action taken on impulse without fully weighing the consequences. Bravery is more an emotional response whereas courage is more a mental response.

The authors of the Declaration of Independence were courageous because they knew, in essence, they were signing their own death warrants, if England won the American Revolution. The Founding Fathers were conducting an act of treason against the King of England, and they were risking vilification from their loyalist neighbors. Yet, their tremendous strength set the stage to make this nation free.

STRENGTH SUMMARY

One way to enhance your personal strength is to look for support from others who believe as you do. The more you surround yourself with people who will support your individual strength, the stronger you will become.

For Eliza, that might mean befriending others, like Gerry at the party, who would support her values about alcohol. Support from these people could help her maintain her standards in spite of intense peer pressure to do otherwise.

Strength ultimately, however, comes from standing up for what you believe even if it is an unpopular thing to do. Strength also gives you the chance to practice the patience citizenship skill — knowing when might be the best time to act on your principles.

Another skill that may help you maintain and increase your strength is self-improvement.

LESSON 5: SELF-IMPROVEMENT AND BALANCE

balance
compromise
courage
education
harmony
initiative
obstacles
perseverance
self-improvement
weaknesses

SKILL 6: SELF-IMPROVEMENT

"Promoting the general welfare", as the Preamble states, gives all of us the freedom to learn and work as we wish. The Founding Fathers hoped that this would create a prosperous nation. However, for our nation to be prosperous, we have to be willing to improve ourselves.

Self-improvement is the skill of educating and training yourself so that you can be the best at whatever you do. We tend to be a nation of achievers because most of us have had to work hard to be where we are today. In essence, this is part of our national personality. Thus, most of us want to be the best we can be at whatever we attempt, to pursue perfection without being perfectionists.

As humans, we are imperfect. We make mistakes. Mistakes and failures are part of self-improvement. Without mistakes, we might never know where we need to improve. Being a perfectionist means being intolerable of mistakes. Although some of us tend to be perfectionists, this can be counter to the self-improvement citizenship skill.

Thomas Edison tried over 2,500 times before he was successful at inventing the light bulb. Each time he failed, he learned something that helped him on the next try.

That is what self-improvement is all about — looking at **weaknesses** and finding outwhere to improve. Weakness can be another term for challenges or **obstacles**. Self-improvement involves the willingness to overcome obstacles even in the face of hardships. It is looking at obstacles as opportunities for growth rather than as stopping places.

Our country gives everyone an equal chance for **education** through our public school system. This relates to the citizenship skill of self-improvement. Our country must have educated citizens to elect good representatives and participate in running the government.

The "American Dream" of becoming or doing what you want is also based on this self-improvement skill. If you want to change your career and/or go to college at age 40, you have the freedom in this country to make that choice.

Self-improvement means looking at everything you do, whether it is cleaning a toilet or writing a novel, and doing the very best you can at that task. To do this, you may need more education or training, or you may have to overcome some obstacles.

For instance, if you want to be good at competitive sports you not only have to practice to become better, you also have to overcome the obstacle of losing some games or matches and learn from those losses. From this learning, you then can become a more effective player.

Likewise, if you want to make good decisions on community or school issues, you need to educate yourself about those issues, be willing to make some mistakes (like bad decisions), learn from those mistakes, and be willing to overcome the obstacle of interacting with others who might think differently than you.

Because self-improvement takes **courage** and **perseverance** (strength and patience citizenship skills), it can only be practiced when there is an overall ideal or purpose in mind.

The Declaration of Independence provided the overriding ideals for our country (freedom, equality, and unity). When we use the **self-improvement** skill as a citizen, we are helping our country work toward these ideals.

Let us look at an example using the self-improvement skill.

SELF-IMPROVEMENT EXAMPLE

Kareem has a part-time job at a grocery store after school. His primary duties are to bag and carry out groceries for the customers. He loves his job and wants to learn more about the grocery business as a potential career. After Kareem has worked for six months, his supervisor informs Kareem he is under consideration for a raise within the next three months.

Kareem usually gets off early if business is slow in the evening. One night when he is almost ready to go home, Kareem notices Arel, the produce manager, restocking fruits and vegetables. Kareem asks if he can help. Arel says, “Sure.”

Soon this becomes routine for Kareem. After his duties are done for the evening, he assists Arel in the produce section.

Three months later, Kareem’s supervisor tells him he has been promoted to assistant produce manager at a considerable increase in pay (more than a bagger even with a raise).

Some questions to talk over:

1. Did Kareem exhibit self-improvement?
2. Was he rewarded for his self-improvement?
3. Would it have been easier for Kareem to get off early than to stay and work in the produce section?
4. What do you think was Kareem’s overriding purpose?
5. Did he have to exhibit any of the other citizenship skills as well? If so, which ones?
6. Can you think of anything you have been putting off doing because it is too hard, like a difficult homework assignment?

Kareem showed **initiative** or self-improvement by putting in extra time. He was willing to put in this extra effort because his overall purpose was to explore all aspects of the grocery business. His supervisors recognized this and rewarded him with a promotion and a raise. Usually, but not always, if we exhibit self-improvement we are recognized for our efforts.

Practicing self-improvement is also a good way to enhance our personal confidence and self-esteem. The more we learn and grow,

the better we tend to feel about ourselves. To help you develop self-improvement, let us try an exercise.

SELF-IMPROVEMENT EXERCISE

Each member of your class will be given an opportunity to give a short presentation on what he or she can contribute to the upcoming Citizen Action Group Process. Use the following outline when giving your presentation:

1. State your name.

2. Tell the class what you feel your strong points are-what you can best contribute to the Citizen Action Group Process. For example, you might say, "I'm good at coming up with lots of new ideas" or "I'm a good listener."

3. Tell the class how you became so good in these areas (for example, "I am a good listener because I've taken a class in communications" or "I've learned from my parents how to be a good listener.")

SELF-IMPROVEMENT SUMMARY

Self-improvement is the skill of learning better ways of doing things so that we all benefit. All of us are good at some things, and need to improve others. I hope that you learned from this class exercise that each of you has your own unique set of strong points.

As a group, you are more likely to succeed at whatever you attempt to accomplish if all of you are individually giving your best. In our society, when we combine everyone's strong points cooperatively, we tend to have a better society. We can become better persons if we try a task we know is difficult. Learning does not end at high school or college graduation. It goes on in many different forms throughout life. Take advantage of any learning opportunity you have. Strive for excellence throughout your own life.

Is there a conflict between this need for excellence and the Declaration of Independence's ideal of equality? In a way there is. The key is to strike a **balance** between the two. Equality carried to the extreme could severely damage our nation's need for excellence. We do not want to become equal in poverty and inefficiency.

Thus, to practice self-improvement, it helps to balance it with respect and fairness. To get ahead, we do not need to run over the environment or other people. We practice self-improvement in a way that respects others around us and enhances the common good. We can only hope this will inspire others to do the same because our country gives each citizen an equal chance.

You are probably noticing that to use one citizenship skill, you also have to use the others. These citizenship skills are meant to be a complementary set working together to achieve results.

The last skill, balance, can be one of the easiest to recognize but the hardest to practice.

SKILL 7: BALANCE

To secure the blessings of liberty (as mentioned in the Preamble), our nation must continue to follow the ideals of the Declaration of Independence. The key to following these ideals is to work through problems until we find the best solution for all involved. This requires balance — both nationally and individually.

Our nation, indeed our world, is made up of different people with differing ideas and ways. Throughout history, many wars have been fought over differences. To eliminate war, the world must find another way of resolving differences. That is where the citizenship skill of balance comes in.

Balance is accepting there are at least two sides to every issue, each with some truth. There is not a wrong and a right viewpoint, even though one might appear better initially. All sides can have some merit. All viewpoints can have some errors as well.

Balance plays a win/win game where both sides benefit from the process. Winning and losing are for debates and football games. Thus, in some ways, practicing the skill of balance can be contrary to everything we have been taught.

The skill of practicing balance involves using either **compromise** or **harmony** to achieve an agreement that works. The two are very different. Harmony means combining the best qualities of all sides and coming up with an entirely different but better solution that meets all sides' needs. Sometimes this is called a win/win solution.

Compromise, on the other hand, is a solution in which each side gives a little to come to a common ground. This can also be win/win if each side does not give up too much.

Probably the best example of using balance in history was the development of the Constitution. Both harmony and compromise were used in the drafting of this document. Let us look at each of these, respectively.

Two strong factions had differing opinions about the balance of power in our government. Some Founders wanted the states to hold the primary power of the nation; others wanted the majority of power to be held by a federal government.

Both sides had valid points. To harmonize the two factions, the Founders came up with a third solution that satisfied both sides of the argument sovereign state governments supplemented by a federal government that was given great power but only in certain specific areas such as foreign affairs, defense, and interstate trade. The federal government also was given the power to resolve differences between states if the states alone could not resolve them. All other powers not specifically wielded by the federal government were reserved for the states.

This design was based on the dual-sovereignty theme of the Native American Iroquois Council of Governments. For hundreds of years before our nation was formed, the Iroquois used a form of government that combined five separate nations Mohawk, Onondaga, Seneca, Oneida, and Cayuga into one overall League of Nations.

Each nation elected representatives called sachems. Sachems held meetings (called councils) to discuss issues that concerned the internal affairs of each nation. Periodically the sachems from all five nations would meet together in a Grand Council to discuss issues that affected all five nations such as war, peace, treaties, and new members to the Grand Council.

Benjamin Franklin became intimately familiar with the Iroquois government because of his job as a diplomat for Pennsylvania and as a scholar of Native American literature. He was able to persuade the Founders to copy the Iroquois system in

many ways. The most important way was the design of state governments with an overall federal government.

The Founders were able to design a system of government that satisfied the needs of both sovereign states and a federal government — a win/win solution.

The debate between state or federal control of power continues in Congress to this day. Control of power was really challenged in the Civil War, but the design envisioned by the Iroquois and used by the Founders works because it uses balance as a key element.

Another agreement that was needed, as part of the Constitution is known as The Great Compromise. This agreement obviously used compromise as a way to achieve balance. Large states wanted representation based on population, but small states were afraid the heavily-populated states would dominate. Therefore, both a Senate and House were formed in our Congress.

Both sides had to give up something — the heavily populated states had to relinquish their power in the Senate and the sparsely populated states had to relinquish their power in the House.

You are probably more familiar with the use of compromise as a way to achieve agreement, but do not rule out using harmony, where a whole new solution can be used that solves the problem for both sides.

One place to practice balance is when reading or hearing news reports. Political campaigns have shown how influential the news media can be. Before we make up our minds on an issue, though, we need to look at more than one news source to understand all sides. From this balanced knowledge, we are better able to see compromising or harmonizing solutions.

Let us look at a simple example that illustrates the use of the balance skill.

BALANCE EXAMPLE

Four girlfriends decide to go to a movie one night. They meet at one girl's house to decide which movie to see.

Maria wants to see a love story called "One Summer". Aubrey likes "Defying Death", an action-packed movie and Kim is interested in "Brainwaves", an unusual movie nominated for an Academy Award. Olivia does not care which movie they see.

They look through the paper to find out the times and locations for each of the movies.

"So, how are we going to agree on a movie if most of us want to see different ones?" Aubrey asks.

"There are several ways we could do this," Maria suggests. "We could find a movie that is action-packed, has romance, and is an Academy Award nominee. On the other hand, we could go to three separate movies or we could go see one of our choices this time and then next weekend see another. What do you think?"

"Or," Kim says, "we could look for a theater where all three of our choices are showing."

"Great idea," Olivia says.

Luckily, there is a theater showing all three movie choices. When the girls get to the ticket booth, Maria asks, "What's the real reason we wanted to go out tonight?"

"To be together and see a show." Aubrey asks.

Olivia and Kim nod their heads.

"So why are we going to three separate movies?" Maria asks.

The girls shrug their shoulders and look at each other.

"Why don't we see "Brainwaves", since it starts earlier," Kim suggests. "Then we'll have time to get something to eat after the show."

"That's your choice," Aubrey protests.

"True," Kim answers, "but Hiro saw it last week and says it's really good."

"We could see "Defying Death"* next week, and my choice, "One Summer" * the following," Maria suggests.

"Well, okay," Aubrey says, "as long as we get to see my choice sometime."

"Sounds like an agreement. Let's get our tickets," Olivia says.

Questions for discussion:

1. Did the girls exhibit the balance skill while making their final choice?

2. What was the overall purpose of the girl's night out?

3. Can you see how having this overall purpose helped the girls come to an agreement?

4. Which element of balance did the girls use when making their agreement: Compromise or harmony?

5. What would have been a choice that would have shown compromise if you answered "harmony" to question #4 or harmony if you answered "compromise" to question #4?

6. Did each girl's movie choice have merit?

7. Did each girl see value in the others' choices?

8. Was their solution satisfying to all?

9. Can you think of another way they could have come to an agreement?

The four girls had some difficulty coming to an agreement on which movie to see. At first they decided to each see a different movie until Maria reminded them that the overall reason or purpose they were going out in the first place was to be together. Once we are reminded of the overall purpose in any disagreement or issue, then compromising or harmonizing solutions are more easily seen.

Now do one or both of the following class exercises to practice using balance.

BALANCE EXERCISE I

As a class, discuss the issue of prayer in public schools. Your instructor will divide your class into groups. One of the groups will take the position in favor of instituting prayer in schools, and the other group, the opposing view. If you have more than two groups, come up with other positions for them to support.

Use the balance skill worksheet on the next page to help guide your discussion. Remember to focus on the skill of balance as you discuss this issue and hear all sides.

★★★★★★★★★★★★★★★★★★★★★★★★

BALANCE SKILL WORKSHEET

Issue: ***Prayer in public schools.***

Overall purpose to the issue: ***The Constitution assures each citizen the right to freedom of religion.***

Add one in your own words:_____

_____.

Sides to the issue:

Pro: Prayer is a necessary part of our daily lives. Many believe prayer helps us face everyday problems.

Add some of your own: _____

_____

_____

_____.

Con: Prayer in public schools violates the rights of those who don't believe in prayer.

Add some of your own:_____

_____

_____

_____.

Discussion:

Pro: Advantage to putting prayer in schools:_____

_____

_____

_____

_____

Con: Advantage to keeping prayer out of schools:_____

_____

_____

_____

_____

Possible solution that meets both sides:_____

_____

_____

_____.

Is this a harmonizing or compromising solution? ☐ **harmony** ☐ **compromise**

What is another solution using harmony as a tool (if you made a compromise), or compromise as a tool (if you used harmony to reach your first solution)?_____

_____

_____

_____

BALANCE EXERCISE 2

The purpose of our public school system is to educate students so that they become effective and responsible members of society, contributing to their own life as well as to the lives of those around them. Everyone pays taxes to support our public school system, a system that employs a curriculum reflecting the ideals of our nation (freedom, equality, and unity).

As a class, determine whether using a voucher system in which parents receive tax credits for home schooling or private schools could fulfill or hurt this overall purpose of our public schools. Your instructor will divide your class into groups to discuss this issue. Use the balance skill worksheet on the next page for guidance.

Some questions for discussion:

1. As you worked through these issues, did you listen and understand the viewpoint of the other side(s)?

2. Did you find yourself wanting to prove your position was right and theirs was wrong?

3. If so, did you act on this desire? What were the results? (Were there bad feelings, arguments, or breakdowns in communication caused by proving your position was right? Did it help in reaching an agreement because you persuaded the others to your side? What form of balance was that?)

4. Did the ultimate solution satisfy you as well as the other sides? Why or why not?

5. What did you learn about yourself during these exercises?

BALANCE SUMMARY

To help govern this nation, we should be willing to state our position on an issue and then be open to others' opinions. This is what the balance citizenship skill is all about.

Practicing balance allows us to compromise and harmonize as a group. To get results in our society, we stand up for what we believe in, listen to others' beliefs, and then see if there's ground for agreement. In essence, it helps if we see that one solution or viewpoint is not the only way.

The old saying, "One person's sugar is another person's salt," illustrates this. If we are to truly govern ourselves, then we need to accept other ideas and work together to achieve agreement. This may be hard work, but it is always better than the alternative, where all communication can break down and negative results ensue.

By accepting our differences and coming to agreement by either compromising or harmonizing, we are working toward solutions that can be for a greater good for all sides. This is where the hope may lie for the future of our world. It begins with you — one person willing to be an example for the rest.

★★★★★★★★★★★★★★★★★★★★★★★★

BALANCE SKILL WORKSHEET

Issue: ***Prayer in public schools.***

Overall purpose to the issue: ***The Constitution assures each citizen the right to freedom of religion.***

Add one in your own words:_____

_____.

Sides to the issue:

Pro: Prayer is a necessary part of our daily lives. Many believe prayer helps us face everyday problems.

Add some of your own: _____

_____

_____

_____.

Con: Prayer in public schools violates the rights of those who don't believe in prayer.

Add some of your own:_____

_____

_____

_____.

Discussion:

Pro: Advantage to putting prayer in schools:_____

_____

_____

_____

_____

Con: Advantage to keeping prayer out of schools:_____

_____

_____

_____

_____

Possible solution that meets both sides:_____

_____

_____

_____.

Is this a harmonizing or compromising solution? ☐ **harmony** ☐ **compromise**

What is another solution using harmony as a tool (if you made a compromise), or compromise as a tool (if you used harmony to reach your first solution)?_____

_____

_____

_____

YOUR JOB AS AN AMERICAN CITIZEN

LESSON 1: BECOMING AN AMERICAN CITIZEN — NATURALIZATION AND IMMIGRATION

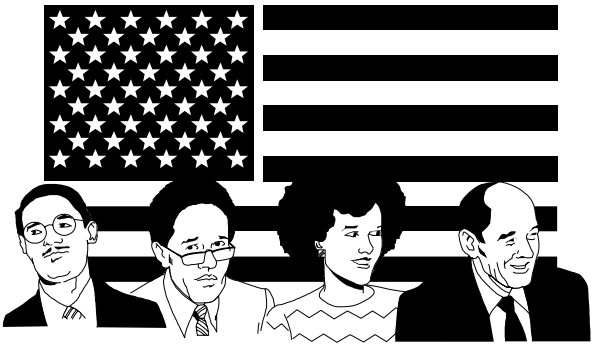
abridge
allegiance
ascribed
citizen
conferring
denaturalization
expatriation
green card
immigration
immunities
jurisdiction
jus sanguinis
jus soli
naturalization
political refugees
renounce
subversive
undocumented aliens

INTRODUCTION

A citizen is a person who is born in a country or who chooses to become a member of a country according to its laws. **Citizens** owe **allegiance** to their government, which in turn grants them the rights and privileges of citizenship.

United States citizenship surely did not evolve as the Founding Fathers (the 39 signers of the Constitution) envisioned. At great personal risk, these early patriots made a decision to dissolve ties with Great Britain and to form a new nation. As a result, the American colonists made a voluntary choice to become Americans.

Although the United States was founded by voluntary citizens, the Founding Fathers did not incorporate the principle of citizenship by voluntary choice into the Constitution. Early Americans supported the idea of voluntary citizenship. Children born into these families were popularly assumed to be voluntary citizens. In theory, children were educated so they could make a choice about their citizenship. However, as the United States grew and became more established, this idea died out. Those people who were born in the United Sates **ascribed** their citizenship to their birthplace.



THE FOURTEENTH AMENDMENT

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall ***abridge*** *the privileges or* ***immunities*** *of citizens of the United States; nor shall any state deprive a 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."*

The United States ratified this amendment in 1868 in order to ensure and protect the rights of Blacks. Even though they were Americans by birth, Blacks were being discriminated against in matters such as voting, where citizenship was required. The passage of the *Fourteenth Amendment* made this denial of rights illegal. However, it did not grant citizenship to native American Indians, who obtained their citizenship by an act of Congress in 1924.

The *Fourteenth Amendment* clearly states that birth and naturalization are the two ways to become a citizen of the United States.

Technically, citizenship by birth is possible in one of two ways: ***jus soli***, the "law of the soil," or ***jus sanguinis***, the "law of the blood." For example, although many military family members are born outside the jurisdiction of the United States through the "law of the blood," they are considered citizens without being naturalized. These children usually have dual citizenship: they are Americans through *jus sanguinis* and they are citizens of the country of their birth because of *jus soli*. Eventually people with dual citizenship must declare their citizenship to one nation or the other.

Citizenship by **naturalization** occurs when an individual who was not born in the United States voluntarily chooses to become a citizen of the United States. Those who wish to become naturalized citizens must **renounce** the citizenship of their former country and swear an oath of allegiance to the Constitution and laws of the United States.

The qualifications for United States citizenship have changed as this country has matured. At the time the Framers wrote the Constitution, citizenship was the states' responsibility. A person who was a citizen of a state was also a citizen of the United States. The government made exceptions for immigrants who became citizens by naturalization.

LEGAL BASIS FOR U.S. CITIZENSHIP

The Fourteenth Amendment provides that, "All persons born or naturalized in the United States ... are citizens of the United States and the state in which they reside." According to this amendment, children born in the United States, except those of foreign ambassadors, are automatically citizens. We classify the conferring of citizenship by place of birth as *jus soli* — the "law of the soil."

Recall also that the **conferring** of citizenship by *jus sanguinis* (or the "law of the blood") applies to all children born to United States citizens, either male or female. These children are citizens regardless if their parents live in the United States or in another country. For example, children born to American parents serving in the military overseas may hold dual citizenship: they are citizens of the United States and can hold the citizenship of the country in which they were born. However, if one of the parents is not an American citizen, then some residency restrictions may apply.

NATURALIZATION

Citizens of other nations who seek citizenship in the United States can do so through a process called naturalization. Any court of law can grant this privilege. Those who wish to become "naturalized citizens" must simply demonstrate to the court that they have met all of the legal requirements set by Congress.

Prospective citizens must then renounce the citizenship of their former

country and swear an oath of allegiance to the Constitution and to the laws of the United States.

Collective naturalization is a process whereby a group of individuals may become United States citizens without going through the normal process. Although naturalization is an official act by which people become nationals of one country other than their native one, it does not necessarily confer citizenship. Specifically, when Congress admits a territory as a new state, the citizens of that territory become American citizens. In another situation, if our government grants a foreign country the right to become a United States controlled territory, but without approving statehood, its citizens become nationals of the United States.

IMMIGRATION

Countries around the world often characterize the United States as being "a nation of immigrants." In fact, many of our ancestors immigrated to this country seeking freedom and opportunity. But, there are restrictions. Congress decides who this country will admit, under what conditions we will admit them, and since 1924, the number of persons who can immigrate into the United States per year.

- A 1990 immigration act set an annual limit, beginning in 1995, of 675,000 new entrants (excluding refugees and other special categories), of whom no more than seven percent can come from any one country.

- **Political refugees** represent a special category of immigrants. In 1996, 120,000 political refugees were allowed to enter the United States.

- **Undocumented aliens** are people who enter into and remain in the United States in violation of immigration laws. An estimated five million undocumented aliens were living in the United States in 1996 and are estimated to be growing by 275,000 annually.

MISCONCEPTIONS

Myth Number 1: Immigrants steal American jobs.

Nothing could be further from the truth. Studies have shown that quite the opposite is true: Immigrants create jobs. Specifically various recent studies have shown that: Immigrants are more likely to be self-employed and start new businesses. Small businesses, 18 percent of which are started by immigrants, account for up to 80 percent of the new jobs available in the United States each year. Slightly more than 10 percent of the U.S. industrial workforce, or roughly 2.2 million Americans, are employed by foreign companies doing business in the United States. Additionally, the top 105 multinational corporations doing business here have U.S. affiliates that are so large they would qualify for the Fortune 500 list solely on the basis of their stateside operations.

Myth Number 2: Immigrants are overrunning America.

This, unfortunately, is another case where perception is out of sync with reality. To be sure, the number of immigrants living in the United States is larger than ever before, but these numbers form relatively small percentage of the population. In fact, the percentage of immigrants in the total population has decreased. So far, no single decade has topped 1901–1910 for immigration admissions. Further, even though the United States has one of the world's most

generous refugee resettlement programs, less than 1.5 percent of the world's refugee population finds its way to the United States. Perhaps the misperception regarding the volume of immigrants rests in the fact that during the 1980s, three-quarters of all immigrants entering the United States settled in just six states: California, New York, Texas, Florida, New Jersey, and Illinois. Xenophobia may also contribute to this misperception. Whereas from 1901–1910, immigrants were comprised mostly of white Europeans, immigrants of more recent decades have tended to be more ethnically and racially diverse. Also, increasingly high concentrations of immigrants in urban areas may have created the illusion of a growing, disproportionate number of immigrants settling in the entire country. In 1990, 93 percent of foreign-born Americans lived in metropolitan areas, compared with 73 percent of native-born Americans.

Myth Number 3: Immigrants are a burden on the U.S. economy.

Once again, nothing could be further from the truth: Immigrants collectively earn $240 billion a year, pay $90 billion a year in taxes, and receive $5 billion in welfare.

New immigrants must prove that they won't be a burden before they are allowed to enter the United States. Compared to the native-born population, immigrants are more likely to be employed, save more of their earnings, and are more likely to start new businesses. Immigrants have a slightly higher per capita income than natives and a slightly lower household income. But, their income levels rise over time: Among those entering before 1980, median household income in 1989 was $35,733 (vs. $30,176 for natives) and per capita income was $19,423 (vs. $14,367 for natives). Non-refugee immigrants of working age are less prone to welfare than natives.

Myth Number 4: Immigrants contribute little to American society.

Besides their significant economic contributions, immigrants have helped spin and weave the fabric of American culture throughout the history of the U.S. Immigrants recognize the value of an education and respect the law as much as native-born Americans.

Information on myths was adapted from, and provided courtesy of, American Immigration Lawyers Association

WHAT IS A GREEN CARD?

A **Green Card** is a US permanent residence visa. It allows you to live and work permanently and legally in the United States. A Green Card gives you the legal right to enter and leave the country freely. Green card holders also receive health, education, and other rights, and they can sponsor relatives for Green Cards. The Green Card does not affect present citizenship. A Green Card holder may later apply for United States citizenship, if desired. The Immigration Act of 1990 allocates a specific number of “Green Cards” to applicants from certain countries from around the world. There are 50,000 of these visas available each year. Recipients are chosen by lottery, but applicants must meet several criteria.

The Green Card Lottery is intended to increase the diversity of the US population. Natives of countries with historically low immigration rates into the US are encouraged to participate. Applicants must meet specific requirements for education/training. Applicants from the following countries are excluded:

CANADA
CHINA (mainland and Macau, except Hong Kong SAR and Taiwan)
COLOMBIA
DOMINICAN REPUBLIC
EL SALVADOR
GREAT BRITAIN and its dependent territories (except Northern Ireland)
HAITI
INDIA
JAMAICA
MEXICO
PAKISTAN
PHILIPPINES
SOUTH KOREA
VIETNAM

There is no minimum age to apply, but the education and/or work requirements effectively preclude most people under the age of 18 from being eligible to participate. You can enter regardless of where you are living — even in the United States. You do not have to speak or write English. You do not need to have relatives living in the United States. You do not have to have a particular amount of money or a job waiting.

You need only qualify as an immigrant, which means that you may not be a criminal, cannot be mentally disturbed, must be able to work or support yourself, and cannot be a threat to the US national interest. You can enter the Green Card Lottery even if you have petitions pending, such as a relative or employer's petition for work permits, visas, etc. Entering the lottery does not affect current or past petitions and does not affect your current US visa status. When you receive a Green Card through the lottery, your husband or wife and all unmarried children under 21 years of age will also receive Green Cards.

QUALIFICATIONS FOR U.S. CITIZENSHIP

The 1952 *McCarran-Walter Immigration and Nationality Act* (as amended in 1965) establishes the following qualifications for United States citizenship.

- Has entered the United States lawfully for permanent residency
- Is of good moral faith
- Agrees to support the principles of the government of the United States
- Is able to read, write, and speak the English language
- Is able to demonstrate a knowledge of American history and government
- Is able to demonstrate a dedication to American values, which includes not being a member of a subversive organization such as a communist party

To obtain citizenship, one must:

- file a petition.
- attend an Immigration and Naturalization Service Hearing with two witnesses.
- attend a final hearing to have an official administer the oath of citizenship.

In order to file a petition, the person must be at least 18 years old. Further, that person must have: 1) lived in the United States for the past five years continuously and resided in a state for six months before filing, or 2) lived in the United States for three years if married to an American citizen.

LOSING U.S. CITIZENSHIP

The federal government grants citizenship and only the federal government can take it away. Although state governments can deny certain liberties to convicted criminals, they cannot take away citizenship. There are three ways citizens can lose their citizenship.

- **Expatriation** — willingly renouncing one's citizenship
- **Denaturalization** — when ordered by a U.S. court upon the discovery of a fraudulently acquired citizenship (for example, lying during the naturalization process or entering the United States illegally)
- Punishment for an act of treason — such as participating in a rebellion or in attempts to overthrow the government by violent means

CONCLUSION

The true spirit and meaning of American citizenship lie in the Fourteenth Amendment. However, in an attempt to control the historical flux of people who enter this country to become citizens (although many of them enter illegally), Congress has imposed certain conditions on the **immigration** and naturalization procedures. Among those conditions are establishing quotas on the number of people who can enter the United States and requiring them to meet specific qualifications for citizenship.

Being an American citizen is a treasured privilege. It stands for freedom and equality. Citizens of the United States learn to identify with their country and its major institutions long before they know what these things are: "the United States is number *one* ... the Stars and Stripes is our flag ... the National Anthem is our song ... and the Constitution is our most cherished document."

There are ways in which you can lose your citizenship. Protect that privilege — be proud to be an American.

LESSON 2: RIGHTS, RESPONSIBILITIES, AND PRIVILEGES OF AMERICAN CITIZENS

bail
democratic
double jeopardy
due process
eminent domain
establishment clause
federalists
freedoms
free exercise clause
grand jury
indict
petition
privileges
probable cause
ratified (ratification)
redress
representative democracy
responsibilities
rights
search warrant
seized

INTRODUCTION

By law, rights guarantee equality and freedom for all citizens of the United States. Rights are certain **privileges** and freedoms that citizens receive as a special benefit or advantage. Americans, by virtue of their citizenship, have the privilege of these rights and freedoms.

It was once a popular belief that the kings of England had divine right and that only *God* (not ordinary citizens) could judge them.

Modern **democratic** governments developed as a reaction to this divine right theory. In a democratic society, no one has divine right; the government grants all citizens equal freedoms.

In the newly formed United States, the Founding Fathers were very concerned about the rights of individual citizens and their responsibilities to the country. However, in today's lifestyle, many Americans often take their freedoms and privileges of citizenship for granted or they ignore their responsibilities towards other individuals, society, and the government. Yet, the strength of our American citizenship is the freedom, which lets us enjoy these privileges and bear the responsibilities of living in the United States.

THE BILL OF RIGHTS

In order to secure liberty and to establish basic freedoms and equal justice, the **Federalists** pledged to add a set of individual rights to the Constitution as soon as the States **ratified** it and it became the "law of the land." Following the Constitution's ratification, the newly formed Congress sorted through more than 100 proposed amendments, sending only 12 of them to the States for approval. The States ratified ten of them — which became known as the Bill of Rights.

The United States is a **representative democracy**: a government *of the people, by the people, and for the people* ... a government by the elected representatives of the voters.

Many people feel that their constitutional **rights** are absolute (without limitations). Other people weigh these rights against the need to preserve order in America. Our nation has seen a constant disagreement

of majority rule and of minority rights. However, our Constitution provides a balance that allows majority rule while protecting the rights of all.

The Bill of Rights (1791)
Articles of the Original
10 Amendments of the Constitution

1. *Grants freedom of religion, freedom of speech, freedom of the press, right to peaceably assemble, and right to* ***petition*** *the government for a* ***redress*** *of grievances (freedom to lobby).*

2. *Grants right to keep and bear arms.*

3. *Forbids the quartering of soldiers in private homes during time of peace.*

4. *Protects against unreasonable searches and seizures.*

5. *Provides a number of protections for persons accused of crimes, indictment by* ***grand jury****,* ***double jeopardy****, or self-incrimination.*

6. *Provides the right of the accused to have a speedy and public trial, trial by jury, and right to counsel.*

7. *Clarifies the right to trial by jury provided in the Sixth Amendment.*

8. *Protects against excessive bail, excessive fines, and cruel and unusual punishments.*

9. *Retains rights in addition to Constitutional rights.*

10. *Provides that rights not granted to the national government by the Constitution are reserved to the states or to the people.*

THE FIRST AMENDMENT

Freedoms of religion, speech, and the press and the rights to assemble peaceably and to petition the government are means to ensure the proper functioning of a democracy.

FREEDOM OF RELIGION

The first right guaranteed in the Bill of Rights is the freedom of religion. Religious freedom was important to the people because of the religious intolerance that many had experienced in Europe and which had caused them to migrate to America. Many had experienced the same intolerance in America.

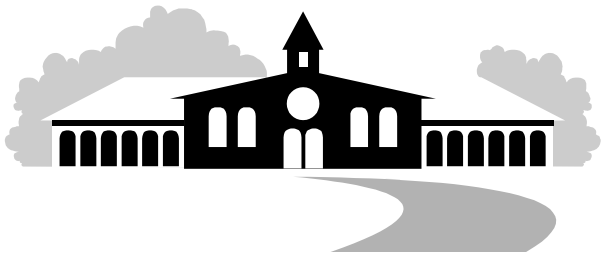
The First Amendment contains two laws that protect the religious freedom of the citizens: the **establishment clause** and the **free exercise clause**. Both of these clauses apply to state and local governments.

Establishment Clause

This clause states that the government is to be kept separate from religion. This amendment prohibits the government from setting up an official or established church and prevents it from passing laws that would aid one or all religions or that would show preference for one religion over another.

Free Exercise Clause

This clause states that citizens are free to join any religious body (or none at all) and that each religious body is free to practice its own beliefs and form of worship, without government interference.



FREEDOM OF SPEECH

Freedom of speech is the right to say (express orally your thoughts, ideas, or opinions) the truth about anything.

However, there are important limitations to the freedom of speech. If false or harmful statements unjustly damage someone's reputation, the person about whom the statements were made may sue the speaker in a court of law. Additionally, you do not have the right to use your freedom of speech to cause someone physical harm. For example, you do not have the right to yell "fire" in a building just to see what happens.

Within these limitations, citizens can discuss any question or express their ideas or opinions about anyone or anything freely, even to criticize the government or the president.

FREEDOM OF THE PRESS

Freedom of the press is the right to write, print, or publish truthful thoughts, ideas, or opinions about anything. The press includes magazines, newspapers, books, television, radio, movies, and other forms of communication. You cannot use this freedom to make false statements, but you can use it to report any true incidents or violations including those within government agencies.

FREEDOM OF ASSEMBLY

Freedom of assembly gives you the right to hold meetings and gatherings. This freedom allows Americans to come together, peaceably, for business and pleasure including speeches, demonstrations, and protests. However, the government (primarily local or state), can require individuals or groups to obtain permits before they speak or demonstrate on public property and can deny permission to assemble if it considers the assembly unreasonable or unconstitutional.

FREEDOM OF PETITION

Freedom of petition is the right to ask the government to take action — or not to take action — on something without fear of penalty. For example, you have the right to write to your state representatives in Congress and to ask them to work on, pass, or modify certain laws.

RIGHTS, RESPONSIBILITIES, AND PRIVILEGES

Each American citizen has rights and responsibilities, which go hand in hand with our democracy. Because of our democratic form of government, we enjoy freedoms and rights that do not exist in other countries.

THE SECOND AMENDMENT — THE RIGHT TO BEAR ARMS

This amendment prevents the government from prohibiting the ownership of weapons by citizens, and it protects their right and duty to serve in the armed forces. However, this amendment is controversial in that it does not clearly state the conditions under which citizens may own and use their weapons.

Today, because of the increasing crime rate in America, select groups of people are fighting for gun control laws such as registration, waiting periods, and banning the sale of certain weapons. These groups feel that gun control laws would lower the crime rate. On the other hand, there are other people who feel that the Second Amendment gives them the right to own or purchase a gun without restriction, and that the government cannot pass laws to take away that right.

THE THIRD AMENDMENT — QUARTERING OF SOLDIERS

Congress added this amendment to the Bill of Rights to ensure that the government could never force its citizens to house (or quarter) soldiers in their homes during peacetime without the owner's consent. However, it specifies that during war, Congress can pass laws that would permit soldiers to be quartered in private houses.

THE FOURTH AMENDMENT — SEARCH AND SEIZURE

This amendment limits the government's power to search and to take custody of a citizen's property. Courts require a **search warrant** and **probable cause** to conduct a legal search. Warrant means "justification" and refers to a document issued by a magistrate (judge) indicating the name, address, possible offense committed, and property to be **seized**.

The Fourth Amendment, and the strictness of the courts in upholding it, keep U.S. citizens free.

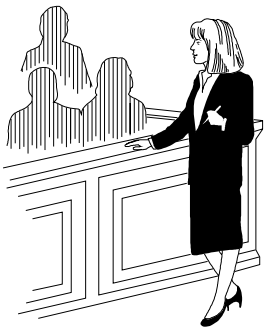
RIGHTS OF THE ACCUSED

The Fifth, Sixth, Seventh, and Eighth Amendments to the Constitution protect the rights of persons accused of a crime.

*THE FIFTH AMENDMENT — CRIMINAL PROCEEDINGS AND **DUE PROCESS***

The *Fifth Amendment* is one of the most familiar amendments because of its use on television. It is most famous for its provision that "no person shall be compelled in any criminal case to be a witness against himself." In other words, no person shall be subjected to self-incrimination, or be forced to confess to a crime that he has committed. The *Fifth Amendment* also protects citizens from certain questioning by the police.

The landmark Supreme Court case of *Miranda v. Arizona* (1966) addressed the rights of persons accused of crimes. An 18-year-old woman from Arizona was attacked and kidnapped. Phoenix police arrested Ernesto Miranda, but they did not inform him of his rights to have an attorney. The police placed Miranda in a lineup and the woman identified him as her attacker. Miranda wrote a confession to the crimes when the police told him that he had been identified.



New attorneys for Miranda appealed the case to the Supreme Court. Miranda's lawyers argued that their client's confession was unconstitutional since he did not know he had the right to an attorney. The Supreme Court granted Miranda another trial where a jury convicted him of the crimes. As a result of the Miranda trials, law enforcement authorities must advise each person of his or her legal rights before they can make an arrest.

The Miranda Warnings

"You have the right to remain silent and refuse to answer questions."

"Anything you do or say may be used against you in a court of law."

"You have the right to consult an attorney before speaking to the police and to have an attorney present during any questioning now or in the future."

"If you cannot afford an attorney, one will be provided for you without cost."

"If you do not have an attorney available, you have the right to remain silent until you have had an opportunity to consult with one."

This amendment also provides the following:

- It gives all citizens accused of major crimes the right to have their cases considered by a grand jury before the prosecution can take it to trial. A grand jury is a jury made up of as many as 23 persons who listen to the testimony of witnesses and decide whether enough evidence exists to **indict** or formally accuse a person of a crime. Indictment by a grand jury means that the jurors think there is sufficient reason to hold a trial.

- It states that if a court tried and acquitted a citizen in a criminal case, another court may not try that citizen again for the same offense. This is the citizen's protection against double jeopardy. However, the protection against double jeopardy does not apply when a court has already convicted the person.

- The last two sections of this amendment provide protection against the violation of "due process" and the arbitrary confiscation of property. The "due process" clause means that the courts must extend all protections in the Bill of Rights and in the Constitution to a person accused in a criminal action. Next, it gives all Americans the right to own private property. The government cannot take private property for public use without paying a fair price for it. The government's power to take private property for public use is **eminent domain**.

THE SIXTH AMENDMENT —
THE RIGHT TO A JURY TRIAL

Trial by jury is one of the cornerstones of the American legal system. Accused persons may usually waive this protection if they so choose. If, on the other hand, they demand a trial by jury, 12 jurors must reach a unanimous verdict in order to convict. This amendment also guarantees citizens the right to a prompt and public trial. Arresting officers

must inform people of the crime with which they are charged. During the trial, they have the right to hear and question all witnesses against them and to call witnesses to appear in court. Also, accused persons have the right to a lawyer.

THE SEVENTH AMENDMENT — THE RIGHT TO A CIVIL TRIAL

The Seventh Amendment provides for a trial by jury in certain cases where there is a dispute over money or property. Either side in a dispute can insist on having a jury trial in cases involving more than $20 and judges may not interfere with a jury's decision. However, both sides can agree not to have a jury.

THE EIGHTH AMENDMENT — PUNISHMENT FOR CRIMES

Bail is the money (or property) given to a court by an accused person in order to guarantee that the accused will appear for the trial. This amendment states that bails cannot be set at unreasonable amounts. After the person pays bail, the accused person may leave jail. Courts return the bail at the end of the trial. This amendment also states that courts must not give fines and punishments that are excessive, cruel, or unusual.

GUARANTEEING OUR RIGHTS

The Ninth and Tenth Amendments finalize our guaranteed rights.

THE NINTH AMENDMENT — OTHER RIGHTS

This amendment states that the rights described in the Constitution and the first eight amendments are not the only rights of the people. Simply because the Constitution and these amendments do not mention any "other rights," the government cannot take them away from the people. These "other rights" include:

- Freedom to live or travel anywhere in the United States.
- Freedom to work.
- Freedom to marry and raise a family.
- Freedom to receive a free education in public schools.
- Freedom to join a political party, union, or other legal group.

THE TENTH AMENDMENT — POWERS RESERVED TO THE STATES

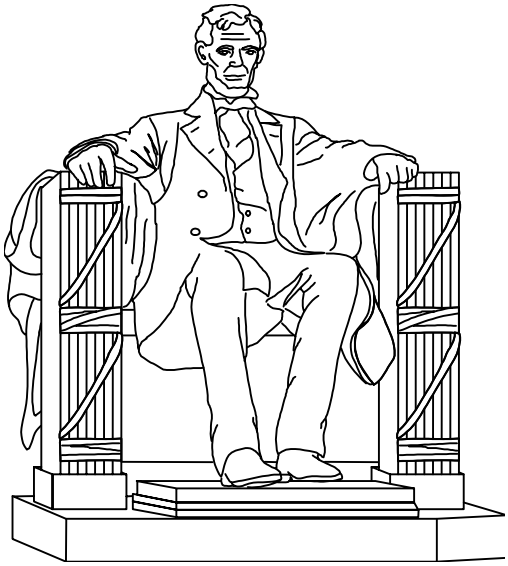
This amendment reserves all powers that are not expressly given to the federal government or forbidden to the states by the Constitution for the states or the people. This provision gives the states the power to act independently on many issues. In other words, the states may pass many laws for the welfare of their citizens under the authority usually known as a state's "police powers." This means that the people can delegate power to a state to protect their safety, comfort, and convenience.

THE CIVIL RIGHTS MOVEMENT

It's hard to imagine that the simple act of sitting at the front of a bus could start a movement for equality that lasted more than a decade. However, for a black woman in Montgomery, Alabama, in the year 1955, the act was one that required courage. Rosa Parks' decision not to give up her seat to a white man, as blacks were expected to do, started a boycott of the city's buses that eventually led to a nationwide movement for black civil rights.

The nation's most prominent civil rights leader, Dr. Martin Luther King, Jr. began his battle for equality during that first boycott. After the boycott succeeded in integrating the city bus system, Dr. King led a number of non-violent demonstrations against racial segregation of public facilities elsewhere in the South. During one of those marches in Birmingham, Alabama, in 1963, the police, armed with electric cattle prods and high pressure fire hoses and accompanied by vicious police dogs, broke up the demonstration. The police arrested Dr. King, and while in prison, he wrote a letter in which he defended his cause and means of protest. One positive outcome of that demonstration was that the civil rights movement gained the sympathy of many Americans as they watched the televised brutality of the Birmingham police.

Then, in September of 1963, black leaders organized a march on Washington, D.C., composed of nearly a quarter of a million people, including black and white supporters. During that demonstration, Dr. King gave his famous "I Have a Dream" speech standing in front of the Lincoln Memorial.



Even Martin Luther King's inspiring words could not speed the movement towards equality. The struggle was long and difficult. President Kennedy proposed a civil rights bill, but Lee Harvey Oswald assassinated him in 1963 before he could convince Congress to pass that legislation. However, Lyndon B. Johnson, President Kennedy's successor, succeeded in passing the Civil Rights Act of 1964.

THE CIVIL RIGHTS ACT OF 1964

This act was a significant turning point in the treatment of racial minorities in the United States. It outlawed racial discrimination in all places of public accommodation, such as hotels, restaurants, snack bars, swimming pools, theaters, and public transportation. It also provided for the denial of government funds to any national or state government project or facility that practiced racial discrimination.

Also important was a provision that not only banned racial discrimination in employment (such as in hiring practices), but also forbade employers to discriminate on the basis of sex. In implementing the employment provisions of the Civil Rights Act of 1964, the

federal government called for affirmative action programs by employers to ensure a racially integrated labor force.

Affirmative action programs set timetables and goals for a company's labor force to progressively come to reflect the racial characteristics of the labor force in the local community. These programs also encouraged the hiring of minorities through community contacts such as churches and schools. Such equal opportunity programs still exist today.

Additionally, the Civil Rights Act of 1964 set a strong precedent for action by Congress in the area of minority rights. The next year, Congress passed the Voting Rights Act of 1965, providing for the federal government to register voters in those counties where the states had denied significant numbers of citizens the right to vote. Three years later, Congress passed the Equal Housing Act of 1968, which forbade racial discrimination in the sale and rental of houses and apartments.

Still controversial is the use of school busing to achieve racial balance. Although some schools are purposefully segregated, others are segregated only because of housing patterns. Whether or not segregation is intentional, the problem is that more money goes to affluent suburban schools — which are mostly white, than to inner city schools — which are mostly black. Busing forces white people to take an interest in upgrading the inferior schools and encourages both black and white children to break the bonds of racism. However, many people bitterly oppose busing.

In recent years, cities have found other solutions for segregation in public schools. One city in California offered free college tuition to students who volunteered to ride buses across town to desegregate its schools. Busing and affirmative action programs are just two ways in which America has tried to achieve racial equality, but they are not enough. Blacks and whites must work together to fight prejudice, so that their children can benefit from a strong, united society.

RACIAL INEQUALITY

Even with the passage of the Civil Rights Act of 1964, poverty continued to a be a problem for blacks. Life in the inner city was, and still can be a horrible existence. Riots in the inner-city sections of America's major urban centers were common during the mid to late 1960s. Burning, looting, and violence resulted in the injury or death of hundreds of people.

President Johnson appointed the National Advisory Commission on Civil Disorders to investigate the spreading violence and to find a solution to prevent future riots. The Kerner Commission (named after its chairman, Otto Kerner) stated that "white society should be blamed for the ghetto." The Commission's report stated that "white institutions created it, white institutions maintain it, and white society condones it." It was the "great frustration and sense of powerlessness," the Commission said, "that caused the rioting."

President Johnson debated these findings and refused to meet with the committee, because he felt that the report condoned violence and did not give his administration credit for trying to improve the situation. Before President Johnson and the committee could settle the debate, James Earl Ray assassinated Dr. King in Memphis, Tennessee, in 1968. Instantaneously, riots occurred in over 100 cities.

CIVIL RIGHTS & OTHER MINORITIES

NATIVE INDIANS

Native Indians have also had a difficult struggle for equality, and — like black Americans — they are still trying to achieve balance. The plight of the Native Indians goes back many centuries. Early European settlers in America established a policy of conquest, even extermination, over them. Later, the U.S. government dealt with Indian tribes in the same way it dealt with other foreign governments. As a result, the Native Indians lost more and more of their self-government and land as the federal government relocated them to reservations, land that it had set aside for them to live on.

From 1871 to 1928, the federal government tried to force Native Indians to become like everyone else. Although Congress finally declared Native Indians as citizens of the U.S. in 1924, the government still separated Indian children from their parents and sent them to boarding schools to learn how to become "good Americans." This policy stopped for a period between 1928 and 1945, but resumed again in the "termination" period — a period where instead of trying to change children, the government would not recognize whole tribes and tried to force them to live in a white society.

Finally, in 1970, President Nixon declared a new period of self-determination for the Native Indians. Now, they have the right to administer their own federally supported health, education, and other programs in much the same way that states do. More importantly, they can keep their culture, pride, and dignity.

HISPANIC AMERICANS

Hispanic Americans (those with Spanish-speaking cultures such as Cubans, Puerto Ricans, or Mexicans) have also been victims of discrimination. They are typically much poorer than whites, live in sub-standard housing, and suffer from language and cultural barriers.

Many Cubans fled their native land in the 1950s when Fidel Castro assumed power. Although they have settled in different places across the United States, a good number of them are established in business communities within Florida, particularly in Miami.

Other Hispanic Americans have not fared as well as the Cubans in American society. With unemployment being almost twice as high in some Puerto Rican communities, many Puerto Ricans come to the United States seeking jobs. However, they are often disappointed. The jobs they end up getting are usually low-paying ones. Still, Puerto Rican Americans have strong cultural ties and are taking political and social actions to better themselves.

Another large group of Hispanic Americans are of Mexican origin. Some of these Mexican Americans are recent immigrants, while others have been in the United States longer than anyone except the Native Indians. Mexican Americans often face racial discrimination because of their strong cultural ties to Mexico. They also end up with low-paying jobs (such as being a migrant farm worker doing back-breaking labor in fields and groves).

Hispanic Americans, as a whole, still have a way to go before they achieve true equality. They still struggle with discrimination and poverty, but they have gained an identity as a race and are determined to claim

the benefits that America promises to its citizens.

ASIAN AMERICANS

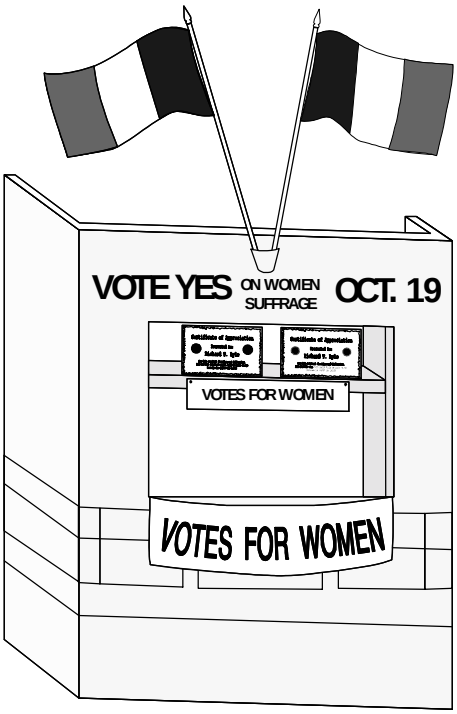
Like other minorities, Asian Americans have faced discrimination for political and social reasons. During World War II, Japanese Americans were suspected of disloyalty to the United States simply because they were Japanese. President Roosevelt issued an order that forced Japanese Americans who lived on the west coast to move inland to detention camps. The government had no proof that those citizens posed any threat to national security, yet it took away their civil liberties.

Because their rights were violated, Japanese Americans received monetary compensation from the U.S. in the late 1980s. Moreover, Congress repealed the provision authorizing the preventative detention of U.S. citizens — whom the government believes (in the absence of proof) may be spies during wartime — supporting the American idea of justice, which assumes that a person is innocent until proven guilty.

WOMEN'S RIGHTS

Although women are not a minority in the United States (they represent 51 percent of the population according to the 1980 and 1990 censuses), they have suffered throughout America's history from a form of discrimination called sexism. The Declaration of Independence states that all "men" are created equal, and the Bill of Rights does not specify women as free and equal citizens.

The first movement for women's rights began in the 1840s, around the same time that the movement to abolish slavery was gaining steam. Early feminists realized that they had the same lack of equality as the slaves: they did not receive equal pay for equal work, they had little educational and professional opportunities, and the courts did not consider them as equals. Additionally, since they did not have the right to vote, they had to abide by laws which they had no decision in making.



The first women's movement focused its efforts on suffrage — the right to vote. These women were very disappointed when the *Fifteenth Amendment* gave black men the right to vote but excluded them. Despite this failure, their movement continued to make progress. Finally, in 1920, the *Nineteenth Amendment* became law, giving women the right to vote. Although achieving victory, the women's movement did not die — women were still unequal in many other ways.

The civil rights movements of the 1950s and 1960s encouraged young women to become active in the women's liberation movement. As a result of their lobbying, Congress passed the *Equal Pay Act of 1963*. In 1966, Betty Friedan formed the National

Organization for Women (NOW), which remains today as an active force for women's equality.

Another milestone in the fight for women's equality was the Equal Rights Amendment (ERA). First introduced to Congress in 1923 by a small number of women, supporters continued to introduce it every year for 49 years. It failed every time. Finally, in 1972, ERA passed Congress. The proposed amendment stated, *"equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex."* The statement sounds simple, but it caused much controversy on issues such as including women in the military draft.

Supporters of ERA had 10 years (which included a three-year extension) to convince three-fourths of the states to ratify it, which 28 states did in the first year (1972). By 1982, only 35 states had ratified it — three short of the number needed for passage. However, by then five states had withdrawn their ratification, which raised the serious legal issue of whether a state can rescind its previous ratification of an amendment.

Still, attitudes about women's rights are changing. Most companies, politicians, and courts try to avoid using sexist language, and they encourage women to enter into fields of work or study that at one time were only for men. Overall, women have made much progress in the movement towards equality, but they have not yet fully achieved an equal status.

RESPONSIBILITIES AS A CITIZEN

As an American citizen, you have a responsibility to participate in and work for a democratic society. In addition to the responsibilities listed below, your school and community may offer many others.

BILL OF RESPONSIBILITIES

- Obey all laws.
- Respect the rights and the property of others.
- Assist law enforcement agencies in keeping laws.
- Serve on a jury.
- Pay taxes.
- Vote.
- Be aware of civic issues.
- Work for constructive changes.
- Help to save the national resources.
- Contribute time, money, and effort to volunteer organizations.

(Developed by the Freedoms Foundation at Valley Forge)

PREAMBLE. Freedom and responsibility are mutual and inseparable; we can ensure enjoyment of the one only by exercising the other. Freedom for all of us depends on responsibility by each of us. To secure and expand our liberties, therefore, we accept these responsibilities as individual members of a free society.

- To be fully responsible for our own actions and for the consequences of those actions. Freedom to choose carries with it the responsibility for our choice.

- To respect the rights and beliefs of others. In a free society, diversity flourishes. Courtesy and consideration toward others are measures of a civilized society.

- To give sympathy, understanding, and help to others. As we hope others will

help us when we are in need, we should help others when they are in need.

- To do our best to meet our own and our families' needs. There is no personal freedom without economic freedom. By helping ourselves and those closest to us to become productive members of society, we contribute to the strength of the nation.
- To respect and obey the laws. Laws are mutually accepted rules by which, together, we maintain a free society.
- To respect the property of others, both private and public. No one has a right to what is not his or hers. The right to enjoy what is ours depends on our respecting the right of others to enjoy what is theirs.
- To share with others our appreciation of the benefits and obligations of freedom. Freedom shared is freedom strengthened.
- To participate constructively in the nation's political life. Democracy depends on an active citizenry. It depends equally on an informed citizenry.
- To help freedom survive by assuming personal responsibility for its defense. Our nation cannot survive unless we defend it. Its security rests on the individual determination of each of us to help preserve it.
- To respect the rights and to meet the responsibilities on which our liberty rests and our democracy depends. This is the essence of freedom. Maintaining it requires our common effort, all together and each individually.

CONCLUSION

Being a citizen of the United States gives you certain basic rights, responsibilities, and privileges. However, in today's world, society has given new meaning to the need to protect those rights and freedoms. The challenge, then, is for you to take your responsibilities seriously in order to help preserve the rights and privileges of your citizenship.

LESSON 3: PARTICIPATING AMERICAN CITIZENS

aggression
consequences
cultivate
cultures
participating
patriotism
tyranny
welfare state

INTRODUCTION

"Ask not what your country can do for you, ask what you can do for your country."
President John F. Kennedy, 1961

This statement still holds true today. We enjoy the liberties, rights, and privileges guaranteed by our Constitution, yet on election day the average voter turnout is less than 50 percent. Who are the people who cast their votes in each election or join the military to serve their country? These people are participating citizens.

CHARACTERISTICS OF A PARTICIPATING AMERICAN CITIZEN

According to "The American Citizens Handbook," participating American citizens may have one or more of the following characteristics. Participating American citizens:

1. Believe in the equality of opportunity for all people.

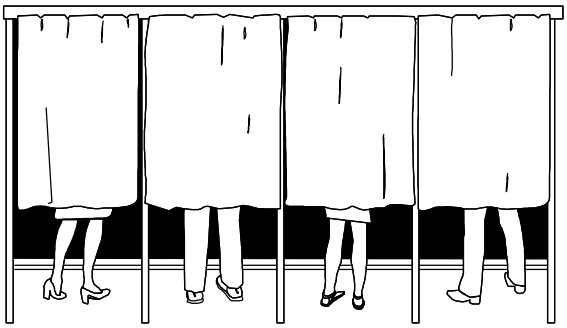
2. Have values, respect, and defend basic human rights and privileges guaranteed by the U.S. Constitution.

3. Respect and uphold the law and its agencies.

4. Understand and accept basic democratic principles as guides for their own behavior and that of other persons and groups; judge their own behavior and that of others by those same standards.

5. Understand that, in the long run, people will govern themselves better than any self-appointed group would govern them.

6. Put the **welfare state** above their own whenever a choice between them is necessary.



7. Feel they have inherited an unfinished experiment in self-government which it is their duty to carry on.

8. Exercise their right to vote.

9. Accept civic responsibilities and discharge them to the best of their ability.

10. Know techniques of social action (e.g., how to win support for desirable legislation) and cooperate with others in achieving such action.

11. Accept the basic idea that, in a democracy, the majority has the right to make decisions under the Constitution.

12. Assume a personal responsibility to help shape opinions on current social, economic, and political problems or issues.

13. Realize the necessary connection of education with democracy.

14. Respect property rights, meet their promises in contracts, and obey regulations governing the use of property.

15. Support fair business practices and fair relations between employers and employees.

16. Assume a personal responsibility for the wise use of natural resources.

17. Accept responsibility for maintaining and improving America's competitive economic system.

18. Know in general how other economic systems operate, including their political and social **consequences**.

19. Know about, critically evaluate, and support promising efforts to prevent war, but stand ready to defend their country against **tyranny** and **aggression**.

20. Are deeply aware of the independence of people, and realize that a good life can be attained only by the organized cooperation of people the world over.

21. Understand other **cultures** and ways of life.
22. **Cultivate** qualities of character and personality that have a high value in his or her culture.

23. Are responsible family members and assume their full responsibilities for maintaining the civic standards of the neighborhood and community.

24. Recognize taxes as payment for community services and pay them promptly.

What you see in these characteristics is a philosophy supporting the values of our society and of our Constitution. This philosophy is broad — it allows room for a certain degree of change and flexibility. Using such a philosophy as this, our society has been able to correct some of its social and economic injustices over the years.

PROFILES: PARTICIPATING AND PATRIOTIC AMERICAN CITIZENS

While reading the following profiles on Marva Collins, Carlos Arboleya, and Don Smith, keep in mind the 24 characteristics of **participating** citizens. A connection between how these three very different people applied, lived, and believed in those characteristics should become very clear to you.

MARVA COLLINS

Marva Collins loves to teach children. She believes in children, in the idea that each child can develop into a successful person, and in the importance of education for future success.

Believing that there were far too many excuses in the educational system for not

educating children, Marva started a private school in 1975 on the west side of Chicago. For the first four years, she crammed 34 desks into a makeshift schoolroom in the upstairs of her home. She taught children who had been expelled from public schools, had dropped out in discouragement, or who the educational system classified as incorrigible and unteachable. These same students are now reading Shakespeare and discussing philosophy. Although this is not uncommon in schools throughout the country, how often is this material taught and mastered at the elementary level?

While growing up in Alabama during the Great Depression, Marva acquired a love for reading at a time when black women were not supposed to do so. Additionally, her father encouraged her to think for herself and not to be ashamed of her opinions. From this upbringing, the right to an individual's opinion stood at the forefront of her teaching career and style — an approach that has been the subject of controversy. Nonetheless, she remained faithful to this belief and to the philosophy that if students err, it is a sign for help, not a reason for reprimand or ridicule. She praises and encourages her students and does not tell them they are wrong.

She points out that for many students the key to learning is a strong, supportive, and positive teacher. Combining this with a positive teaching approach that offers encouragement and support, she advocates that as students become more self-confident, they possess the desire to learn even more.

With her school receiving international acclaim, many other schools have asked that she teach her educational beliefs to their students. President Reagan even asked her to be the Secretary of Education; however, she responded with a polite, "No, my place is with my family" — a family that includes her students. Marva has been an inspiration and an influence to many students since 1975, with messages such as:

> *"Black America has been led to believe that we are supposed to fail. When we do fail, people look down on us, and that leads to a lot of hate. Things do not have to be that way. We can make them better. You were not born to fail. You were born to succeed. You were born to be millionaires! But you are going to have to learn. No one owes you a thing in this life. I don't want anyone to give you children anything — except your dignity."*

CARLOS ARBOLEYA

Carlos Arboleya believed in America and in its opportunities. He fled Cuba during Castro's communist revolution with his wife, small son, and only $40. Having spent 13 years in Cuba's banking industry, he left behind his position as chief auditor in the comptroller's division of Cuba's largest bank. Carlos came to America with the hope that democracy and its freedom would provide opportunities. Despite his years of experience, he could not find work in the banking industry — even as an office boy.

In 1964, Carlos Arboleya was hired by Fidelity National Bank and he helped it to overcome financial difficulties. Five years

later, Arboleya became an American citizen and the president of Fidelity National — the first naturalized Cuban to serve as president of a national bank in the United States.

Years later, as Vice Chairman and Chief Operating Officer of Barnett Banks of South Florida, the state's largest bank, Carlos oversaw the operation of 72 branches, with holdings of over $4 billion in assets.

During his career, Carlos held numerous positions on boards and committees, including President Nixon's National Advisory Council on Economic Opportunity. He also found time to help out youth organizations in Greater Miami, along with other civic groups. Carlos spent most of his time with these groups talking about the opportunities available in the United States:

> *"There's nothing one person can do that another cannot do if he sets himself to the task of doing it and in doing so, he does it with enthusiasm, has the determination to succeed, confidence in himself, faith and belief in God, pride in country and flag, love of family, and respect of friends — for these are the true ingredients for success."*

DON SMITH

Finally, you will take a look at a citizen who went one step further than participating. This individual not only supported our Constitution and values, he made the ultimate sacrifice by giving his life for the cause of freedom.

Don Smith's actions may be called ones that advocate **patriotism**. Webster's dictionary defines patriotism as a "love for or devotion to one's country." What does patriotism mean in terms of action or deed? In times of conflict or war, the nation may require patriotism in the form of military service. In peacetime, patriotism can take many forms.

Don Smith loved America. At the beginning of hostilities in the Korean conflict, he enlisted in the U.S. Army. Although only 19 years old, he wanted to help our country in preventing the spread of communism and to protect the rights of other representative democracies, not just America's.

Don grew up quickly in the war. The benefits of being an American citizen became clearer to him as he came face to face with the threat of communism. He wrote home about his realizations concerning the freedoms he had taken for granted at home.

As the conflict continued, Don was willing to make sacrifices for something as important as freedom. Portions of his letters were published by the local town paper. Don's letters brought the realism of war to those who stayed behind, those who were still enjoying America's democracy.

Don's letters reflected the way he had taken his freedom for granted. He wondered whether Americans would fight hard for their country, especially if the United States was on the battlefield. Americans had consistently helped other countries to protect their freedom during World Wars I and II; and now they were helping Korea.

Don was killed in action almost two years after he was first stationed in Korea. The paper published his obituary citing the award he received posthumously. The paper called him a "local hero" — one who had given his life in the service of his ideals.

CONCLUSION

Hopefully, through the past three chapters, you have seen the importance of your American heritage, whether by birthright or naturalization; the Constitutional protection of your American rights, responsibilities, and privileges; and the characteristics and examples of participating citizens and of patriotism.

How you choose to use your citizenship is up to you. However, your appreciation and understanding of the beliefs on which our country was founded become clearer when you participate in the democratic process. The degree to which you participate is also your choice. There are many citizens who feel it is their duty to repay our country for the right to live in America.

The type of citizen you are now and in the future is one of the freedoms available to you. *That choice is yours. Use it wisely!*

YOU THE PEOPLE — THE CITIZEN ACTION GROUP PROCESS

LESSON 1: MAKING DECISIONS — MAJORITY AND CONSENSUS

consensus
decision making
simple majority

CITIZEN ACTION GROUP PROCESS

A Citizen Action Group is a group of people who meet with the common goal of improving or contributing to their classroom, school, or community. As a group, they meet periodically using a systematic process (called the Citizen Action Group Process) to discuss and resolve issues. The Citizen Action Group's findings are then communicated to the appropriate people who can resolve those issues (such as school officials, elected congressional representatives, or the Town Council). In this way, these Citizen Action Groups provide a workable format for citizens to become more active in our government.

The purpose of this section is to train you in this group process so that you can become an effective participant in a Citizen Action Group. By participating in these groups, you will be in a better position to influence your school, local, state, and federal governments.

You will learn how to work together with other cadets and make real decisions on issues that affect all of *you. However, the process of making a decision will be as important as the final decision itself.*

As you participate in these groups, you will learn about the process of self-government and your possible future role in this system. You will need to draw upon all the citizenship skills you have learned so far in this workbook as well as a new set of group skills.

GROUP SKILL 1: REACHING A SIMPLE MAJORITY

Most of us are familiar with the skill of reaching a simple majority. It is the "show of hands" voting process. To have a simple majority, more than half of the votes must be in favor of a certain option. Your group can decide what to do with an issue using this voting process.

As an issue is raised, you will ask for a vote to see what to do with it (do we act on it, do we research it more, or do we drop it because we're not interested enough). After you have brainstormed ideas on how to act on an issue or research it further, you will also call for a vote to determine which idea to select.

To see how a simple majority works, let us work through an example as a class.

SIMPLE MAJORITY EXAMPLE

A member of your group has raised the issue of reducing the voting age from eighteen to sixteen years of age. As a group, you must first decide what you want to do with this idea.

There are seven members in your group and you call for a vote to decide: Do

you research it further? Do you drop it? Or do you act on it? The vote is:

- Research it further: 5
- Drop it: 2
- Act on it: 0

More than half of the group supports exploring the issue further. However, if the vote were 2, 3, 2, you would not have a majority because more than half of your group (i.e., four or more) was not in favor of one option. Then you would have to continue discussing the issue until your group came up with a simple majority in favor of one option. They could decide to delay discussing the issue until a later meeting where it might be easier to come to a majority (sometimes called "tabling" the issue).

For now, let us assume your group agrees by a majority that this issue needs further research. Next, you brainstorm ways to research it further. Two ideas are thrown out for the group to consider:

1. Find out what the voting age is in other democratic countries.

2. Take a survey of your school to see if other students your age are interested in having the voting age reduced to sixteen.

You call for another vote to see what your group wants to do:

1. Find out voting age in other countries: 0

2. Take a poll of other students: 1

3. Do both 1 and 2:5

4. Do neither 1 or 2:1

By a majority, your group has decided to research both options.

After a week, members from your group who were assigned the tasks of exploring this issue give their reports. (Cadets who are practicing the cooperation citizenship skill may have found out more than they were asked to do.) Your group discusses the results, which show there is little interest in lowering the voting age among your peers. Your group votes on what to do now: act on this issue or drop it. The vote is:

- Act on Issue: 3
- Drop Issue: 4

By a majority (even though a slim one), your group can now drop the issue if the entire group consents to the process it took to reach this decision. **Consensus** is the next skill we will talk about.

GROUP SKILL 2: REACHING A CONSENSUS

Consensus is coming to general acceptance on an issue. Consensus is a vital group skill. Without it, your groups may not function, and instead meetings may become squabbling matches and arguments.

The key to consensus comes from the word "consent." It can be more a passive skill than an active one. Consensus is the skill of perhaps not agreeing with the decision the group made, but accepting it anyway because the process used by the group allowed your needs and opinions to be heard and acknowledged.

Consensus is more of a feeling than an action. You consent to the group's decision and thus you ultimately support it or not actively oppose it even though it is not your idea of a great choice.

As a group, you will use the skill of reaching a consensus to evaluate the process your group went through to make a decision. In essence, you will determine whether the seven citizenship skills were sufficiently practiced by your group in reaching decisions. This is not to imply your group used the citizenship skills perfectly, but that your group did the best they could. Thus you can live with the decision you made together.

Why is this important, you might ask? It is critically important, because the real test of whether we can govern ourselves is if we can work together toward our country's ideals of freedom, equality, and unity.

One of the best ways to do this is to practice the seven citizenship skills. Thus, if you feel your group successfully used the seven citizenship skills to reach a decision, then your group is working together and exercising the power envisioned by the Founders when they drafted the Constitution.

Conversely, if you do not feel your group used the citizenship skills successfully, if you or another member of your group was not heard or given respect, or if your group was uncooperative, then you can decide not to consent to the process after a decision has been made.

You have power when you do this because then you can veto the decision. This power must be used wisely, however, or the **decision making** process breaks down.

Let us work through an example of how your group might reach a consensus on the decision making process.

CONSENSUS EXAMPLE

Continuing with the example we discussed under the **simple majority** example, let us say your group decided because of little interest to drop the idea of trying to reduce the voting age from eighteen to sixteen. Let us also assume you were the one who raised the issue in the first place.

Now you are evaluating your group's performance at the end of the meeting. You feel that there were members of your group who ridiculed your idea, calling it stupid and foolish. Their behaviors were out of line and disrespectful, in your opinion.

Consequently, you feel your group did not follow the seven citizenship skills as best they could, and you do not consent to the group's decision process. Therefore, at the end of the meeting, you stand up and say, "I veto the decision," and give your reasons. Your group will now delay the decision and discuss it further at the next group meeting. In this instance *a consensus was not reached.*

A "veto" should be rarely used — only when a decision is reached with obvious and blatant disregard for the seven citizenship skills. Because these Citizen Action Groups are focused more on the process than the end result, it is important that every group member knows that he or she can use the "veto." It is also important that members learn to use it wisely (in other words, veto only when absolutely necessary).

The strength citizenship skill gives you the courage to be honest and indicate when you think your group did not work together. It serves no one, especially the group, if you remain silent when the purpose is to learn more about working together according to the seven citizenship skills.

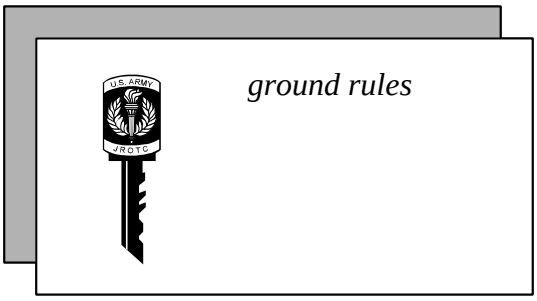
Now let us suppose that you did raise the voting age issue, and your group listened to your thoughts and ideas without judging or ridiculing them. Your group went through the

decision process considering this issue as objectively as possible and still decided to drop it after researching it further and finding little student support.

In this instance, as you evaluate your group's performance at the end of the meeting, you admit the seven citizenship skills were adequately addressed during the handling of this issue even though the final decision didn't go your way. Thus, you feel the decision was arrived at satisfactorily and so does the rest of your group. This is *when a consensus is reached.*

By now, you should understand why the process itself is as important as the final decision. Before we begin an actual Citizen Action Group meeting, there are a few ground rules to cover.

LESSON 2: ESTABLISHING GROUND RULES



GROUP SKILL 3: FOLLOWING THE GROUND RULES

Rules are necessary to maintain fairness (Citizenship Skill 3) and give each participant an equal chance. We have rules of conduct in our country to ensure the ideals of our nation (freedom, equality, and unity) are fulfilled for our citizens.

For this reason we also have rules for this Citizen Action Group Process, ensuring that everyone has an equal chance to participate fully and the group works together. Listed below are 13 ground rules to keep in mind during your Citizen Action Group meetings.

- *Ground Rule I:* Each group meeting will start and end on time. Group members need to be punctual.

- *Ground Rule 2:* A group leader will run each group meeting. This job will rotate among all group members so that everyone will have an opportunity to be a group leader. The group leader will be responsible for facilitating the group discussion, making sure everyone follows the ground rules, and for keeping the group on track and on time. He/she may assign someone else in the group to monitor the time.

- *Ground Rule 3:* Each group member will be conscious of the seven citizenship skills as well as the group skills of reaching a simple majority, reaching a consensus, and following the ground rules during all Citizen Action Group meetings. If group members start to label, judge, or blame other group members for problems, the group will review the seven citizenship skills again and find out why there are difficulties in the group.

- *Ground Rule 4:* At the end of each group meeting, each individual will evaluate the group's performance as well as his or her own individual performance.

- *Ground Rule 5:* Personal topics will be left out of group discussions. These groups are not meant to be therapy groups.

- *Ground Rule 6:* If a group member gets angry or emotional, he or she will be asked to leave the group for 5 to 15 minutes to cool off (the timing is up to the group leader and/or instructor, if necessary), but he or she must agree to return to the group after the cooling-off period.

- *Ground Rule 7:* Each group member will be allowed time to speak if he/she desires. However, shouting or screaming will not be allowed. The group leader (or instructor, if necessary) may ask a shouting participant to leave the room to cool-off. The group leader will also make sure that each member has voiced her or his views and participated in the process. An issue cannot be decided upon unless everyone in the group has spoken or has openly chosen not to speak.

- *Ground Rule 8:* An issue can be "tabled" by a simple majority of those present, if the following occur:
    - A person is absent from a meeting;
    - The right people are not there to make a decision
    - The group just cannot come to a simple majority for any reason (such as the need to take a break from a highly emotional topic or the need to further research a topic).

  This issue will then be delayed for discussion at a later meeting.

- *Ground Rule 9:* The person, who vetoes a decision, will verbalize their reasons to the rest of the group. The issue will then be discussed at the citizenship skill portion of the following meeting.

- *Ground Rule 10:* An issue can only be discussed in a total of four meetings (counting the first meeting it was brought up) unless agreed to otherwise by your group (see next ground rule).

- *Ground Rule 11:* Any change in the group process will be approved by a simple majority vote of at least 75 percent of the group. For example, if an issue has been overdone and your group wants to stop discussing it before the normal limit (4 meetings), 75 percent or more of your group must vote in favor of dropping the issue. If your group wants to continue discussing an issue past the 4-meeting limit, 75 percent or more of your group must vote in favor of this.

- *Ground Rule 12:* A Citizen Action Group will agree to meet and work together as long as determined by your instructor.

- *Ground Rule 13:* Discussions within any group meetings are confidential. That is, each group member must agree to not discuss group topics outside the group meetings unless the entire group approves.

LESSON 3: SMALL GROUP MEETINGS

agenda
small group leader
small group meeting
timekeeper

TYPES OF CITIZEN ACTION GROUPS

There are two types of Citizen Action Group meetings, in which you will participate. First, you will be meeting (as determined by your instructor) with a small group of cadets.

These meetings are called **small group meetings**. Occasionally, your class will participate in a representative group session the second type of Citizen Action Group meeting.

All seven citizenship skills as well as the group skills (reaching a simple majority, reaching a consensus, and following the ground rules) will be used regardless of the type of Citizen Action Group meeting in which you will be involved.

Let us discuss what happens in a typical small group meeting beginning with the first time you meet together as a group.

YTP VIDEO

Before the first small group meeting, it is recommended that you view the You the People Video. It is a three part series on citizenship.

The video also contains segments that refer to the separation between church and state. Please review the following for one perspective on that topic.

(by Jim Rice as adapted from Separation of Church and State by David Barton)

SEPARATION OF CHURCH AND STATE

The "separation of church and state" phrase was taken from an exchange of private letters between President Thomas Jefferson and the Baptist Association of Danbury, Connecticut, shortly after Jefferson became President. It is not found in any governmental American document.

The inclusion of protection for the "free exercise of religion" in the constitution suggested to the Danbury Baptists that the right of religious expression was government-given and therefore the government might someday attempt to regulate religious expression. Jefferson shared their concern. He believed along with the other Founders, that the First Amendment had been enacted only to prevent the federal establishment of a national denomination. He assured them that they need not fear; that the federal government would never interfere with the free exercise of religion.

In summary, the "separation" phrase so frequently invoked today was rarely mentioned by any of the Founders; and even Jefferson's explanation of his phrase is diametrically opposed to the manner in which courts apply it today. "Separation of church and state" currently means almost exactly the opposite of what it originally meant.

SMALL GROUP MEETING

A small group meeting is a gathering of about five to nine cadets who use a process to discuss and decide issues (selected by you

and/or your instructor). The overall purpose of these groups is to teach you how to become an effective citizen and how to guide the governmental activity in your school, town, state, and as the Founders of the United States of America envisioned. In practical terms, the small group meeting gives your group a forum to apply and practice the citizenship skills.

Your instructor has preselected the members of your small group. Barring any unforeseen consequences (such as students moving away), members within your small group should not change.

One of the first things you will do as a group is to come up with a name or number for your group. Deciding and agreeing on this name or number may be the first opportunity you have to practice the citizenship skills as a group. This name or number will be used to identify your particular group when you meet with other small groups.

CHOOSING A GROUP LEADER

Once you have a group name or number, then you will select your first group leader. A group leader runs a small group meeting. Every member of your group will have the chance to be a group leader. Ask a volunteer to be your first **small group leader**. If no one volunteers, your instructor will select a leader. This leadership role rotates around the small group with each meeting.

GROUP LEADER RESPONSIBILITIES

As a small group leader, you are responsible for conducting the **small group meeting**. You will learn the skills necessary to be a group leader as you conduct a meeting. The first few meetings you lead may be difficult, but that is also part of the learning process. Your responsibilities include the following:

1. *Prepare in advance.* Read over your worksheets and notes from the last meeting. Know what the old issues are. Write or type out an **agenda** and give it to the other group members before the small group meeting (at least two days before if possible). If this is the first small group meeting, your instructor will have an agenda prepared for you.

2. *Start your meeting on time.* Even if not all your group members are present, begin your meeting. Otherwise, you will be hard-pressed to finish on time. If you start on time, group members will more likely be punctual.

3. *Pass out optional blank worksheets (group worksheet and decision making worksheet).* Members of your group can decide whether or not to use these worksheets. Your instructor may also have guidance for you pertaining to these worksheets.

4. *Keep the group focused on the agenda.* Keep the group focused on the agenda by assigning someone in the group to be the **timekeeper**. When it is time to move to the next agenda item, the timekeeper will notify you. Quickly bring the discussion to a close and move on.

5. *Pass out action assignments to all small group members.* Make sure that you come up with specific assignments for each group member before your meeting is adjourned. Do not let one or two group members end up doing all the work.

Being a group leader is a challenging job, but it is a great opportunity for self-improvement.

HELPFUL HINTS FOR RUNNING A SMALL GROUP MEETING

1. To keep the group discussion on track, use gentle reminders like:
   - "Can we get back on the subject?"
   - "Maria has a good point, let's listen to her and not talk among ourselves."
   - "If we stay on the subject, we will finish on time."

2. Do not worry if you do not know all the answers. You do not have to be the most knowledgeable one in the group. Your job is just to keep the discussion moving and on track.

3. You might have group members who do not like to talk in the group. If you haven't heard from a group member, ask them for their thoughts, ideas, or opinions with specific questions like:
   - "Chad, what do you think of Mary's idea to hold an assembly on citizenship skills?"
   - "Belize, do you like the idea of having a senior litter pick-up day?"
   - "Will, what's the best way you can see for us to present our opinions to the city council when they decide on the town's curfew?"

4. Avoid having one person talk all the time. Keep everyone's discussion brief so that all group members have an equal chance to talk. Tell each group member that he or she will have two minutes to talk and that the timekeeper will monitor the time. Then move on to the next person. If there is time at the end, you can come back to that person again.

5. You might have group members who want to help others with personal problems (such as parent and boyfriend/girlfriend issues). Gently remind those group members that this type of discussion must take place outside the group meeting after class. Then get back on track. Keep personal problems out of the group discussion.

6. If you have a group member who seems to know a lot about a certain subject, he or she may monopolize the entire discussion. Acknowledge this person for his or her knowledge and then when time is up, move on to the next person. Your group can use this person as a resource for finding out more information on a certain issue. Be careful, though, of making this your only source. All issues have more than one side to them.

7. Group members will want to talk among themselves. Eliminate side talking by calling attention to it such as: "Mandela and Leo, could you share your ideas with the group?"

8. You may have members of your group competing for your job. Simply remind them that they had their turn or that their turn is coming. Ask them to help you out with this difficult job by letting you do it your way. Also, remind them that making mistakes is the only way you will learn. Perhaps they will show respect for your strong and weak points as a result. If you really have trouble, ask your instructor for help.

9. If you have uncooperative members, remind them of the ground rule stating that they can walk out of the room to cool off, but emphasize that they must return to the group. If their behavior persists, ask them to leave the room to cool off. Get your instructor's help if necessary.

10. If group members start to label, judge, or blame other group members for problems, talk within the group about the respect citizenship skill.

11. When asking questions of your group members, wait a few seconds for the answers. Be patient. Give others in your group time to think about their answers.

12. Finally, if you have major problems in the group you cannot resolve, ask your instructor for help.

SMALL GROUP MEETING AGENDA

The Small Group Meeting flow chart shows the general small group meeting process. Through a systematic process, an issue is brought up, discussed, and decided upon.

At first, your group might struggle with this process. Anytime we try something new (like a new sport for instance), it takes practice to excel at it. The same is true for this small group meeting. Have fun experimenting with this group process. Focus on the process itself and observe yourself and other group members.

QUICK OVERVIEW OF THE SMALL GROUP MEETING AGENDA

1. Administrative Business
2. Citizenship Skills Discussion
3. Old Issues
4. New Issues
5. Evaluation
6. Action Assignments
7. Close-out Details

DETAILED SMALL GROUP MEETING AGENDA

The following sections discuss what happens in each portion of a small group meeting. The small group leader is responsible for conducting the meeting and ensuring that each portion is accomplished.

1. *Administrative Business:* Read the group purpose: *The purpose of these groups is to help us become effective citizens, able to guide and/or monitor the governmental activity in our school, town, state, and country.* Take attendance. Name those group members who had homework and what they will be discussing later in the meeting (this will help those people get prepared). Schedule the next meeting. Pick the next group leader.

2. *Citizenship Skills Discussion:* Spend a moment in silence. Ask group members to close their eyes and visualize themselves practicing the citizenship skills during this group's session. Talk about homework (usually an individual assignment working on a specific citizenship skill, like patience, at home, work, and school). Bring up next skill and open it up to brief discussion. Distribute and explain citizenship skill homework

(which your instructor will give you). Discuss any issues that were vetoed in the previous meeting to see if there are simple solutions to the problems or if they should be discussed again under old issues. Focus your group's discussion on the use of citizenship skills and not on the various slants to the issue itself (this discussion occurs under old issues below).

3. *Old Issues:* Ask for reports on assignments. For example: Maria says, "I spoke with Mr. Dean, and he's open to having an assembly on citizenship skills if we give him an outline of what we would cover." Be sure that an issue is fully discussed but not overly so. Ensure everyone's participation and do not let one person dominate the discussion. Ask the group if there is enough information to act on this issue. If there is, call for a vote to decide on a course of action. If there is not enough information, ask group members for ideas on research assignments. For example, "Mike, can you and Maria brainstorm a rough outline for a citizenship skills assembly and present it to us at the next meeting?" Finally, if any issues cannot be resolved at this time (as will be the case with sensitive and highly emotional issues), delay the issue until the next meeting (when it will be first on the agenda under old issues). *An issue can only be discussed in a total of four meetings (including the first meeting it was mentioned) unless agreed to otherwise by* your group**.** At this point, discuss any issue decisions that were vetoed to see if there are new grounds for agreement. Your group can also vote to drop an issue by a simple majority or to "table" it for later discussion, also by a simple majority.

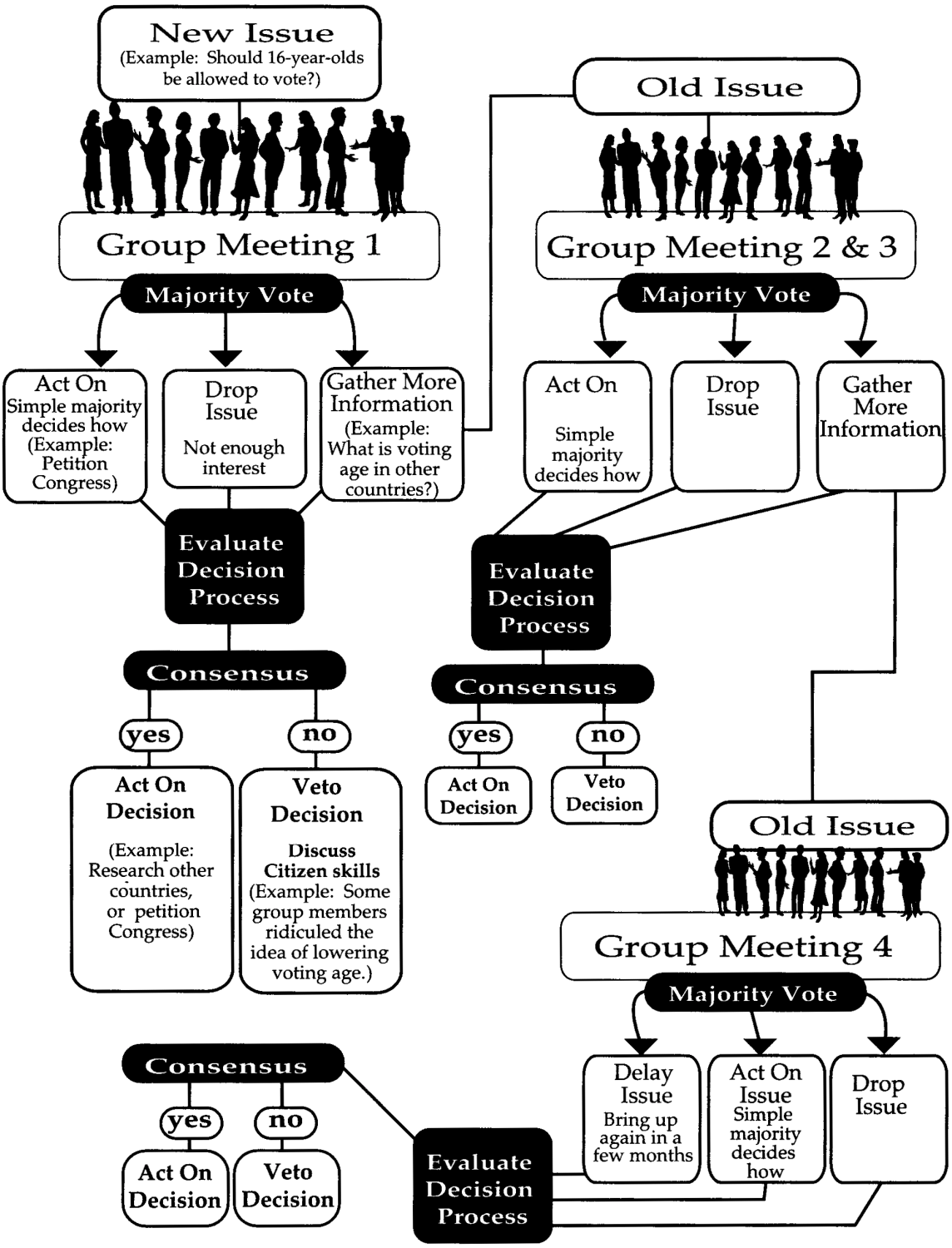
4. *New Issues:* Ask the group members to bring up any new issues. Discuss each new issue briefly so you can decide to research it further, act on it, or drop it. Use a majority vote to decide what to do with this issue. If an issue cannot be decided on, it will be discussed under Old Issues at the next meeting. Occasionally, you will have issues with relatively simple resolutions. You can choose at this meeting to use a majority vote to handle these issues if there is not significant opposition within your group.

5. *Evaluation:* Spend a few minutes evaluating yourself and the group as a whole. The purpose of this evaluation session is for everyone to think about how well they participated in the group and how well they exhibited the citizenship skills. Except for the veto (which is stated), this evaluation process is anonymous. Use the group and individual evaluation forms for this purpose. Any poor ratings on the group's performance will be discussed at the next meeting's Citizenship Skills Discussion, but the decision will still be in force. This is where the group decides whether or not a decision was arrived at properly, using the consensus approach. If even one member is not satisfied and openly vetoes the decision, the problem becomes the first topic under the next meeting's Citizenship Skills Discussion. The decision remains vetoed until this discussion is completed and a new vote is taken. With time, you and your group will become familiar with the importance of this evaluation process. Remember also if this process becomes overly obstructive your group can vote to change it by a 75 percent or more majority.

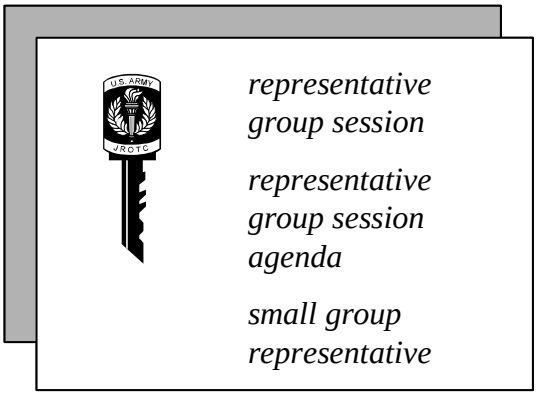
6. *Action Assignments:* Assign tasks to each member of your group based on decisions the group made under Old or New Issues and consented to under the Evaluation discussion. For example, Joshua is assigned to arrange a meeting with the principal and assistant principal and go over the outline for the citizenship skill assembly. Jae is the next leader. Bernadette will attend the student government meeting and take notes. Tanya will do some research on an issue the group decided to continue.

7. *Closeout Details:* Take time to tie up any unfinished business — Do group members have anything further to say? Remind people of their assignments for the coming week. Remind all group members of the next meeting and the name of the new group leader. Adjourn on time.

SMALL GROUP MEETINGS



LESSON 4: REPRESENTATIVE GROUP SESSION



REPRESENTATIVE GROUP SESSION (AN ALL-CLASS PROCESS)

A **representative group session** occurs when all the small groups merge into a larger assembly or class to discuss an all-class or all-school position on a specific issue. Representatives are elected from each small group. These representatives then hold a meeting, which is observed by all the small groups.

The purpose of the representative group session is twofold. In the beginning, these representative sessions are simply training sessions in which you will be addressing hypothetical issues (like gun control or the United States' policy with China). These first few training sessions will help you become familiar with the representative process in general.

After you are familiar with the representative process, the second purpose of the representative group session is to address issues that need far-reaching action and cooperation from your class or school as a whole. Your **small group representatives** will be discussing and deciding on issues (such as a school-wide parking problem) and then coming up with action steps to resolve these issues.

This process can be expanded to the next level your school district where small group representatives from other schools using the *Student Citizenship Training Program,* gather together in larger representative sessions.

Thus, the representative group session mirrors the current representative process of our local, state, and federal governments.

Before a representative session can be held, however, your small group needs to elect a representative. The procedure to elect a representative from your small group differs somewhat from the way you have elected class representatives for your school government.

SELECTING A REPRESENTATIVE

Learning how to select an effective representative will not only help your small group, it will also help you select better representatives for your student government. When you are eligible to vote, this exercise will help you support the best person for political office.

To understand how to select the best representative let us revisit the time when our government was being formed and look at the selection of George Washington as the Chairman of the Constitutional Convention.

He was the most obvious choice for Chairman, but not because of his knowledge of government. Almost all the Founders were better educated and knew more about the workings of a government than George Washington. However, Washington had a complementary set of skills that perfectly suited him as the chosen representative for the people in this new government.

Foremost, Washington had demonstrated his strength and leadership in the American Revolutionary War. Moreover, he had proven himself trustworthy over time. He was open-minded, able to look at both sides of an issue and make wise decisions. His cooperation skills were well developed and he always treated others with the utmost fairness and respect.

In essence, George Washington was the best at the citizenship skills we have been discussing so far. That is why he was the best choice as a representative.

When you choose your own representative, whether it is for this representative group session, your student government, city mayor, council member, or even the President of the United States, you begin by analyzing this person's grasp and practice of seven citizenship skills: *cooperation, patience, fairness, respect strength, self-improvement and balance. You* also look for a person who is trustworthy, intelligent, wise, and who acts calmly under pressure. In other words, a person similar to George Washington.

Knowledge of the issues is a good trait for a representative to have, but it is not as important as these other skills. Any interested person can always learn about the issues. What helps is a person competent in the seven citizenship skills.

Recognize also that your small group's ability to pick a representative will be measured by the quality of the representative you pick. The other small groups will assume you have picked a worthy representative when she/he goes to the front of the class. Your other classmates will take what that person says as being representative of your small group's feelings and decisions. So, choose wisely.

HOW TO SELECT A REPRESENTATIVE

1. Ask cadets to volunteer if they are interested in becoming a small group representative. If no one volunteers, ask your instructor to select someone.

2. Rate each potential candidate (hopefully you have more than one choice) on the representative rating sheet. Interviewing your prospective choices is a good way to gain more knowledge about them. Watching a debate between your choices (in a student or political election if these are held) also will give you information on a person's citizenship skills.

3. Hold an election for those in your small group who are interested in being a representative. Each group member votes for only one representative (usually the one who rated the best on the representative rating sheet). Write that person's name on a piece of paper and pass it to the group leader. The leader adds up the votes and the person with the most votes is your small group's representative. Your small group can choose to keep this representative for any period (a month, two months, semester, or year) or to elect a new representative at each representative group session.

REPRESENTATIVE GROUP SESSION AGENDA

If you are not an elected representative, you will merely observe this representative group session and then discuss it with your small group afterwards. Your instructor will give all the small groups the same issue to discuss. During the representative group session, your small group

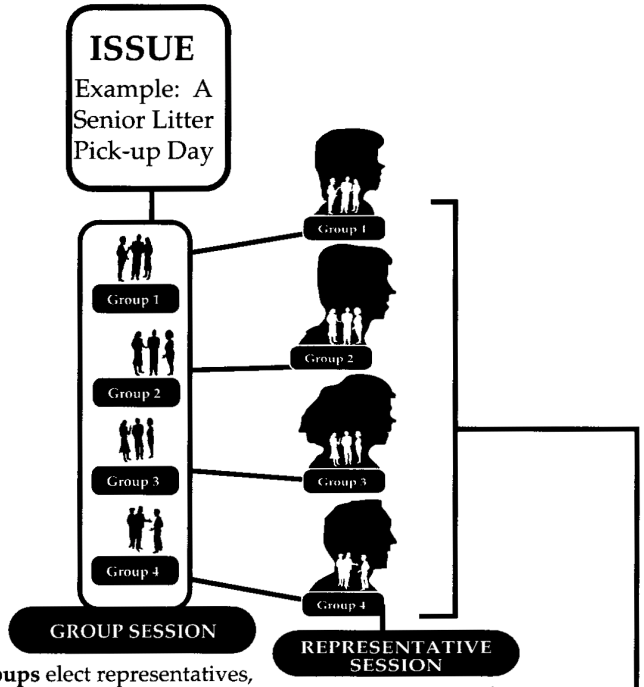
representatives will attempt to reach a class decision on the issue through a majority vote.

QUICK OVERVIEW OF THE REPRESENTATIVE GROUP SESSION AGENDA

1. Small Group Meeting
2. Representative Issue Discussion
3. Large Discussion
4. Action Steps
5. Small Group Evaluation
6. Homework Assignments

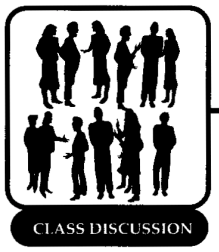
REPRESENTATIVE GROUP SESSION

TRAINING REPRESENTATIVE GROUP SESSIONS



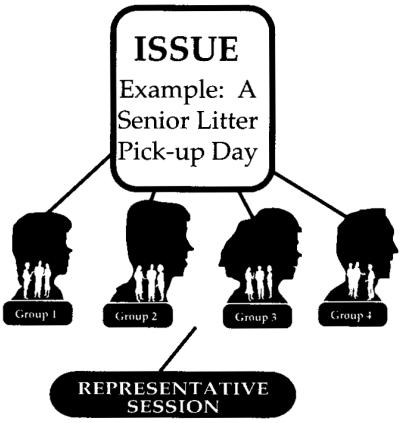
Groups elect representatives, discuss issue, and come to a decision if possible.

Representatives from each group attempt to come to a class-wide decision on this issue. *(Example:* The class representatives decide to study the idea further and gather more information from the school principal and the rest of the student body.)

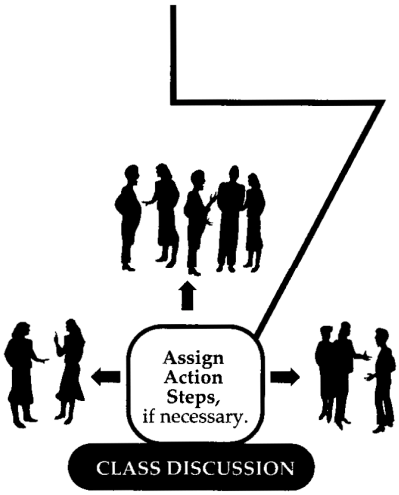


Non-directive Discussion
Class discusses representative presentations and evaluates process.
Group 4 says their representative did a good job.
Group 1 didn't like how the decision was made.
Fill out evaluation forms,rating the representatives on how well citizenship skills were used. If a decision wasn't reached using citizenship skills satisfactorily discuss why at next small group meeting.

DECISIONMAKING REPRESENTATIVE GROUP SESSIONS



Elected Representatives from each group attempt to come to a class-wide decision on this issue. *(Example:* The class representatives decide to study the idea further and gather more information from the school principal and the rest of the student body. Rest of class observes representatives.)



Representatives assign action steps to themselves and to class. *(Example:* Mary and William are assigned to make meeting arrangements with the principal. John and Zack are assigned to make up a survey form to see if the rest of the senior class is interested.)

DETAILED REPRESENTATIVE GROUP SESSION AGENDA

1. *Small Group Meeting:* Meet as a small group. Discuss the issue given to you by your instructor or decided upon by your class. Take a majority vote on what your group agrees is the best course of action for this issue. Elect your representative if you have not already done so. Brief your representative on the thoughts and feelings of your small group.

2. *Representative Issue Discussion:* Small group representatives meet together in the presence of small groups and discuss the issue. Make sure each small group representative has had an opportunity to speak. Use a majority vote between the representatives to decide what to do with the issue. Call for a vote from the representatives to decide on a course of action (research it further, act on it, or drop it). If there is not enough information, decide what research is needed. If any issues cannot be resolved this time (as may be the case with sensitive and highly emotional issues), delay the issue until the next representative group session or ask your instructor for guidance. The issue also can be returned to the small groups for further research and/or discussion.

3. *Large Discussion (Class-wide, School-wide, or Larger):* With your instructor, discuss the results of the representative session with all the small groups (in the first few training sessions only). Did your small group representative present your group's ideas effectively and correctly? How was the conduct and quality of the representatives themselves? How well did the representative group session function? Were the seven citizenship skills used in the representatives' meeting?

4. *Action Steps:* Representatives then decide on the action steps needed to put their decision into effect. They will assign tasks to other students. These tasks might be as simple as writing a letter to the appropriate person(s) (congressmen/women, school board) or arranging a meeting between your principal and a few of your small group representatives. If you do not have enough data to make a decision on your topic, your action step might be to find out more information on this issue.

5. *Small Group Evaluation:* During the first few training representative group sessions, *you will break into your small* groups and fill out a group evaluation form to evaluate the representative process. Did your group's representative follow the citizenship skills while participating in the representative group session? Did your small group do a good job of selecting a representative? How well did the representative process work? Any problems that come up during this evaluation step will be used for discussion at your next small group meeting.

6. *Homework Assignments:* If desired by your instructor, cadets (including small group representatives) are assigned various tasks determined by the representatives.

SMALL GROUP REPRESENTATIVE RESPONSIBILITIES

Your duties and responsibilities as a small group representative include the following:

1. Communicate accurately and effectively to the rest of the representatives your small group's majority feelings and opinions, not necessarily your own opinions and feelings.

2. Address other small group representatives as "the honorable representative from Group _____ (group's name or number)" rather than by name when he or she is participating in the representative group session.

3. Participate fully in the representative session by speaking when addressed and by ensuring the other representatives have heard your small group's ideas.

4. Be conscious of the seven citizenship skills and use them throughout the representative group session.

5. Work cooperatively with other representatives to reach a majority decision by the end of the representative session. (This decision does not necessarily have to be an action step.)

6. Contribute ideas and research needs to the other representatives. Help assign research or action steps to small group members.

EVALUATION

After your small group or representative group session has concluded a meeting, each member of your small group will be given time to evaluate the group's participation, especially the way the group arrived at certain decisions.

The primary purpose of this evaluation procedure is to evaluate your group's grasp of the citizenship and group skills and the Citizen Action Group Process itself. This evaluation process may be the most important learning you will take with you from this course. That is why this phase is so critical.

Take time to fill out the evaluation forms during each small group meeting or the first few training representative group sessions. After you have filled them out, your small group will discuss the results. If you do not reach a consensus that each decision was arrived at properly using the seven citizenship skills (that is, one person stands up and vetoes the decision), then that decision is vetoed and no action is taken. This problem is then discussed under the Citizenship Skills Discussion of your next small group meeting.

If, however, your small group agrees the decision was arrived at properly, then you are free to go ahead and act on that decision.

Once you understand the evaluation procedure, begin your first small group meeting or your first representative group session. After you have worked through two or three issues in a representative group session and understand how the representative process works, you will understand how our government currently works and how you can be more effective in getting your ideas and issues heard by your representatives (for example, by working in Citizen Action Groups and having your representative

present issues to your school, city, state, or federal government representatives).

This is the process upon which our government was founded, and it is the way we make our government continue to work and improve. *The process itself is as important as reaching decisions.* Enjoy the learning in this Citizen Action Group Process. Take time to honestly evaluate yourself and your group and then look for areas where you can improve.

THE FOUNDING OF A NATION (1776–1814)

LESSON 1: REVOLUTION AND INDEPENDENCE

besieging
colonists
customs
embargo
mercenaries
militia
patriots
protracted
suppress
tax
tories

INTRODUCTION

"Who governs the State?" This is a question that civilizations have struggled with for centuries. Nations tend to shape their form of government based on factors such as political processes, interests of particular groups, or economic conditions. However, such relationships with governmental functions, procedures, and structures are never entirely neutral; they inevitably favor some persons at the expense of others. Historically, a major difference in these forms of government is the degree of control those in political power have over the populace.

With the creation of a new nation and a quest for a democratic government, Americans placed at the heart of their political process a relationship in which the leaders should be responsible to the followers for their actions. Over the next several lessons, you will see how some of the conditions of government reflected Americans' attitudes and experiences during the colonial period that lead to the development of our Constitution.

CLASSIFYING GOVERNMENTS

There are several ways to classify governments. The most used system derives from the Greek philosopher Aristotle. In this system, governments belong to one of three groups: autocracy, oligarchy, or democracy.

Autocracy is a system of government in which the power and authority to rule are in the hands of a single individual. Throughout history, the most frequently occurring form of autocracy is a monarchy.

- Monarchs usually acquire their realms by inheritance and their subjects customarily address them by the title of king or queen. Although some nations still use this system of government today, many of these heads of state have lost all or a part of their power to rule. In the following picture, Queen Elizabeth I (1533–1603) was one of the strongest rulers in English history. Her rule ended just prior to the American experience, which began in 1607 when England founded its first permanent colony at Jamestown, Virginia.

- Another form of autocracy is dictatorship. Dictators gain power through their skills and abilities rather than inheritance.

Oligarchy is a system of government in which a small elite group holds power. The source of power is usually wealth, control of the military, social position, or some combination of these. The former Soviet Union was a recent example of an oligarchy. A small group of leaders still rules China. The most prevalent form of oligarchy is aristocracy. Aristocrats also inherit their positions. They hold governmental and economic power and claim superiority over the "common people."

Democracy is a system of government in which the people rule. It may take one of two forms, direct democracy or representative (indirect) democracy. Direct democracy is possible only in a relatively small society where citizens can meet together regularly to decide key issues and solve problems. Representative democracy allows for the election of officials who represent the people in carrying out the duties and responsibilities of the government. Virtually all democracies with large populations are representative democracies, with the United States and Great Britain representing two of the oldest.

During the 1600s, people from many countries came to the "New World" to establish their home, obtain political and religious freedom, and make their fortune. As the English populated the thirteen colonies along the east coast, each colony established its own independent government — fashioned after the ideas, political experiences, and beliefs of its citizens. These same factors governed England for centuries.

THE ENGLISH CONTRIBUTION

England introduced a form of government with limited power in 1215 when King John signed the Magna Carta (or Great Charter). This document provided protection against unjust punishment; prohibited the king from taking a person's life, liberty, or property (except according to law); and provided for trial by jury of one's peers for accused persons. The king also agreed not to levy certain taxes without approval of the subjects. Thus, for the first time, government limited the power of the king — no longer was the monarch an absolute ruler.

During the subsequent centuries, the political liberties of English citizens expanded with each confrontation between nobility and the people. As political systems slowly developed over this period, people gained supremacy. By 1689, almost 475 years after the Magna Carta, the English Parliament established the Bill of Rights. This Bill of Rights set clear limits on what the king or queen could and could not do. Since this was at the same time as the forming of the American colonies, it applied to them also.

The English Bill of Rights provided that:

- Monarchs must rule with the consent of the people's representatives in parliament.
- Monarchs must have parliament's approval to levy taxes, suspend laws, or maintain an army.
- Monarchs could not interfere with the elections and/or debates of parliament.
- The people have a right to petition the government and to a fair and speedy trial by a jury of their peers.
- The government could not subject the people to cruel and unusual punishment or to excessive fines and bail.

DID YOU KNOW?

The framework of the English Parliament influenced the development of our own Congress and the subsequent creation of its two chambers: the House of Representatives and the Senate.

The parliament assumed powers formerly vested in the monarchy. The parliament was a representative assembly with the power to enact laws. It contained two chambers: an upper chamber (or House of Lords) and a lower chamber (or House of Commons).

As political systems matured, governments incorporated new ideas. Notable philosophers came on the scene to spur the people in their pursuit for freedom from the one-man rule — the main political system for centuries.

In 1651, Thomas Hobbes suggested in his book, *Leviathan*, the idea of a social contract between individuals. His writing stressed that before governments, men lived in a "state of nature" where they had complete freedom to do as they pleased, provided they were powerful and resourceful enough to do so. His social contract theory presented a bleak picture of human life as "nasty, brutish, and short." He argued that government must be strong, and even repressive, to keep people from lapsing into a savage existence. Although denounced in his own day, this book had a continuing influence on western political thought.

James Harrington was a political theorist who published the book *Oceana* in 1656. He argued that there were only two types of governments: either a government of men, not of laws, or one of laws and not of men. If men controlled the government, the result was tyranny because powerful individuals would rule without restriction. However, in a government controlled by laws, government officials would be subject to all of society's rules and they could not tyrannize their fellow human beings.

John Locke, another English philosopher, published *Two Treaties of Civil Government* in 1690. Contradicting Hobbes, Locke maintained that the original state of nature was happy and characterized by reason and tolerance. He argued that all human beings were born free and equal to pursue "life, health, liberty, and possessions." It was the responsibility of the state, formed by the social contract and guided by natural law, to guarantee those rights. If governments failed to protect those "natural rights," then people could change the government. His writings and ideas were a major influence on political thought during that period. Although the English king did not agree with his ideas, many in the newly emerging American colonies readily accepted them. Additionally, the policy Locke set down on checks and

balances later became a part of the U.S. Constitution.

The spirit of freedom was not just confined to England. Other countries emerged from centuries of serfdom (a system of hereditary submission of slaves or serfs who lived and worked on the land of their lords) to place their stamp on the growing movement for freedom.

Baron de Montesquieu, a French political philosopher, published *The Spirit of the Laws* in 1748 (only 28 years prior to the Declaration of Independence). His ideas involved the separation of powers among three separate branches of government. Under his plan, the legislative branch (parliament) would pass the laws, the executive branch (the king) would enforce them, and the judicial branch would settle disputes that arose as the government enforced them. Although previous theorists suggested separating the legislative branch from the executive branch, Montesquieu was the first to suggest an independent judiciary. His ideas were an effort to prevent the concentration of power in the hands of a few.

DID YOU KNOW?

The Framers of the U.S. *Constitution* used Montesquieu's ideas to create a Supreme Court separate from the executive branch.

Jean Jacques Rousseau, who was born in Switzerland but considered to be a French political philosopher, took his cue from Locke. Rousseau wrote *The Social Contract* in 1762, which contributed to the thought and debate of the times with his views on freedom of the individual and the shape of government. He believed that all human beings in a state of nature were born free. Therefore, he proposed that the main duty of government, preferably a direct democracy, was to compromise the freedom of nature with the necessary order of a civilized, stable society.

America created an environment where democratic reforms and political theories could emerge. Although there were Spanish and French settlements in North America, the people who lived in the original 13 colonies that later became the United States were English. Thus, it was English practices, as well as English and French ideas about government, that found their way into the "New World" — a world that was ideally suited to nurture and develop those practices and ideas. Consequently, the American leaders who wrote the Declaration of Independence and the Constitution knew well the political ideas of these five individuals.

GOVERNMENT IN THE COLONIES

The first group of settlers in Jamestown were content to adopt the traditions and laws of England to their new homeland. However, the challenge of coping with the elements and building homesteads out of the uncharted wilderness changed their traditional views. These conditions helped them to nurture aspirations of freedom and to live as a free society.

Therefore, by the turn of the century, all 13 colonies had some form of written documentation guaranteeing certain civil and religious liberties. As restrictions on religious toleration, free speech, and free press increasingly became part of colonial life under British rule, the colonists rebelled, setting the stage for the American Revolution and the Declaration of Independence. Americans wanted an equal right to life, liberty, and the pursuit of happiness.

THE ROAD TO FREEDOM

Between 1607 (the founding of Jamestown) and 1633, the English developed 13 distinct colonies in North America. Democracy grew rapidly in the colonies, but it did not exist in the form we have today. Women and slaves could not vote, and the government required a type of property tax qualification on those who they permitted to vote.

The colonists were eager to write their own constitutions, especially since they knew that nobility were often reluctant to stipulate their subjects' rights and privileges onto written documents. This reluctance was intentional to allow the nobility to change and misuse the rules.

The Pilgrims drew up the first example of a written agreement in 1620. This document, called the Mayflower Compact, provided for self-government and established the way in which the families on board the Mayflower could make their own laws and select their own leaders.

Historians indicate that the first actual constitution written in America was the "The Fundamental Orders of Connecticut." The Puritans, who left the Massachusetts Bay Colony to colonize Connecticut, wrote this constitution in 1639. It provided for:

- a representative assembly
- popular election of lawmakers from each town to serve in the assembly
- popular election of a governor and judges.

The earlier constitutions, such as Connecticut's and later Rhode Island's, tended to be very democratic and were sound enough to last for years. In fact, those two preliminary constitutions remained in force as state constitutions well after the colonies created the national Constitution.

The first American representative legislature was the Virginia House of Burgesses. In 1619, only 12 years after the settlement of Jamestown, this group of lawmakers passed laws to aid farmers and to curb abuses such as idleness, improper dress, and drunkenness. Thus, the colonies established a tradition of partial self-government through elected representatives.

A legislative assembly. Colonists held their first assembly in Jamestown in 1619. Similar assemblies in other colonies established a tradition of a representative government.

THE AMERICAN COLONIES JOIN TOGETHER TO WIN INDEPENDENCE

For the next 150 years, England generally allowed the colonies to develop their own political systems. The colonists were British subjects and owed their loyalty to the king and the British government (as did England's many colonies around the world). However, in practice, the colonies in North America did as they pleased. Being more than 3,000 miles from the king, the American colonists were too far away to respond to any immediate actions of the British government. Orders took two months to reach North America, leaving only the local governments in position to deal with the day-to-day needs of the colonies. Until the mid 1770s, this arrangement of self-rule in exchange for loyalty was agreeable to both the colonies and the British government.

Two events changed this status quo. First, the French, who were also actively in search of riches from the "New World," threatened supremacy of the British and fought them in the French and Indian War (1754–1763).

At first, the war went badly for the British and the colonists. However, after the English changed their Prime Minister and successfully attacked a superior French force at Quebec, the British defeated the French. England gained control over all of Quebec, the Great Lakes region, the Ohio River valley, and Florida (which previously belonged to Spain). The area east of the Mississippi River was now available for settlement by Britain's American colonies.

The second event was that King George III took the throne of England. His views on self-rule were not the same as those of the colonists.

In an effort to raise funds to pay for the French and Indian War, King George III and his ministers enacted a series of laws. In addition to taxing tea, sugar, glass, paper, and other products which the colonists imported, England imposed a direct tax (in a law called the *Stamp Act*) that required the colonies to pay taxes on all legal documents, pamphlets, newspapers, dice, and playing cards.

The colonies exerted their mutual resentment of the British policies in 1765 when nine colonies sent delegates to a meeting in New York. The delegates referred to this meeting as the Stamp Act Congress. They sent a petition to King George III insisting that only the colonial legislatures could impose direct taxes. Soon, groups of citizens throughout the colonies actively resisted the British through an organization of "committees of correspondence." The members of these committees kept in touch with each other, providing updates of the actions they took against the king and the British government.

When the British prime minister closed the port of Boston, replaced the elected governor with a military governor, abolished the Boston City Council, and required private homes to quarter British soldiers, the colonists declared these acts intolerable. Virginia and Massachusetts led the call for a general meeting of all the colonies. They wanted to organize a united effort to resist the Intolerable Acts (a name given by American **patriots** to five English laws that limited colonists' freedoms). Those acts were England's way of punishing Massachusetts for the Boston Tea Party.

The 56 representatives from 12 colonies met in Philadelphia on September 5, 1774, for what the delegates called the First Continental Congress. Only Georgia did not

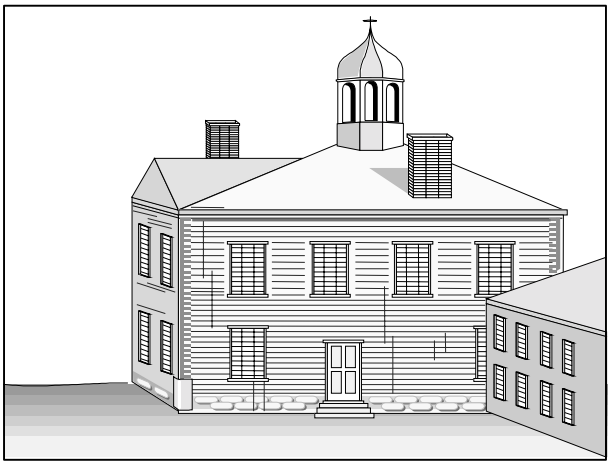
send delegates. After two months, the delegates produced a document that bound the colonies against trading with Britain or using British goods until England repealed its tax and trade restrictions. This news brought a quick response from the King who said, "Blows must decide whether they are to be subject to this country or independent." The First Continental Congress was a very important event in the development of a government in the American colonies. Until it met, each colony dealt with England on an individual basis.

Less than six months later (on April 19, 1775), the British Red Coats engaged the Colonial Minutemen at Lexington, Massachusetts. The first shot fired in that engagement, later described by the poet Emerson as the "shot heard round the world," marked the beginning of the Revolutionary War. The Second Continental Congress met within three weeks and assumed the powers of a central government. It voted to raise an Army and Navy and to issue money to pay for the war.

THE AMERICAN COLONIES MOVE TOWARD INDEPENDENCE

The contemporary writings of Thomas Payne in his pamphlet, *Common Sense*, spurred patriotism in the American colonies. Names such as Samuel Adams, Richard Henry Lee, George Washington, Benjamin Franklin, John Adams, and Thomas Jefferson became household words as champions for independence.

Meanwhile, members of the Second Continental Congress remained preoccupied with the war. As the "official" National Central Government, it was the sounding board for Richard Henry Lee's resolution (on June 7, 1776), "That these United Colonies are, and of right ought to be, free and independent states." The Congress then appointed a committee to write a declaration which they would consider along with Lee's resolution. They selected Thomas Jefferson to do most of the writing on the declaration.



State House in Philadelphia. Site where the Second Continental Congress met on July 4, 1776, to ratify the Declaration of Independence.

By June 28, 1776, Lee's draft was ready for consideration by the members of the Second Continental Congress. On July 2, 1776, Congress approved it, officially separating the colonies from England. The delegates then turned to Jefferson's proposed declaration. Although there was a lengthy debate, they made only minor changes to it. On July 4, 1776, the Congress adopted the final version of the Declaration of Independence.

DID YOU KNOW?

Thomas Jefferson was only 33 years old when he wrote the Declaration of Independence — which he originally intended as propaganda.

The Declaration of Independence stirred the hearts of the American people. It was truly a revolutionary document — no nation at that time risked organizing their government on the principles of human liberty and consent of the governed. Thomas Jefferson did not set out to express a new political theory. “I did not consider it my charge (responsibility) to invent new ideas, but to place before mankind the common sense of the subject in terms so plain and firm as to command their assent (agreement). It was intended to be an expression of the American mind.” Furthermore, Jefferson and the delegates believed that what they were doing had significance for all people. So, he addressed the document accordingly — not to King George III, the British Parliament, or even to the people of the American colonies. He addressed it to all humanity. Jefferson wrote the Declaration of Independence in three parts:

First, the Declaration has a strong statement concerning John Locke’s theory of natural rights. Jefferson wrote, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.” He portrayed the basic rights as unalienable rights (or rights that are impossible to take away) and changed Locke’s natural rights of life, liberty and property to life, liberty, and the pursuit of happiness. Jefferson used pursuit of happiness because Benjamin Franklin argued that the only “right” people have is the opportunity to own property. America offered the right to own riches, but it did not guarantee that everyone would get them. In the 1700s, people generally took the word “happiness” to mean economic security and material comfort.

Also in the first section, Jefferson described the formation of government in Locke’s terms. “That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government.”

The middle section of the Declaration contains 27 paragraphs listing item-by-item the complaints of the colonists against King George III, who was “a Tyrant ... unfit to be the ruler of a free people.” Americans denied that Parliament had any authority to make laws for them.

The last section of the Declaration addresses the determination of the colonists to break their ties with Great Britain and become independent. “These United Colonies are, and of right ought to be free and independent states; that they are absolved from all allegiance to the British Crown ... we mutually pledge to each other our lives, our fortune and our sacred honor.”

The Declaration of Independence, however, did not include every American. It excluded blacks and women. Those were two issues the Second Continental Congress elected not to deal with at that time. Yet, Jefferson’s words set the stage for the future. With the idea firmly stated that “all men are created equal,” it would become a matter of time — and struggle — before that idea encompassed all people.

In addition to the creation of Richard Henry Lee’s resolution and the Declaration of Independence in 1776, eight former colonies had converted their old colonial charters to state constitutions. Seven contained a bill of rights defining the personal liberties of its citizens. All charters recognized the people as

the sole source of government authority. All provided for a limited government.

THE REVOLUTIONARY WAR (1775–1781)

Adopting written constitutions did not automatically guarantee the American colonies' freedom and independence from Britain. The colonists had to fight a long and difficult war for five years before the British finally gave up their claim over the 13 new states. The Treaty of Paris, signed in September of 1783, officially ended the Revolutionary War.

THE STRUGGLE FOR INDEPENDENCE BEGINS

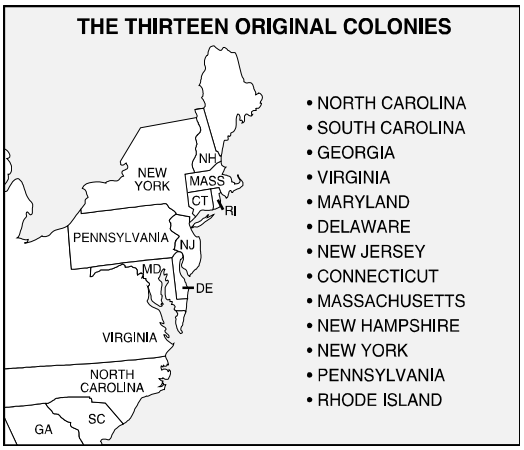
INTRODUCTION

During the French and Indian War, 1754–1763, American colonists fought alongside British soldiers to defeat the French and their native American Indian allies. Some of these colonists later went on to become leaders in the American Revolution, men like George Washington, Israel Putnam, and John Stark. As a result of the French defeat in 1763, Britain acquired Canada and practically eliminated the French threat from the American frontier.

Despite the spirit of cooperation during the French and Indian War, the American colonists began to grow apart from Britain during the next 12 years. When the American colonies finally erupted in armed rebellion, the majority of Americans did not rush to the call to arms for either side. Most Americans just wanted to run their family farms or businesses in peace. However, by 1776, more and more Americans were caught up in the patriotic fervor as they came to realize that there was no turning back.

THE SEEDS OF REBELLION

Although the American Revolution had a number of causes, almost all of them can be tied to one central theme. By 1763, the 13 American colonies (see map on this page) had developed to the point where their interests and goals were very different from those of the ruling classes in Britain. King George III and his government failed to understand the situation in the colonies. Instead of adapting to meet the changes in colonial America and reaching an agreement with the colonists, the British government chose to tighten its control over the colonies.



Despite British victory in the French and Indian War in 1763, the English remained concerned about the French in the Louisiana territory. Consequently, the British Parliament proposed to station 10,000 soldiers along the American frontier and tax the Americans to pay part of the bill. The fact that Britain was going to levy taxes on the Americans bothered the colonists for several reasons:

- Colonial leaders stated that only their own assemblies, not the British Parliament, had the right to levy taxes on Americans.

- Many Americans feared that Britain would use soldiers to **suppress** American liberties rather than defend American

frontiers. Additionally, these Americans believed that their militia was no match for the stronger, more disciplined British armed forces. But, since the colonists assessed the major threat on the frontier to be from native American Indians — and not the British, they believed they could protect themselves since their militia was more accustomed to fighting the guerrilla tactics of Indian warfare.

One of the first steps taken by Parliament to raise revenue to pay for the long war against France was to enforce the collection of **customs** and fees that were already on record. The most important of these actions, which became known as the Sugar Act, was to lower the import **tax** on West Indian molasses, but to strictly enforce the collection of the tax. Molasses was imported by the New England colonies and used to make rum for export. Although the tax was cut in half, the British strongly enforced its collection which caused the costs to skyrocket. As a result of this tax, the economies of the New England and middle colonies were hit hard.

DID YOU KNOW?

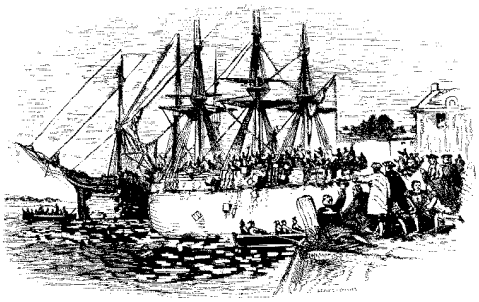
In the original 13 colonies, the New England colonies were Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island; the middle colonies were Delaware, Maryland, New Jersey, and Pennsylvania; and the southern colonies were Georgia, North Carolina, South Carolina, and Virginia.

Then, in 1765, Parliament passed the Stamp Act. This act was a direct tax on all types of legal documents and publications. Unlike during the Sugar Act, when only certain colonies voiced their opposition, this time all the colonial legislatures protested and the colonies appeared to be together in challenging the authority of Parliament. When British merchants feared that an American **embargo** would wreck their businesses, they took their concerns to Parliament. Less than a year later, Parliament repealed the Stamp Act.

However, the Americans had little to celebrate because with the repeal of the Sugar and Stamp Acts came a declaration by Parliament that it had the right to tax the colonies and it would continue to do so. In the next few years, the Americans responded in protests to a number of other less noteworthy measures passed by Parliament.

The loudest protests against the acts passed by Parliament came mostly from the colonies in New England, especially Massachusetts, as well as from Virginia. Finally, in March 1770, tempers flared into open violence between a mob and British soldiers in Boston. As the mob pressed closer to the soldiers, the soldiers fired a volley and within a few short minutes, a number of colonists lay dying and wounded. One of the dead was Crispus Attucks, who became the first black American to die in the struggle for independence. This event became known as the Boston Massacre.

In 1773, a British plan to force on the colonists a monopoly on tea resulted in angry protests in cities along the coast. In an incident known as the Boston Tea Party, members of a group called the Sons of Liberty dressed as Indians, boarded the British ships carrying the tea, and dumped the tea overboard. British reaction to the Boston Tea Party was swift and firm. The King and Prime Minister pushed through Parliament a series of actions called the Intolerable Acts. Britain closed the port of Boston, placed Massachusetts under the military rule of General Thomas Gage, and forbade political gatherings without approval of the governor.



In response to the Intolerable Acts, food and other supplies poured into Boston over land from all over the colonies. Seeking a unified response to the British, the First Continental Congress met at Philadelphia on 5 September 1774. The delegates agreed to call for an embargo on British goods in order to pressure the British government into repealing the Intolerable Acts.

The delegates also agreed to form committees in almost every town, city, and county to enforce these agreements. In Massachusetts, the local legislature called for weapons, ammunition, and certain militia (called Minutemen) to be set aside for use as protection in a moment's notice against any British military action. Companies of Minutemen were designated and a depot for arms and ammunition was established at the town of Concord, approximately 20 miles west of Boston (see map, next page).

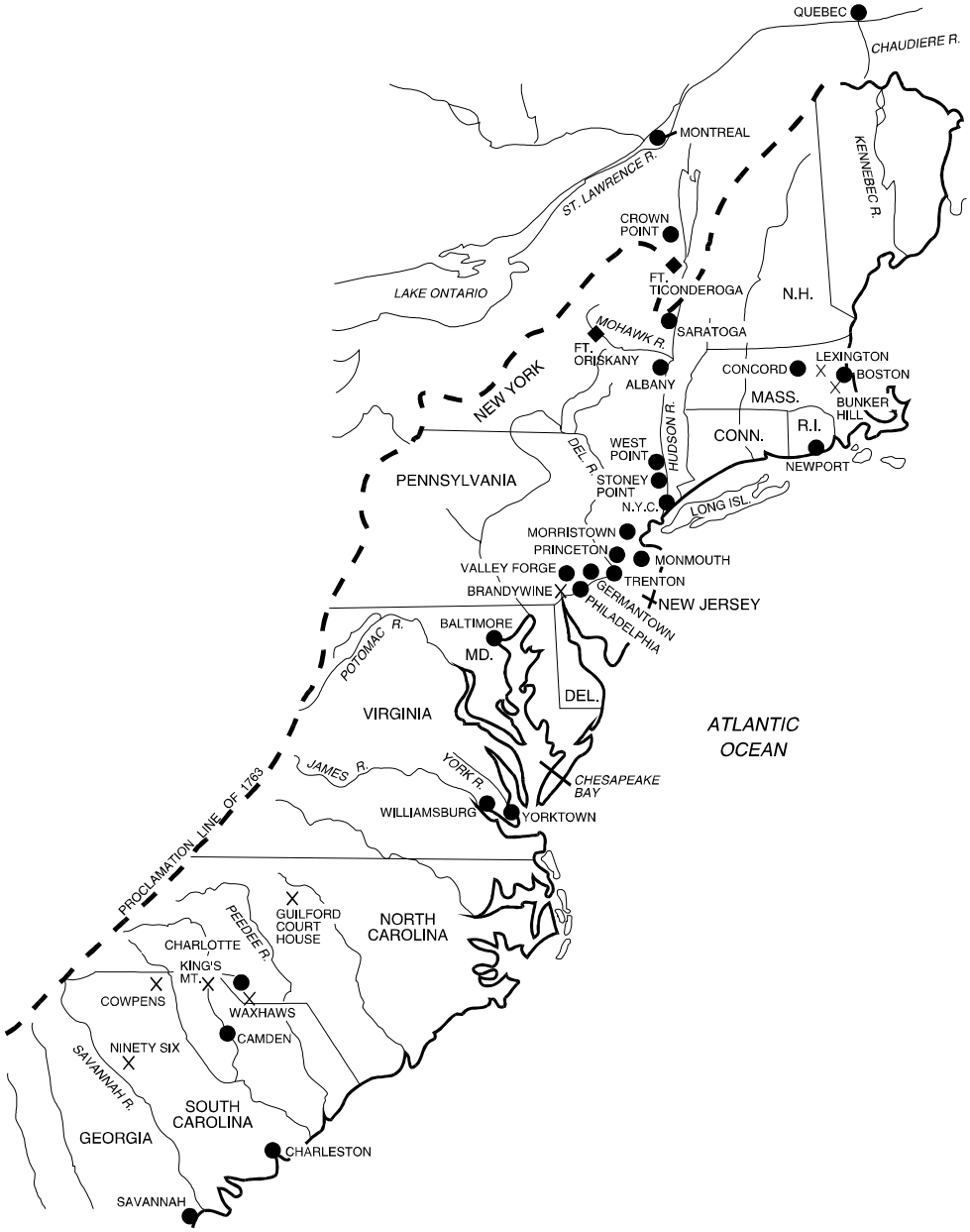
The Shot Heard Around The World

When General Gage learned of the military depot in Concord, he sent a force of 700 "Redcoats" under the command of Major John Pitcairn to destroy it. As the British began their march from Boston on the night of 18 April 1775, Paul Revere and William Dawes rode through the night, along separate routes, warning the countryside that the British troops were on the march.

By the time the British column reached Lexington, they found a group of militia lined up on the village green. Major Pitcairn had orders to disarm the Americans in a peaceful manner, but someone, probably an unseen American, fired the first shot. The British responded with a couple of volleys, then charged the green forcing the Americans to flee leaving behind eight dead and ten wounded.

The British force, which had grown to 2,000, continued on to Concord where they destroyed what few military supplies the colonists were unable to remove. The militia decided against putting up a fight in Concord after hearing about what happened in Lexington. Instead, more Minutemen gathered in the hills outside of Concord and set out to harass the British march back to Boston.

From behind walls, rocks, trees, and houses, the Americans poured fire into the British column. The frustrated Redcoats were unable to find many targets for their volley fire or bayonet charges. By the end of the day, the British force finally reached the safety of Boston, but they had suffered 273 casualties (casualties include killed and wounded). The Americans totaled 95 casualties.



The incident could have ended there, but during the next few days the news spread throughout the colonies. From the tip of New Hampshire to Georgia, the Americans were responding in a call to arms. Those shots fired by New Englanders on 19 April 1775 were the first shots of a war that would last for over six years.

STRATEGIES OF WAR

British Strategy

At first, the British believed that they were dealing with a minor uprising limited to just the New England area. Therefore, they developed their strategy to crush the uprising and restore British rule. British strategy throughout the war consisted of the following factors:

- Britain sent 30,000 German **mercenaries** (Hessians) to help support British troops.

- The British relied heavily on sea power to support their army. They controlled the coast and rivers for most of the war, using them to move their troops along the coast and inland.

- Initially, the British did not plan for a long-term war.

- Early British offensive operations tried to separate New England from the other colonies and to hold the Hudson River valley.

- The British sought to eliminate the southern colonies early by capturing key ports in the south (such as Charleston, South Carolina).

American Strategy

Throughout the war, the strategy of the American forces was shaped by military poverty. Since the American forces would never have enough men, armaments, or supplies, they would never be able to match the British in the discipline necessary in the 18th century tactics of volley and bayonet fighting. These weaknesses combined with the changing strength of the army resulted in a strategy characterized by the following factors:

- America's first priority was that of survival. The longer the army survived, the longer the Revolution would be **protracted.**

- America hoped that a protracted war in the colonies would result in internal dissent in Britain over the war and would end the war in the colonies' favor.

- The Americans would, whenever possible, attack small British detachments, thus avoiding contact with larger forces and fighting the British regulars on their terms.

THE COLONISTS FIGHT BACK

As the news of Lexington and Concord spread, **militia** from the other New England colonies poured in to form a ring around Boston. Meanwhile, on 10 May 1775, Ethan Allen and his Green Mountain Boys seized Fort Ticonderoga on the Hudson River without a shot. A few days later, Benedict Arnold captured the British garrison at Crown Point. The capture of these two garrisons gave the patriots a considerable amount of military weapons and supplies — especially important was the capture of over 60 artillery pieces at Fort Ticonderoga.

APPOINTING A COMMANDER

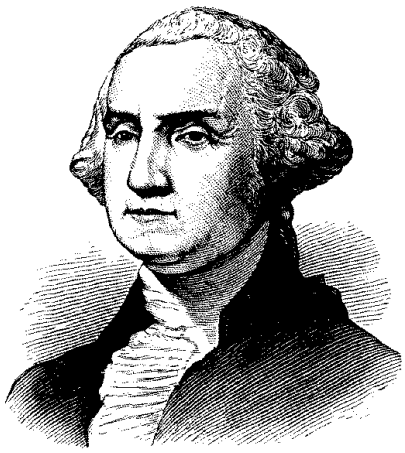
The Second Continental Congress met in Philadelphia on the same day that Allen captured Fort Ticonderoga. It met to debate the problems of organizing, directing, and supplying a military effort. Examples of the disorganization that Congress had to deal with included: each state militia had its own organization, they were not well trained or disciplined militarily, and there was no single chain of command.

The members of Congress agreed that unless the colonies organized into one central military force under a unified command, the individual colonial militias would be defeated slowly by the British. As these members continued to meet, they finally decided on 14 June 1775 to form the "Continental Army."

DID YOU KNOW?

Ever since 14 June 1775, the Army celebrates that day as its official birthday. Plus, the nation celebrates 14 June as Flag Day, which is a legal holiday in just one state — Pennsylvania.

Beside the problems of how to feed, clothe, and arm this new army, Congress had to decide on one man to command the army. John Adams surprised most of the delegates by nominating George Washington. On 16 June, Washington, a colonel in the Virginia militia, accepted the command.



THE FIRST TWO YEARS OF WAR

Battle of Bunker Hill

As Washington was accepting command of America's first army, the colonists around Boston began digging fortifications on Breed's Hill. But, they were supposed to fortify Bunker Hill because it allowed for better control of the peninsula and escape to the west in the event their position became untenable.

The next day, after British warships bombarded the American positions, the colonists watched as the Redcoats formed for a direct attack straight up Breed's Hill. General Gage believed that a direct attack would cause the "rabble in arms" to flee before the advancing Redcoats. However, as the British marched up the slope of the hill, Colonel Israel Putnam passed the word to his militia, "Boys, don't shoot till you can see the whites of their eyes."

Twice the British advanced with parade-ground precision up the slope. Twice the Americans held their fire until the British were less than 20 yards away and then fired with all they had. As the British fell back and formed for a third assault, the Americans had to abandon the hill because they had run out of ammunition. The Battle of Bunker (Breed's) Hill turned out to be the bloodiest single day of the war. The Americans lost 400 men, while the British suffered over 1,000 casualties out of 2,200 men used to capture the hill. Included in the British casualties was Major Pitcairn, who was mortally wounded by a shot from Peter Salem's musket. Salem was one of the few black Americans who fought in this war.

Siege and Evacuation of Boston

On 3 July 1775, Washington assumed command of the poorly trained troops around Boston who were attempting to maintain a siege against Boston. They were blocking all of the roads, while the British garrison in Boston simply held on, awaiting the arrival of reinforcements from England.

On the other hand, Washington could not attack the city, as he was desperately short of both powder and cannons. He realized, however, that unless he attacked before the arrival of more British soldiers, the chances for victory would be slim.

Washington took advantage of the voyages to the West Indies, sponsored by Congress and the individual colonies to obtain war materials from the French and Dutch, by putting some of his troops on these ships. This

improvised navy succeeded in capturing numerous British supply ships. He also sent Colonel Henry Knox — later to become his Chief of Artillery — to Fort Ticonderoga to bring back cannons. Over the mountains through bitter winter weather, Knox hauled 59 cannons and gunpowder to the American lines surrounding Boston.

Meanwhile, Washington went about the task of transforming the undisciplined gathering of armed men around Boston into an army. His first major problem was replacing the militia whose enlistments ended in December 1775. As commander, Washington took three steps to improve the readiness of the army:

1. He brought in more militia from the other colonies to replace those men who had returned to their farms and shops.

2. He used former British General Horatio Gates as his adjutant general to instill discipline by preparing regulations and orders.

3. He established a chain of command.

Finally, on 4 March 1776, Washington was ready to order the army into action. Early that morning the British soldiers were stunned to wake up and find colonial infantry and artillery glaring down on them from Dorchester Heights. From this position, the American cannons could dominate Boston. Recognizing that the situation was hopeless, General William Howe ordered the British troops to evacuate Boston on 17 March. Driving the British from Boston was a major victory, but many long, dark days lay ahead before a final American victory to the war could be won.

American Operations in Canada

While Washington was at Boston, the other military operations of 1775 and early 1776 were in Canada. The Americans had three major reasons for invading Canada:

- To take possession of eastern Canada as a fourteenth colony.

- To urge a rebellion by Canadians (mostly French descendants) against the occupying British forces.

- To draw British forces away from New England to Canada.

The gallant but unsuccessful attempt to take Quebec was made by two columns. One column, under General Richard Montgomery, advanced from Ticonderoga to Montreal, then along the Saint Lawrence River. The other column, under Colonel Arnold, went from Boston to the Kennebec River valley, then into Canada.

Along both routes of march and through harsh winter weather, the Americans suffered losses from starvation, sickness, drowning, frost bite, and desertion. A desperate attack against General Guy Carleton's forces in Quebec during a raging blizzard on the night of 31 December 1775 failed. General Montgomery was killed, and although Colonel Arnold was wounded, he did not give up. His small force succeeded in **besieging** Quebec until May 1776, when the arrival of 10,000 British reinforcements drove him out of Canada. The invasion of Canada had succeeded in accomplishing the third objective.

British Operations in the Southern Colonies

Meanwhile in June 1776, the British attempted their first military action in the

southern colonies. A British fleet, accompanied by an army under General Henry Clinton, decided to assault Charleston, South Carolina. The British attack was beaten back by American artillery batteries and musket fire from the two forts on the islands in front of Charleston harbor. The British were not able to avenge this loss for another four years.

British Operations in New York

The British now turned their attention to New York. General Howe, the British commander, realized — as did General Washington — that if the British held New York, it would give them several great strategic advantages. They could: advance up the Hudson River and join forces with their troops driving down from Canada, cut off the New England colonies from those in the south, and advance against the meeting place of the Continental Congress in Philadelphia. With these considerations in mind, Washington brought most of his army down from Boston to New York in April and May 1776.

Ten weeks after Washington reached New York, a British force of 32,000 well-trained regulars landed on undefended Staten Island. They were under the command of General Howe and supported by a strong naval force under the command of his brother. As the British gathered to attack, Washington was able to increase his strength to about 19,000. However, with less than half of this number in the Continental Army, the majority of this force was undisciplined and untrained militia.

Because the British had control of the waterways, they held the advantage. The city of New York was at the southern tip of Manhattan Island, surrounded by three rivers (including the Hudson). Washington decided that he must defend Brooklyn Heights on Long Island if he was to defend Manhattan, so he divided his army. He sent 10,000 men to occupy positions on Brooklyn Heights.

The British chose to attack Brooklyn Heights first. During the Battle of Long Island, Howe's force landed without incident because the Americans had neglected to guard a vital road. Howe used that road to hit the Americans' weakest point, and defeated Washington's force on 27 August 1776. The Americans were forced to evacuate Long Island and took up positions on Manhattan and the mainland to the north.

In September 1776, the British arrived on Manhattan, and after a series of skirmishes during October and November, drove Washing-ton's army across the Hudson River into New Jersey. Washington gathered the remnant of his shrinking army and began a retreat across New Jersey in bitter cold weather. Howe's advancing force, under the command of Lord Charles Cornwallis, followed in pursuit, hoping to catch and crush Washington's weakened army.

Two Surprise Moves by Washington

By early December, Washington's army had dwindled to 2,000. Fortunately, Cornwallis was unable to trap it as the Americans took all available boats and crossed the Delaware River into Pennsyl-vania. With the winter weather becoming more severe, General Howe decided to station his troops in winter quarters throughout New Jersey and New York and wait for the Continental Army to dissolve as enlistments expired at years end. Meanwhile, Washington's men were able to catch their breath.

Realizing that he had to act fast if he wanted to instill a fighting spirit back into his

men and keep most of them from leaving the army when their enlistments expired, Washington decided to reorganize his forces and strike a blow at the British. By pulling together personnel from other areas, Washington assembled a force of 7,000 by the last week of December. Speculating that the Hessian garrison at Trenton, located across the Delaware River, would be celebrating through Christmas night, Washington formulated a plan to take a force of 2,400 and launch a surprise attack on that garrison. As night fell, Washington gathered his troops at the Delaware River in the bitter cold weather. The force loaded into boats and made the famous crossing of the Delaware.

After reaching the other side, Washington's force marched nine miles through sleet, snow, and rain, arriving at the edge of town in the early morning hours of 26 December. Hessian sentries gave the alarm too late and before they could awaken the rest of the soldiers to form a battle line, American columns closed in from both ends of the town. Artillery fire under Captain Alexander Hamilton raked the Hessians as they tried to form up while a force of Virginians under Captain William Washington and Lieutenant James Monroe (a future president) charged them.

In less than 90 minutes it was all over as over 900 Hessians and a stockpile of supplies were captured by the Americans. During the battle, 30 Hessians died while over 400 escaped to the south; only 4 Americans died. Washington and his troops, taking with them the captured Hessians and military supplies, recrossed the Delaware to their encampments.

Leaving three regiments to guard his base at Princeton, Cornwallis marched the rest of his troops toward Trenton. The Americans dug in behind a small creek, and Cornwallis waited until the next morning to attack. Posting a few men to keep fires going all night to deceive the British, Washington gathered his Army and slipped out. They marched around the British and headed for Princeton. Nearing the British base on 3 January, the Americans met two British regiments on their way to meet Cornwallis. The Americans defeated them and drove them back to Princeton. With the British forces in New Jersey scattered, Washington led his exhausted men to the vicinity of Morristown, New Jersey, where they went into their winter quarters until the spring of 1777.

Fortunately for Washington, the victories at Trenton and Princeton turned around what had been a disastrous six months. These victories also restored confidence in General Washington as the Continental Army commander and assured the survival of the Continental Army as many men reenlisted and more recruits joined the army the following year.

A DECLARATION OF INDEPENDENCE

Just prior to the battles on Long Island and Manhattan, the Continental Congress made the decision that transformed the **colonists**' rebellion into a war for independence. On 4 July 1776, it issued the

Declaration of Independence that summed up the grievances against the British Crown and pledged that all states (colonies) would bind together to protect that independence.

However, the next five years that followed the signing of the Declaration of Independence would be some of the most difficult ones for the Americans, and especially for the Continental Army.

The Declaration of Independence
IN CONGRESS, JULY 4, 1776
The Unanimous Declaration of the Thirteen United States of America

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

THE WINNING OF INDEPENDENCE

BRITISH SEIZE PHILADELPHIA

At the beginning of 1777, the British wanted to strengthen their hold on New York, New Jersey, and Rhode Island; capture the rebel capital of Philadelphia; then, neutralize the southern colonies. Once these two final tasks were accomplished, the rebellion would be contained in New England where the British forces could mass and crush it.

The British plan called for General John Burgoyne, who was in command of a force in Canada, to move south and for General Howe to proceed north into New York, with both forces crushing all opposition in between. But, when Howe diverted the majority of his force to capture Philadelphia, Burgoyne decided he could still succeed alone.

In June 1777, Howe maneuvered his forces in search of an approach to Philadelphia. Washington responded by positioning troops to block the overland approaches to Philadelphia and by building forts on both sides of the Delaware River to block the sea approach to it.

After two months of probing Washington's lines, Howe loaded his men on ships and sailed down the coast then up the Chesapeake Bay so they could march on Philadelphia from the south. Although Howe's movement was a surprise, Washington shifted his main force to a position at Chad's Ford on Brandywine Creek. Then, on 11 September 1777, Howe outflanked and defeated Washington's force. Shortly thereafter, on 26 September, Howe entered Philadelphia and British naval forces opened up the Delaware River as a supply line.

After seizing Philadelphia, Howe stationed 9,000 of his troops in Germantown, just north of Philadelphia. Washington decided to launch a surprise attack on Germantown like he had done at Trenton, except this time the plan of attack was much more complicated. The Americans converged on Germantown in four separate columns on 4 October. However, due to errors in planning, General Nathaniel Greene's column arrived late and came under fire by another column of advancing Americans in the early morning fog. The entire battle on Germantown was

marked by American disorganization, resulting in about 650 casualties and the Americans having to retreat. Howe had defeated Washington again.

SARATOGA: THE TURNING POINT

Meanwhile, Burgoyne set out from Canada in June with the intention of reaching Albany by fall. To ensure he eliminated all of the American opposition enroute to Albany, Burgoyne divided his force into two columns. He commanded a force of nearly 8,000 British soldiers whose route of march was down the Hudson River valley. The other column, a smaller force of British troops and native American Indians under the command of Colonel Barry St. Leger, marched eastward down the Mohawk River valley with the purpose of linking up with Burgoyne near Albany.

DID YOU KNOW?

During this period of the American Revolution, the Americans began receiving secret assistance from France in the form of weapons and ammunition. Additionally, Benjamin Franklin was trying to get France to join an alliance with us against Britain. The French promised open support for the colonies if the Americans could prove their worth by a major victory on the battlefield.

As the two British columns marched through New York, at first they faced only weak American opposition. Burgoyne easily recaptured Fort Ticonderoga on 6 July 1777. However, St. Leger's column was halted in the Mohawk River valley when his Indian allies deserted him and the Americans at Fort Oriskany forced his retreat on 6 August. Burgoyne was certain that he could reach Albany alone, so he continued his march down the Hudson River valley. As Burgoyne's force advanced, more New Englanders arrived to join the growing number of New Yorkers with General Gates' army in northern New York. Washington also sent a regiment of elite riflemen under Daniel Morgan and 750 men from eastern New York.

A few miles from Saratoga, the 6,000 Americans occupied positions on Bemis Heights. The British arrived and attacked on 19 September 1777. In the battle that followed, Morgan's riflemen advanced on the left side in a long broken line near Freeman's Farm. As the British advanced, Morgan's riflemen and a counterattack by Colonel Arnold took a heavy toll of casualties on the British. Only the arrival of British cannons saved them from complete defeat. The Americans returned to their lines that night while the British began digging in around Freeman's Farm.

DID YOU KNOW?

In 1780, Congress charged Benedict Arnold with misappropriation and seeking more wealth for himself and his family. Angered by this, Arnold devised a scheme with General Clinton whereby after Arnold received command of West Point — a strategic fort on the Hudson River — he would turn it over to the British in exchange for large sums of money and appointment as a general in the British army. However, his scheme was discovered when the British contact was captured. Arnold escaped aboard a British ship down the Hudson River while the British contact was tried as a spy and hanged.

The opposing armies jockeyed for position for three weeks as more American reinforcements continued to arrive. Burgoyne realized that his army was being trapped. On 7 October, he decided to lead a force of 1,650 men to test the American defenses on Bemis Heights. Again, Morgan's riflemen spread out in the woods and hit the British left side. This was almost the same ground where they had fought the Battle of Freeman's Farm just a few weeks earlier. The British suffered heavy losses and fell back to their positions. Burgoyne then withdrew to positions near Saratoga.

Soon, the American militia cut the British supply lines and had Burgoyne's force completely surrounded. His position hopeless, Burgoyne surrendered on 17 October. The total prisoner count was nearly 6,000 and large amounts of military supplies fell into American hands. The victory at Saratoga was very significant because on 6 February 1778, France negotiated an alliance with the American states. Now, France was an open ally in the war against Great Britain.

With winter approaching, Washington took his force of about 6,000 battered, sick, and hungry soldiers and went into winter quarters at Valley Forge on 19 December 1777.

VALLEY FORGE

In American history, Valley Forge has come to stand as a patriotic symbol of suffering, courage, and endurance. Those were the conditions when the Continental Army first arrived at Valley Forge with over 2,000 soldiers unfit for duty. They lacked adequate shoes, clothes, and blankets. By February, that number doubled. Weeks passed when there was no meat and soldiers had to boil what shoes they had to eat the leather. The bitter winds penetrated the tattered tents that were at first their only shelter.

Washington immediately set his men to work building log shelters. He remained in a tent until a sufficient number of log huts were built to house the men, then he moved his headquarters into a house. Washington made numerous requests for food and clothing, but with little response because the army's supply system had broken down.

To get the supply system back on track, Washington appointed General Greene as Quartermaster General. Greene, with the cooperation of Congress, immediately made the necessary improvements and shipments of food and clothing soon began arriving at Valley Forge.

It was also at Valley Forge that a number of foreign officers made their presence felt on the Continental Army. These foreign officers included Marquis de Lafayette and Louis du Portail of France, Thaddeus Kosciuszko and Casimir Pulaski from Poland, and Baron von Steuben from Prussia (Germany).

- Lafayette, a young Frenchman who had offered his services to Washington, fought bravely and was wounded at Brandywine. He would later command troops in Washington's army.

- Du Portail would later command the Corps of Engineers, where he was assisted by the very capable Kosciuszko who had prepared the American positions on Bemis Heights. Under the leadership of these two men, the engineers established their headquarters at West Point, New York.

Of the foreign officers who volunteered their services to the American cause, probably none gave more valuable service than did Baron von Steuben at Valley Forge. As you may remember, he was a veteran of Frederick the Great's Prussian Army and he brought his skill as a drillmaster to Washington's soldiers.

He insisted on strict camp discipline, sanitation, and appearance. When he found no uniform drill regulations, he wrote them. Then, he organized squads and companies and drilled them so they could teach others. Most importantly, Baron von Steuben kept the ragged, tired, and hungry American soldiers occupied as he taught them how to fire and maneuver as large units and how to properly use the bayonet.

During the winter of 1777-78, a new Continental Army was born on the snow-covered plateau at Valley Forge. The men who set the tradition for the U.S. Army were the men who endured the misery of Valley Forge and emerged as trained soldiers.

THE LAST BATTLES IN THE NORTH

In June 1778, Washington's army marched confidently from Valley Forge. Washington's first encounter since leaving Valley Forge was against the British in New Jersey.

The new commander in chief of the British forces in North America, General Clinton, had received orders to evacuate Philadelphia and proceed to New York where some of his men would be transferred to ships to fight against French forces in the West Indies. In the march to New York, Clinton's force — which included slow-traveling supply wagons and hundreds of Tory civilians — was strung out for a long distance. Washington decided that an attack on this column was an opportunity to strike a decisive blow against the British as they marched through New Jersey.

On 28 June, Washington ordered General Charles Lee, who had taken the command from the bold and energetic Lafayette, to attack Clinton's force. The cautious Lee ordered General "Mad Anthony" Wayne to attack the rear of the British column. When Wayne encountered stiff resistance, he requested assistance from Lee. But, Lee was convinced that the Continental Army was no match for British, so he ordered a retreat.

The retreat became total chaos before Washington rode into the fray, halted it, and relieved Lee of his command. Washington now turned his men around to face the pursuing British and Hessian troops that were hoping to wipe out the Americans. In what

became known as the Battle of Monmouth, Washington's leadership was nearly flawless. The Continental Army beat back a series of attacks, but before Washington could form his troops for a counterattack, Clinton's force had slipped away from the battlefield to continue their march eastward. This battle ended in a draw.

In one of the few engagements of the war in 1779, Washington sent General Wayne with 2,350 troops to take the British-held garrison at Stony Point, a strategic location on the Hudson River. Wayne executed the attack on the night of 15 July, giving the order that it would be a bayonet charge — no one was to fire a shot.

After midnight, the Americans attacked in two columns. Wayne's column stormed the left side of the British defenses while the other column charged the right side. Although they faced heavy cannon and musket fire, both columns succeeded in capturing the entire garrison. The battles at Monmouth and Stony Point proved that the Americans had learned well the drills that Baron von Steuben had taught them.

As the war settled down to a virtual stalemate in the east, Washington attempted to deal with the British-inspired Indian attacks on the frontier. Throughout the war, the British had incited the native American Indians all along the frontier to raid American settlements. From Fort Niagara and Detroit, they sent out bands, usually led by **Tories**, to cause havoc in western New York and Pennsylvania. Then, during 1778-79, Virginia sponsored an expedition led by Lieutenant Colonel George Rogers Clark to suppress those attacks. In command of only 175 men, Clark overran all of the British posts in the areas today known as Indiana and Illinois. As a result of these victories, the number of Indian raids on the frontier decreased for a number of years.

THE WAR IN THE SOUTH

In late 1778, the British turned their attention to the southern colonies, where they already had some control, and decided to make it their main effort for two reasons:

- They wanted to cut off the southern colonies, thus limiting the war to the middle and New England colonies.

- They knew that more Tories lived in the south and that the populace there was a lot more divided over participation in the war. Thus, the British could achieve their goals in the south while using fewer troops.

General Clinton (who brought some of his force down from New York) decided to attack Savannah first. He captured it on 29 December 1778, then repulsed an attack by the Americans and French to retake the city. Confident over this victory, he moved his army against Charleston in the spring of 1780, which — after a short siege — fell on 12 May 1780. When Charleston surrendered, the largest American army in the south surrendered with it.

A few days later, Lieutenant Colonel Banastre Tarleton's force of British cavalry and Tories ambushed a group of 350 Virginians who were on their way to reinforce the garrison at Charleston. Tarleton took the Virginians by surprise at the Waxhaws, a creek near the North Carolina and South Carolina border. Tarleton's force slaughtered most of the Virginians, including many who were under a white flag of surrender.

After this series of victories in the south, the British set out to do what they

could not accomplish in the northern colonies. Even after the British command in the northern colonies ordered Clinton to return to New York with approximately one third of his force, he left General Cornwallis in command of the 8,000 British forces in the south. Not having to worry about a large, organized American army in the south, Cornwallis scattered his troops among a series of outposts throughout South Carolina — from the coast to Outpost Ninety Six. In fact, one of the most important battles in the south took place at the Camden outpost. As General Gates prepared to attack it, Cornwallis suddenly confronted him. In the battle that followed on 16 August 1780, the American militia quickly fled, leaving only the soldiers from the Continental Army (or Continentals) to fight the British. They fought desperately, but were forced to withdraw. By the end of that battle, American casualties were over 1,000 — almost an entire American army had been destroyed.

After the loss at Camden, guerrilla bands led by Brigadier General Thomas Sumter and Lieutenant Colonel Francis Marion (who became known as the Swamp Fox) harassed the British outposts and supply lines, and battled with bands of Tories. Influenced by the actions of Tarleton at the Waxhaws, the guerrilla bands fought ruthlessly. More and more Carolinians who had been neutral joined the guerrilla forces as British and Tory bands burned and pillaged American farms and settlements. Cornwallis soon realized that he could not achieve total control of the south because of the guerrilla-type warfare being waged by the Americans.

Seeking to establish some organization of the military forces in the southern colonies, Washington appointed General Greene as commander of the army in the south. Before Greene arrived to assume command of the disorganized and widely spread American forces, the British set out to establish control over western North Carolina. Cornwallis sent Major Patrick Ferguson and a small force of Tories on a brief invasion into North Carolina. A small force of mounted militia met the Tories at King's Mountain on 7 October and, in a battle of Patriot against Loyalist, Ferguson and most of his force were killed.

When Greene arrived at Charlotte, North Carolina, in December 1780, his command consisted of only 1,500 troops. However, he immediately sent Morgan out with a small detachment to help Sumter harass the British outposts. In January, Cornwallis responded by sending Tarleton out with cavalry and infantry to destroy Morgan's force. Tarleton attempted to trap Morgan, but Morgan avoided the trap and set a better one at Cowpens, where he prepared for battle on a rolling meadow half-cleared of trees.

Morgan put the Continentals in a line on the slope of a low hill. He placed the militia well in front of the Continentals and stationed cavalry behind the hill. He instructed the militia to fire two volleys, then fall back behind the Continentals to reorganize. Morgan's tactics worked perfectly at the Cowpens on 17 January because Tarleton's force was destroyed in a battle that has become a classic. Of Morgan's men, only 12 were killed and 60 wounded.

Victory at Cowpens did not relieve Greene's army from Cornwallis. Greene knew that he could not face the British on even terms since the Americans were heavily outnumbered. Therefore, Greene led Cornwallis on a chase through the Carolinas. Greene's men would march many miles each day, often with the British closing to within a few miles of them. But, the Americans managed to avoid contact.

Thinking the British troops were exhausted from the long marches through the

swamps in drenching rain and bitter cold temperatures, Greene turned to fight at Guilford Court House in North Carolina on 15 March 1781. Cornwallis defeated Morgan's force that day, forcing him to retreat from the battlefield. But, it was a very costly victory for the British because they suffered nearly twice as many casualties as the Americans.

Overall, the American campaign in the south was considered to be very successful. It reduced the number of British outposts, caused the British and Tory losses to mount by using hit and run tactics, and forced the British to confine much of their control in the Carolinas to the coastal cities.

THE BRITISH CAMPAIGN IN VIRGINIA

Once General Clinton received word that the French were cooperating with Washington in a campaign in New York, Clinton ordered Cornwallis to send as many reinforcements as possible to New York. Up to this point, Cornwallis had been very successful in defeating the American resistance in a large portion of Virginia, while another British force under the American traitor Benedict Arnold had also waged a successful campaign there.

Although Lafayette and a small force of Continentals fought a series of skirmishes against both of these British commanders, he avoided open battle with them.

With most of Virginia under British control, Clinton ordered Cornwallis to establish a naval base in the lower Chesapeake Bay for further operations through Virginia to Pennsylvania. Cornwallis chose the tobacco shipping port of Yorktown as the site for this base in August 1781.

With Cornwallis on the Virginia coast with his entire army, Washington decided to use the French army and naval forces under Admiral de Grasse to trap Cornwallis. A French fleet arrived in the Chesapeake Bay and blocked the British escape by sea. Leaving a detachment to watch New York, Washington's army hurried southward, along with 6,000 French troops under General Jean Comte de Rochambeau.

Once Washington arrived in Virginia, he was in command of nearly 17,000 troops — one of his largest commands ever. On the night of 6 October 1781, Washington's allied force began digging trenches around the British positions, and on 9 October, the artillery opened fire on the British at a range of 600 yards.

On 11 October, the Americans opened a second siege line 300 yards from the British. Now, they had to take a pair of key enemy redoubts. An infantry company led by Alexander Hamilton assaulted one of the redoubts using only bayonets. Quickly they covered the 200 yards to the redoubt. Without stopping, they went down into the ditch, climbed up the other bank, and over the sharpened poles.

The British opened fire, but they had little effect as the Americans swarmed upon them with bayonets. In less than five minutes, the Americans had the redoubt. A French force stormed the other redoubt, but suffered many more casualties. The next night, Cornwallis tried to sneak his army across the York River, but a storm swamped his boats.

On 17 October, a British force of about 7,000 troops and a large naval force left New York to reinforce Cornwallis at Yorktown. However, unaware of that development, Cornwallis began negotiations for surrender that same day. Two days later, Cornwallis surrendered. The long line of British troops filed between the American and

French columns as the British band played a popular tune, "The World Turned Upside Down." The surrender of Cornwallis ended the American Revolution, but occasional fighting between the Patriots and the British continued for more than a year — mainly in the south and west — and the war did not officially end until the Treaty of Paris was signed on 3 September 1783.

A new nation emerged on the world scene in 1783. Although most of its people initially desired that the government abolish the Continental Army, they soon realized that it was necessary because of violence on the frontier and more troubles with Great Britain.

VICTORIES AT SEA

Throughout the war, American and British ships fought for control of the seas in the Atlantic Ocean and Caribbean Sea. The American fleets consisted of the Continental Navy, the navies maintained by 11 states, and about 2,000 privateers (privately owned and manned ships commissioned by Congress to attack and capture enemy ships). The Patriots could not effectively challenge British ships-of-the-line or battleships, but their swarms of privateers inflicted heavy damage on British commerce. Privateers captured about 600 enemy vessels while the Navy captured or destroyed nearly 200 British ships. On 23 September 1779, Captain John Paul Jones in command of the *Bonhomme Richard* captured the British 44-gun *Serapis* after a bitter fight. Called on to surrender at the peak of the battle, Jones replied: "I have not yet begun to fight!"

CONCLUSION

As a result of the American Revolution, the 13 American states won their independence from Britain. The major reasons they were finally able to defeat the British were:

- The ability of America's military leaders to be more resourceful and show more initiative than their British counterparts. Specifically, the leadership of George Washington was crucial to the American cause.
- The French aid — money, supplies, arms, and ammunition, and in the end, military land and naval forces — was also critical to the American victory.
- The British failed to take advantage of many opportunities where they could have won major battles and crushed the rebellion.
- The ability of the Continental Army and militia to fight together because they were fighting for an important cause.

DID YOU KNOW?

It was estimated that by the end of the American Revolution, somewhere between 750 and 1,000 black Americans had served in the militia or Continental Army. One of the most well-known of the predominantly black units in the American army was a regiment from Rhode Island that fought back three Hessian charges at the Battle of Newport. The regiment was also with Washington's army when the British surrendered at Yorktown.

VIGNETTES OF MILITARY HISTORY NO. 4

US ARMY MILITARY HISTORY RESEARCH COLLECTION

Ambition

Contributed by Dr. John Shy

A prominent Boston Tory in the American Revolution, after the battle of Bunker Hill, visited the Boston jail, where a number of American prisoners were languishing. Approaching one, a wounded lieutenant named Scott who appeared to be a man of some intelligence, he asked him how he had come to be mixed up with rebellion. The Tory, in a book published after the war, recorded the lieutenant's answer verbatim: "The case was this Sir! I lived in a country town; I was a shoemaker, and got my living by my labor. When this rebellion came on, I saw some of my neighbors get into commission, who were no better than myself. I was very ambitious, and did not like to see those men above me. I was asked to enlist as a private soldier. My ambition was too great for so low a rank; I offered to enlist upon having a lieutenant's commission, which was granted. I imagined myself now in a way of promotion: if I was killed in battle, there would be an end of me, but if my captain was killed, I should rise in rank, and should still have a chance to rise higher. These sir were the only motives of my entering into the service; for as to the dispute between Great Britain and the colonies, I know nothing of it; neither am I capable of judging whether it is right or wrong."

It turns out that Lieutenant Scott was a real person. American records show a Lieutenant William Scott of Peterborough, New Hampshire, wounded several times and captured at Bunker Hill. Everything the Tory said about him that can be checked appears to be accurate. But, we also know, as the Tory did not, what happened to Scott after his interrogation. He was taken to Halifax, Nova Scotia, where he escaped after his wounds healed by stealing a small boat. He rejoined Washington's army at New York just in time to be captured again, but this time he escaped by swimming the Hudson River, according to a newspaper account, with his sword tied around his neck and his watch pinned to his hat. He was ordered back to New Hampshire to recruit a company of light infantry, which he led against Burgoyne's invasion from Canada. By then a captain, he is mentioned in reports as having cut off Burgoyne's last effort to break out of the trap at Saratoga. Later, he retired because his wounds pained him, but he spent the last year of the war on a privateer attacking British shipping. Ruined financially by the war, he lived in poverty until the War Department gave him a job with a surveying party in Ohio. When the party came down with "lake fever," Scott led them back to civilization, but a few days later, in 1796, he himself died. No one interviewed Scott a second time to ask him whether he had changed his mind about the American Revolution or whether, in 1775, he had been misquoted.

Source: *Peter Oliver, Origin & Progress of the American Rebellion (Stanford, 1961), and Johnathan Smith, Peterborough, New Hampshire, in the American Revolution (Peterborough, 1913).*

VIGNETTES OF MILITARY HISTORY NO. 12

US ARMY MILITARY HISTORY RESEARCH COLLECTION

What Happened? or, Whose Version Do You Believe?

Contributed by Dr. John Shy

Military history is no better than the evidence it rests on. Trying to determine exactly what happened at Lexington Green on 19 April 1775 illustrates the point perfectly.

Captain John Parker, who commanded the militiamen engaged in the small but vitally important first battle of the American Revolution remembered it this way:

... on the nineteenth instant, in the morning, about one of the clock, being informed, that there were a number of the regular officers riding up and down the road, stopping and insulting people as they passed the road, and also informed that a number of the regular troops were on their march from Boston, in order to take the province stores at Concord, I ordered our militia to meet on the common in said Lexington, to consult what to do, and concluded not to be discovered, nor meddle, or make with said regular troops, if they should approach, unless they should insult or molest us; and upon their sudden approach, I immediately ordered our militia to disperse and not to fire. Immediately, said troops made their appearance, and rushing furiously on, fired upon and killed eight of our party, without receiving any provocation therefor from us.

But ensign Jeremy Lister of His Majesty's 10th Regiment of Foot was also there, and he saw it — or at least told it — differently.*

... the country people began to fire their alarm guns, light their beacons, to raise the country. However, to the best of my recollection about 4 o'clock in the morning, being the 19th of April, the five front companies was ordered to load, which we did. About a half an hour after, we found that precaution had been necessary, for we had to unload again, and then was the first blood drawn in this American Rebellion. It was at Lexington when we saw one of their companies drawn up in regular order. Major Pitcairn of the Marines, second in command, called to them to disperse, but their not seeming willing he desired us to mind our space, which we did, when they gave us a fire, then run off to get behind a wall. We had one man wounded of our company in the leg ... also Major Pitcairn's horse was shot in the flank. We returned their salute, and before we proceeded on our march from Lexington I believe we killed or wounded either seven or eight men.

Source: * *Lister's account has been repunctuated for clarity. Both versions appear in* *The Nineteenth of April, 1775* *(Lincoln, Mass., 1968).*

VIGNETTES OF MILITARY HISTORY NO. 125

US ARMY
MILITARY HISTORY INSTITUTE

Whose Neck's Move

Contributed by Colonel James B. Agnew, USA (Ret.)

In the events leading to the American Revolution, the people of Rhode Island Colony were no less agitated at the British than were their cousins in Boston and Williamsburg. In 1772, for instance, when the British Revenue Cutter Gaspee grounded near Providence, several longboats of Rhode Islanders, lead by Abraham Whipple, burned it during the night. Three years later, Sir James Wallace, Captain of another British Frigate, the Rose, near Newport, Rhode Island, finally learned the identity of the leader of the patriots who had torched the Gaspee. He then sent this letter to Whipple:

> "You, Abraham Whipple, on the 10th June, 1772,
> burned His Majesty's vessel, the Gaspee, and I
> will hang you at the yard arm.
>
> "James Wallace"

To this vow, Whipple replied in writing:

> "To Sir James Wallace:
>
> "Sir: — Always catch a man before you hang him.
>
> "Abraham Whipple"

Whipple rose to rank of Commodore and had the distinction of firing the first American naval shots against the British in the Revolutionary War.

Source: *Edwin Martin Stone, Our French Allies ... in the Great War of the American Revolution, From 1778 to 1782.*

VIGNETTES OF MILITARY HISTORY NO. 148

US ARMY
MILITARY HISTORY INSTITUTE

General Daniel Morgan's Command Philosophy

Contributed by Lieutenant Colonel John L. Schmidt, Jr.

General Daniel Morgan began his military career in the humble capacity of a teamster in support of General Braddock against the French and Indians in 1775. At the start of the War of Independence, Morgan was selected to be the captain of a company of fighting Virginia frontiersmen. By late 1776, he was promoted to Colonel of a rifle regiment. That regiment, in the words of his biographer in 1856, was recognized as:

"The elite of American forces, a reputation which it had earned, not merely from its prowess in the field, but from its patience and fortitude under privations; its prompt obedience to every order, however disagreeable; its discipline; and the general good character and patriotism of its members.

"Much of this was owing to the great capacity for commanding, which Morgan undoubtedly possessed; to the example which his own conduct presented for the imitation of his men; and to the great . . . regard with which he inspired them....

"He appealed to the pride, rather than to the fears of his men....

"He held himself accessible to his men on all suitable occasions, and encouraged them to come to him whenever they had any just cause of complaint. He knew what every soldier was entitled to, and would never suffer them to be wronged or imposed on. He took great pains to have them provided, at all times, with a sufficiency of provisions, clothing, and everything necessary to their comfort; and the wounded and sick experienced his constant attention and care....

"He never permitted any of [his soldiers] to be brought before a court martial, or to be punished by whipping. When one of them was charged with an offense which called for punishment, the accused, if guilty, was taken by Morgan to some secluded place, where no one could witness what might occur, and there, after a lecture on the impropriety of his conduct, would receive a thumping, more or less severe, according to the nature of his offense.

* * * * *

"[A few of his men, under the command of an ensign, were once sent to repair a rough section of road.] While they were thus engaged, Morgan rode up, and saw two of them heaving at a large rock, the removal of which was evidently beyond their strength, the ensign at the same time looking on, without giving them his assistance. 'Why don't you lay hold and help these men?' inquired Morgan, addressing the ensign. 'Sir,' replied the latter, 'I am an officer!' 'I beg your pardon,' responded [Colonel] Morgan, 'I did not think of that!' Instantly alighting from his horse, he approached the rock, seizing hold of which, he exclaimed to the men whom he was assisting, 'Now!' heave hard my boys!' The rock was soon removed, when Morgan, without another word, mounted his horse, and rode off."

Source: *James Graham, The Life of General Daniel Morgan.*

LESSON 2: YOUR CONSTITUTION — ITS PURPOSE, REALITY, AND USE

amendments
anti-federalists
articles of confederation
constitution
delegates
domestic tranquility
executive branch
federal government
framers (founding fathers)
great compromise
judicial branch
legislative branch
new jersey plan
posterity
representation
sovereign (-ty)
virginia plan

INTRODUCTION

At the same time that the Second Continental Congress was finalizing the Declaration of Independence, it appointed a committee to draft a "plan of confederation." After working on it for 17 months, Congress approved the **Articles of Confederation** on 15 November 1777. However, ratification by all 13 states took until 27 February 1781.

THE ARTICLES OF CONFEDERATION

The Articles of Confederation allowed each state to retain all **sovereignty** and powers except for those expressly given to the national government. As a result, the national government was fragile and weak.

The Articles created a single chamber Congress, called the Committee of States, to carry out all of the day-to-day functions of the national government. This Committee of States was made up of one delegate from each state. The states selected their **delegates** annually and by whatever means they wanted.

Additionally, the states had only one vote in the Congress regardless of their geographic size or population. From this legislative body, Congress elected one of its members to serve as president for a one-year term. However, the members of Congress did not regard this person as the president of the United States.

In addition to settling disputes between the states, Congress had other responsibilities which Britain previously handled for the colonies. These responsibilities included:

- declaring war and negotiating treaties
- raising an army by asking the states for troops and building a navy
- sending and receiving ambassadors
- setting up a money system.

WEAKNESSES OF THE ARTICLES

The biggest problem with the Articles was that they did not give Congress enough power to carry out its duties. As emphasized by George Washington, the United States was "one nation today and thirteen tomorrow. Who will treat with us on such terms?" The following chart shows the Articles' weaknesses and their corresponding outcomes.

WEAKNESS	*OUTCOME*
Congress could not levy or collect taxes.	National government had to rely on contributions from the states.
National government was always short of money.	There was no way government could collect amount owed.
Congress had no power to regulate interstate or foreign trade.	Economic quarrels among the states broke out. A lack of economic cooperation between the states made it difficult to negotiate foreign trade arrangements.
Congress had no power to enforce its laws.	Congress could only request the states make its citizens obey national laws.
Lack of national court system made it virtually impossible to settle disputes between the states.	States interpreted and enforced the laws passed by Congress; sometimes state judges tended to enforce only those laws popular to the state.
Congress had to have a superior majority (two-thirds or three-fourths vote rather than a simple majority) to enact laws.	It was difficult to enact laws. Any five states could block a proposed action by Congress and differences between them made it difficult to get the superior majority (nine votes) for important or controversial actions.
Amendments to the Articles required the consent of all thirteen states.	There was no practical way to change the powers of the national government. As a result, the Articles remained unchanged, despite the fact that the United States needed a stronger national government.
Lack of an executive branch.	There was no effective way to coordinate the work of the government.

ACHIEVEMENTS OF THE ARTICLES

Although the Articles of Confederation were never an unqualified success, several very important benefits resulted from its creation.

- Congress negotiated and ratified the Treaty of Paris of 1783.
- Congress established a policy for the development of the lands west of the Appalachian Mountains.
- In 1787, Congress passed the Northwest Ordinance, which gave the western territories an opportunity for statehood on an equal basis with the original states.
- Congress set up executive departments for Foreign Affairs (State), War (Army), Marine (Navy), and Treasury — each under the direction of a single, appointed secretary.
- The Articles encouraged cooperation among the states and required them to treat one another's citizens without discrimination, making it easier for citizens of one state to travel and do business in another state.

THE NEED FOR A STRONGER NATIONAL GOVERNMENT

Since the states feared a strong central government and kept most of the real power in their own hands, the people continued to think of themselves as belonging to their particular state rather than to the nation as a whole. This was natural because the states were separated by great distances, transportation was poor, and there was little contact between them. It took years before the states began to think of themselves as parts of a single nation.

However, within five years after the end of the Revolutionary War, conditions of the new government were rapidly deteriorating. The weaknesses of the national government became clear as more problems faced the new nation. Many of the states began to go their own way on matters. The states began to quarrel over the location of boundary lines, tariffs, and local laws. A few states began to deal directly with foreign nations, even though the Articles disallowed such arrangements. Other states began organizing their own military forces.

Additionally, several other countries began taking advantage of the weak government of the United States. For example, Britain and Spain kept troops and settlers in the western territories, an act which on Britain's behalf was in defiance of the Treaty of Paris. The Spanish even threatened to close the mouth of the Mississippi River near New Orleans to American trade.

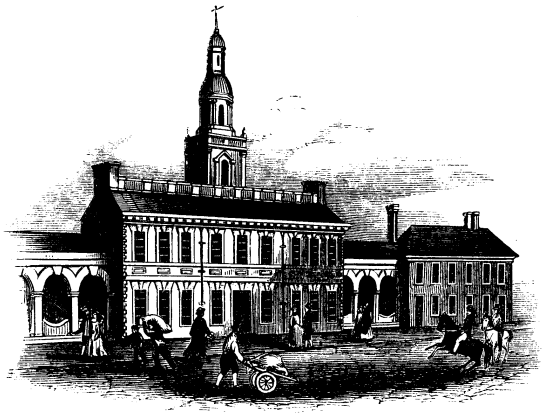
With the new government not able to meet its financial obligations, an economic depression in 1786 left the states in financial turmoil. During that year, more than 2,000 angry farmers in western Massachusetts were unable to pay their taxes and mortgage payments.

Under the leadership of Daniel Shay, a former captain in the Revolutionary War, these farmers marched on Springfield. They threatened to attack Boston if the state did not pass laws to help the financially struggling farmers. The Massachusetts militia put down this rebellion (known as Shay's Rebellion), but the incident served to awaken Americans — their government had to do something to cope with the growing problems facing the United States.

THE ANNAPOLIS CONVENTION

Based on the success of a meeting between Maryland and Virginia over trade disputes, the Virginia legislature called for a meeting to discuss a national plan for regulating commerce. Held in September 1786 at Annapolis, Maryland, the turnout for the Annapolis Convention was disappointing — only five states sent delegates.

However, since James Madison of Virginia and Alexander Hamilton of New York were strong nationalists, they persuaded the other delegates to convene another meeting at Philadelphia, Pennsylvania, in May 1787. At that convention, delegates would discuss ways "to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies (needs) of the Union." America awaited the "miracle of Philadelphia."



THE PHILADELPHIA CONVENTION

The Constitutional Convention met in the Philadelphia State House. Every state except Rhode Island sent delegates (Rhode Island was fearful that national legislation would injure its lucrative trade). Plus, some of the participating states gave specific instructions to their delegates. For example, Delaware did not want to support any proposal that would deny a state equal **representation** in Congress. Other states instructed their delegates to consider only amendments to the Articles of Confederation.

DID YOU KNOW?

Several of the nation's greatest leaders/patriots of that era did not attend the Philadelphia Convention.

- John Adams was on a diplomatic mission in England.
- Thomas Jefferson was serving as ambassador to France.
- Patrick Henry refused to attend the convention because he was against the development of a national government.

The meeting began on 25 May 1787 in Independence Hall. The delegates unanimously elected George Washington to preside over the meetings. They felt his presence would inspire public confidence. During the meeting, the 55 delegates agreed on three matters:

1. To ignore the orders from Congress, which were to work only on improving the Articles of Confederation. Instead, they began to develop a brand new **constitution**. They believed that the faults of the Articles of Confederation were so serious that it would be better not to use them as the basis for their discussion.

2. To keep a record of what was said at the convention a secret for 30 years. There were two reasons for this: (1) In order to develop the best constitution possible, the delegates believed they would need an

atmosphere where they could have a free exchange of ideas. They were fearful that if Congress made their debates public, many of the delegates would not feel free to express their opinions openly. (2) The delegates believed that the states and people would accept the constitution better if the people were not aware of the arguments that went on during its creation.

3. To permit each state to have one vote at the convention, although the delegations from each state varied in size.

On the other hand, the delegates differed on issues pertaining to:

- The adoption of a system of government that favored extreme centralization by the national government versus one that favored decentralization, where the states would still hold the majority of the power.
- The functions that the states would entrust to the national government.
- The kinds of controls that the two levels of government could exercise over each other's activities.
- The division of political power — the very basis of authority over the national government. That is, should government represent the people of the whole nation or should the states remain as sovereign units possessing ultimate legal authority? This issue was the most fundamental source of disagreement.

The delegates wanted to give the government enough power to effectively respond to the nation's needs, protect its rights, and promote the welfare of the people. But, they also wanted to ensure that the national government would not be able to abuse its powers.

THE FRAMEWORK OF THE CONSTITUTION

Among other plans introduced at the convention, the two that best reflected the opposing attitudes on these issues were:

- The **Virginia Plan** — supported by the larger states — favored a strong national government.
- The **New Jersey Plan** — supported by the smaller states — protected the states' sovereignty.

THE VIRGINIA PLAN

The Virginia Plan called for a **federal government**, consisting of both national and state governments. It proposed:

- A two-chamber legislature: a House of Representatives, elected by popular vote, and a Senate, elected by the House.
- A single executive chosen by the national legislature.
- A national judiciary appointed by the national legislature.

The Articles of Confederation gave the national government the power to act upon the states only and not upon the people directly; whereas in the Virginia Plan, the national government would have the power to collect taxes, make laws, and enforce the laws in court.

THE NEW JERSEY PLAN

The sponsors of the New Jersey Plan sought to make only limited changes to the

Articles of Confederation. This plan proposed:

- A one-chamber legislature in which all of the states would have equal representation.
- An executive branch that would consist of more than one person elected by the national legislature.
- A national judiciary with limited power and appointed by the executive branch.

THE GREAT COMPROMISE

These issues were bitterly fought, and for a time it seemed that the convention might fail. But, the dispute was finally resolved when a committee in which the Connecticut delegation played a leading role developed the **Great Compromise**, and the committee chairman, Roger Sherman, proposed it to settle the dispute between the large and small states. The following list summarizes the main ideas of the Great Compromise:

- A two-chamber Congress: an upper chamber, or Senate, where the states would have equal representation, and a lower chamber, or House of Representatives, with representation based on the size of the state's population.
- The lawmaking body of two chambers would allow for "checks and balances." That is, each chamber would check the actions of the other so that Congress would not pass laws in haste or laws not needed or wanted by the people.
- The House of Representatives would create taxation and government spending bills. The Senate would vote on these bills but could not change them.

DID YOU KNOW?

The delegates created the three branches of the national government to ensure a separation of powers, meaning that no one branch can become too powerful. The first three articles of the Constitution spell out the duties of these branches.

LEGISLATIVE BRANCH (ARTICLE I)

Congress is the lawmaking body of our national government and carries out the work of the **legislative branch**.

EXECUTIVE BRANCH (ARTICLE II)

The executive branch, headed by a president, is responsible for seeing that the nation's laws are executed. It includes a vice president and all agencies which help the president to perform the executive duties.

JUDICIAL BRANCH (ARTICLE III)

The **judicial branch** judges the constitutionality of laws and authorizes lower courts to punish lawbreakers. It establishes a Supreme Court as the highest court in the land. Congress has the power to establish lower federal courts to help carry out the duties of the judicial branch.

The compromise was accepted by the delegates by a one-vote margin. Finally, on 17 September 1787, after a four-month meeting, 39 delegates signed the Constitution and sent it to Congress. These 39 delegates have since became known as the **Framers** of the Constitution or as the **Founding Fathers**. The other 16 delegates either opposed the document or were absent. Those who opposed did so because of the expressed power of the national government over the state governments and citizens.

On 28 September 1787, Congress sent the Constitution to the states for ratification. It required the ratification of three-fourths of the states (or nine states) to become law.

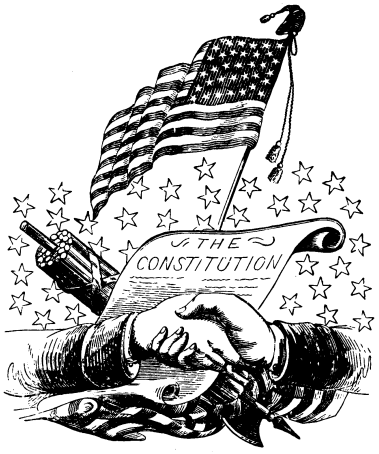
THE FIGHT FOR RATIFICATION OF THE CONSTITUTION

The Federalists supported the Constitution and a strong federal government. They were from the cities, as well as small states such as Delaware, New Jersey, and Georgia. James Madison and Alexander Hamilton were two famous Federalists.

The **Anti-Federalists** did not support the Constitution because they thought it gave too much power to the national government without protecting the political rights of the people. They felt that a fair government was one that had to be controlled by the people. The Anti-Federalists came from rural areas and larger states such as Virginia and Massachusetts. Some famous Anti-Federalists included Patrick Henry, George Mason, and Thomas Jefferson.

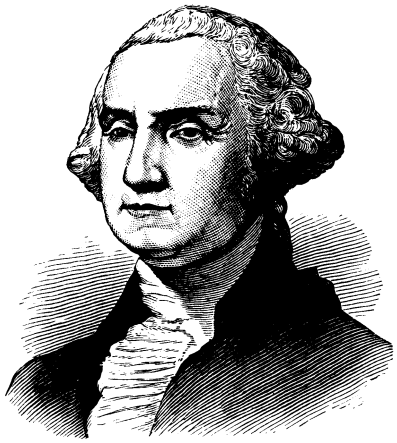
After the Philadelphia Convention, the Anti-Federalists knew they needed to act fast. They had to start from scratch to gain support for their views. On the other hand, the Federalists had worked on the Constitution for four months. They knew the arguments for and against it and had already organized to obtain support for it. They even wrote articles known as The Federalist Papers in order to convince the people to support the Constitution.

A compromise was again needed. In order to gain support from the Anti-Federalists, the Federalists agreed to add a Bill of Rights to the Constitution during the first session of Congress. This Bill of Rights would protect the rights of the people and the states, thus ensuring that the new government did not abuse its powers. The Anti-Federalists agreed. Without this compromise, certain states may not have ratified the Constitution, fearing the creation of a strong central government.



Delaware became the first state to ratify the Constitution on 7 December 1787. In the five months that followed, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, and South Carolina ratified the Constitution. Then, on 21 June 1788, New Hampshire became the ninth state to vote for ratification. However, most people feared that without Virginia and New York, there was little hope for success of the new government.

Five days after New Hampshire, Virginia voted for ratification on 26 June 1788, followed by New York on 26 July 1788 — after which, the Constitution became the law of the land. Then, on 4 March 1789, the newly elected Congress met for the first time and the unanimously elected George Washington took the oath of office as the first president on 30 April 1789. The remaining two states, North Carolina and Rhode Island, did not ratify the Constitution until November 1789 and May 1790, respectively.



DID YOU KNOW?

George Washington served as president for two terms: 1789–1793 and 1793–1797. He advised against a third term, which future presidents observed until the presidency of Franklin D. Roosevelt (1933–1945), who won a third and fourth term. However, ratification of the 22nd Amendment to the Constitution in 1951 formally limited a president to just two terms.

THE CONSTITUTION: A LIVING DOCUMENT

The Constitution is a "living document." Amendments present a formal way of keeping it up-to-date and the federal judicial system ensures that the government upholds the laws, rights, and freedoms of American citizens.

AMENDING THE CONSTITUTION

The delegates to the Constitutional Convention realized that there would be change as the country grew. They believed that later generations of Americans should be able to amend the Constitution as those changes occurred. Therefore, they built an amendment process into the Constitution. They did not want the amendment process to be too easy. Instead, they wanted it difficult, but not impossible.

Proposing an amendment requires either two-thirds vote in both the House and the Senate or two-thirds vote of the state legislatures requesting that Congress call a national constitutional convention.

Ratifying an amendment requires approval by either three-fourths of the state legislatures or by special constitutional conventions in three-fourths of the states.

CONCLUSION

From May to September 1787, the delegates wrote the Constitution with the intention of protecting the rights of the American people and providing a more efficient, stronger national government. They made these intentions clear in the Preamble by emphasizing the idea that Americans have the right and power to determine how they are governed. The Preamble reads:

> *"We, the people of the United States, in order to form a more perfect Union, establish justice, insure* ***domestic tranquility****, provide for the common defense, promote the general welfare, and secure the blessings of liberty, to ourselves and our* ***posterity****, do ordain and establish this Constitution for the United States of America".*

The Constitution, the highest law in the United States and the strongest document of its kind in the world, continues to be a "living document" as amendments and legal interpretations broaden its meaning. As changes to this nation occur, it adjusts to meet the needs of the time.

LESSON 3: YOUNG AMERICA

battery
blockade
impressment
incited
mouldered
neutralizing
privateers

INTRODUCTION

The development of the U.S. military during the early years of the nation was not at a rate similar to the way the United States developed as a country. While the country changed and expanded at a rapid rate, the army remained nearly stagnant, with many people opposing its very existence. However, important developments within the first 25 years or so of our nation's history would not only prove that an army was necessary for America's survival, but instrumental in its growth and development.

THE DEBATE OVER A PEACETIME ARMY

From the end of the American Revolution to the ratification of the Constitution in 1789, the United States was governed by the Articles of Confederation.

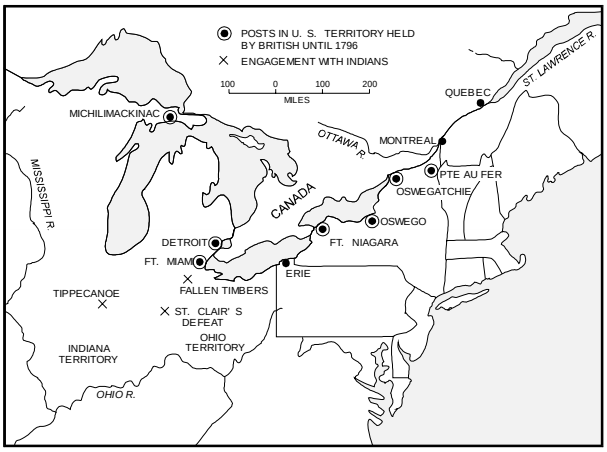
Under the Articles of Confederation, Congress was simply a governing authority over a loose federation of states. Since the majority of the American people favored the idea of not keeping a "regular army" or even a small army under national control, a debate raged over the size and type of military force to be maintained. Most members of Congress favored the popular view that America's first line of defense should be the state militias, and in that regard, they were reluctant to create a permanent, or standing, army for the following reasons:

- It would be too expensive to maintain.
- It would go against the wishes of those who preferred the existence of a federation of states over a strong national government.
- Many feared that it might have too much power or take over the government.

While the debates continued, the Continental Congress did maintain a small standing army of less than 1,000 men for security purposes. They stationed most of these soldiers at military forts scattered throughout the northwestern part of the early U.S. territory.

By as early as the mid-1780s, only a few years after the end of the American Revolution, the threat on the western frontier became the first important development that helped lead to the reality that a larger national army was necessary.

- Although the Treaty of Paris of 1783 stipulated that the British had to evacuate all lands claimed by the United States, they still maintained military posts all along the shores of the Great Lakes — well within U.S. territory.



- Along with these British forts, the native American Indians on the western frontier still threatened American settlements. Although Congress was able to negotiate peace treaties with some of these tribes, others (often supplied and **incited** by the British) such as the Iroquois, continued to attack settlers and battle the militia.

The decision that Congress finally reached in late 1784 was to disband the old army and create a new "Regular Army" of 800 men. Congress called on four states to furnish troops from their militia, but also reemphasized its decision that the United States would depend primarily on the states' militias for defense.

Congress maintained this policy over the next five years during the ratification of the Constitution. Then, within four months of becoming the first President of the United States in April 1789 under the newly established Constitution, George Washington created the Department of War to oversee military affairs — which included a small U.S. Navy.

However, by the time that Washington was well into his first term, the army had difficulty maintaining its authorized strength of 800 men. Although Washington and Congress both agreed on the importance of a strong, well-organized militia, all attempts by Washington and Secretary of War Henry Knox to apply federal regulation on the different state militias failed. By 1800, the army and state militias still had many of the same problems that had plagued Washington during the Revolution.

THE WESTWARD EXPANSION

THE NORTHERN FRONTIER

Although the British finally evacuated the posts along the Great Lakes by the mid-1790s, resistance by the native-American Indians increased during that time as settlers poured into Kentucky and the Ohio territory. When the settlers in Ohio demanded federal protection, President Washington called upon Congress to increase the size of the army, but Congress responded by adding only 400 more men.

Under a plan devised by Knox, local militia were added to a small force of regulars and given the task of waging a campaign against the Miami Indians. Unfortunately, Knox's plan was not carried out as he had prepared it. When an effort by regulars and militia to defeat the Indians and destroy their food supplies failed, the Miami Indians inflicted a major defeat on Governor Arthur St. Clair's force in 1792. They caught his force by surprise while camped and killed or wounded two-thirds of his men.

Outraged over St. Clair's defeat and fearing further Indian attacks, President Washington appointed General "Mad" Anthony Wayne in charge of a legion of mostly regular army soldiers to contain the Indians. Although Wayne was much older and in poor health, his operation against them was carefully planned and skillfully executed.

In July 1794, Wayne led a force of 3,000 men, including well-trained militia, to

within a few miles of Fort Miami (on the site of present-day Toledo). On 20 August, the Indians attacked Wayne's legion in the Battle of Fallen Timbers. The soldiers held their ground, then charged with bayonets driving the Indians from the field. A year later the native American Indians agreed to make peace and gave up their land in Ohio.

During the next 15 years, settlers pushed into Ohio and beyond into lands still claimed by the native American Indians. To resist this westward expansion, Tecumseh, the great chief of the Shawnees, organized a tribal confederation to keep the settlers out. Urged on by the settlers, Governor William Henry Harrison of the Indiana Territory decided to strike at the Indians before they could attack.

At the battle of Tippecanoe Creek in November 1811, Harrison's force of mostly militia fought a furious attack by the Indians and defeated Tecumseh's force. Later, Harrison successfully used this victory to help him win the presidency of the U.S. in 1840.

THE SOUTHEASTERN FRONTIER

In the Southeast, the United States signed a peace treaty with the powerful Creek Indian nation in 1790. However, in 1813, the Creeks went on the warpath and massacred more than 500 people at Fort Mimms in present-day Alabama. In response to this attack, General Andrew Jackson raised a force of 2,000 volunteers, 600 regulars, and several hundred friendly Indians to launch a campaign against the Creeks. At the Battle of Horseshoe Bend in 1814, Jackson's force defeated the Creeks, killing all but a hundred of its warriors. The remaining Creeks fled to northern Florida where they allied with the Seminole Indians and a band of fugitive slaves to harass the settlers.

Once again, a quickly-organized force reacted under the command of Jackson (who was now a major general in the Regular Army). The conflict that became known as the First Seminole War (1817 - 1818) was actually not much of a war. The Indians and fugitive slaves fled into the swamps and all Jackson succeeded in accomplishing was to capture Pensacola and several other Spanish forts in Florida.

In December 1835, the Second Seminole War erupted in central Florida. The Seminoles, led by Chief Osceola, defeated a column of soldiers, waged a campaign of guerrilla warfare, and led a number of U.S. military generals — including Winfield Scott and Zachary Taylor (a future U.S. president) — on a chase before escaping into the Everglades. This war raged on for seven years (until 1842) before the military finally captured Osceola, putting an end to the Seminole uprising.

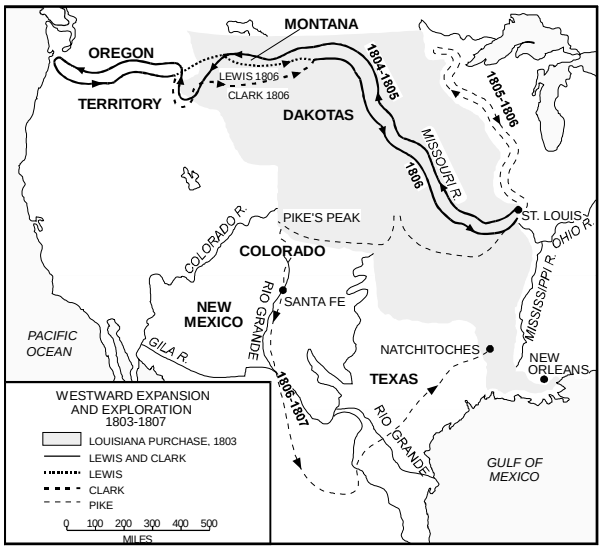
THE LOUISIANA PURCHASE

President Thomas Jefferson, who took office in 1801, was committed to a policy of peace and economy. With Europe at peace and American relations improved with France and Britain, Congress proceeded to cut

spending. Congress cut the size of the army from over 5,400 to 4,000 men and sold most of the ships that the navy had used in an undeclared war with France.

The Jefferson approach to national — including economic — security was to ensure the defense of the United States coastline. Jefferson accomplished this objective by employing dozens of small maneuverable gunboats along the coast and its waterways and by occupying forts built at strategic points along the coastline.

President Jefferson next turned to expanding the American economy and protecting the frontiers to the south and west. He accomplished both of those tasks by continuing the westward expansion. When rumors reached America that France had acquired Louisiana from Spain, Jefferson became very concerned. To protect America's trade down the Mississippi River, Jefferson sent Robert Livingston and James Monroe to France in 1802 to negotiate the purchase of New Orleans and west Florida for $2 million. They returned with the largest real estate deal in history, the entire Louisiana Territory for $15 million.



After purchasing Louisiana on 30 April 1803, Jefferson selected two Army officers, Captain Meriwether Lewis and Lieutenant William Clark, to explore that territory and to find a land route to the Pacific Ocean. The Lewis and Clark expedition started up the Missouri River from St. Louis in May 1804, and in 1805, their Indian woman guide, Sacagawea, led them across the Rocky Mountains. Then, after descending the Columbia River, they wintered at the Pacific coast. On the trip back, Lewis descended the Marias River and Clark the Yellowstone River in Montana. After reuniting, they arrived at St. Louis in September 1806.

In other expeditions, Lieutenant Zebulon Pike first explored the origin of the Mississippi River, then the areas of Colorado, Spanish New Mexico (by descending the Rio Grande), and Texas. In Colorado, he discovered the mountain peak that is named after him.

These expeditions opened vast new territories to the U.S., strengthened U.S. claims to them, and gathered information on the native Indians and the country that laid ahead.

DID YOU KNOW?

From the end of the Revolutionary War to the War of 1812, the U.S. admitted five states to the Union: *Vermont* (1791), *Kentucky* (1792), *Tennessee* (1796), *Ohio* (1803), and *Louisiana* (on 30 April 1812).

THE WAR OF 1812 (1812–1815)

The War of 1812 was another confrontation between Britain and the United States. To the U.S., it was considered to be a struggle for American prestige and the chance to affirm its independence; however, to

Britain, it was nothing more than a sideshow to the war in Europe against Napoleon. To Canada, it was a clear case of American aggression.

Although the War of 1812 began over alleged British violations of American shipping rights, the three main causes for the War of 1812 were:

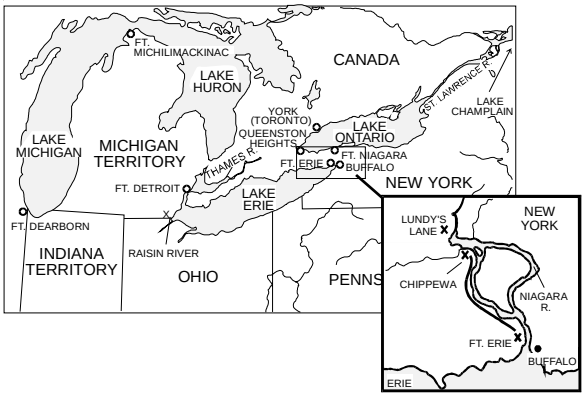
1. The seizure of cargo and U.S. merchant ships by the British navy (showing their refusal to recognize U.S. neutrality).
2. The **impressment** of American sailors.
3. Clashes with the British and their native Indian allies over land claimed by Britain (and the native Indians) during America's westward expansion.

Despite the fact that Congress had known for several months that war was likely, no real preparations were made. There was little money in the Treasury, the ill-prepared Regular Army had only about 10,000 troops — and very few trained officers, and the U.S. Navy had fewer than 20 seagoing ships.

THE FIRST YEAR OF WAR

Once Congress declared war on Britain on 18 June 1812, President James Monroe appointed General William Hull, Governor of the Michigan Territory, as commander of that area. Monroe gave Hull the missions of **neutralizing** the British threat and establishing a foothold in Canada. The American plan of attack called for a three-way invasion of Canada.

- Although Hull's force outnumbered the enemy (British soldiers, Canadian militia, and native American Indians) by nearly three to one, he was timid and cautious. As a result, the enemy force, led by Canadian Governor Isaac Brock, cut Hull's communication lines, trapped his entire force at Fort Detroit, and forced his surrender. After several more victories at Forts Michilimackinac and Dearborn (Chicago) by the British and their allies, the entire Ohio region and west of it was in danger of falling to the British in just the first few months of war.



- With Detroit captured, Brock shifted most of his men to the east to Queenston Heights to face a second U.S. invasion force from New York. Again, the Americans had the larger army, but due to problems crossing the Niagara River seven miles below Niagara Falls, they were easily defeated and 900 Americans surrendered. In this campaign, however, the Americans succeeded in killing Governor Brock.

- The three-way campaign to invade Canada failed after the third U.S. invasion force, advancing from New York to Lake Champlain on the Canadian frontier, refused to leave U.S. territory.

In the first two land battles of 1813, the Americans lost the first one when a detachment of Kentucky troops was defeated and captured by a force of British and native Indians at Raisin River in January. It was not until April that the American forces achieved their first land victory of the war. U.S. troops captured York (Toronto), the capital of Upper

Canada, held it for a short time, and burned several public buildings.

THE SECOND YEAR OF WAR

The U.S. Navy had much better success on the Great Lakes. American **privateers** succeeded in running the ineffective British **blockade** and Commodore Oliver Hazard Perry's brilliant victory on Lake Erie on 10 September 1813 defeated the British fleet. During that battle, Perry sent General Harrison the message: "We have met the enemy and they are ours." Perry's destruction of the British fleet forced the British to pull out of Detroit, and much of the Michigan territory came under U.S. control.

General Harrison was then able to ferry his army across to the Canadian side. Upon meeting a force of British and native Indians on 5 October 1813 at the Thames River, the Americans unleashed a fierce mounted attack on the enemy force, resulting in a rout of the British and the death of Chief Tecumseh — which broke the League of Indian tribes allied with the British and practically ended the cooperation between them on the northwestern frontier.

After this victory at the Thames River came a series of poor showings by over-age commanders and green recruits at Montreal, Fort Niagara, and Buffalo — which was burned by the British. Winfield Scott, then a 28-year-old brigadier general, set up a rigorous training program for his troops near Buffalo, New York. Like von Steuben at Valley Forge, Scott spent many hours drilling his men. After two months of intensive training, his men were ready for action. When the army's new blue uniforms failed to arrive, Scott put his men in gray — the color that the New York state militia usually wore.

DID YOU KNOW?

The present-day dress uniform of the West Point corps of cadets was adopted in tribute to the gray-clad victors at Chippewa.

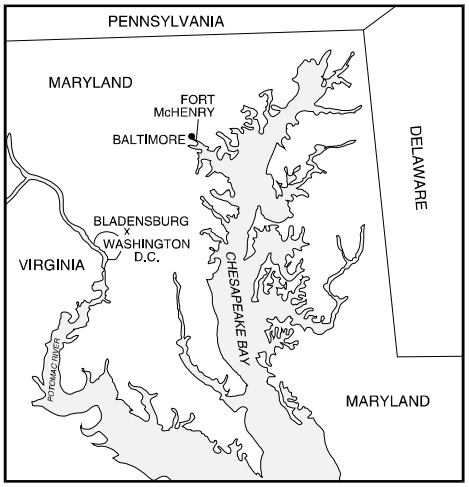
Then, over the nights of 3 and 4 July 1814, a force under General Jacob Brown and Scott's brigade crossed the Niagara River into Canada and approached the British near the Chippewa River. Scott formed his men in a "V" formation with the point to the rear. An artillery **battery** provided support.

The Americans marched forward so that both lead points of the "V" would hit the British flanks. Observing this formation, the British commander noticed the gray uniforms and said: "why, those are nothing but Buffalo militia." But, after the British cannon and rifle fire tore a gap in the lines and the gray-clad soldiers reformed and continued their advance, the British commander shouted: "those are Regulars." The Americans broke into a charge and as they fell upon the British lines, they "**mouldered** away like a rope of sand" as Scott reported it.

Then, on 25 July, a combined force of 4,000 Americans met a British force of 2,800 in another battle along the Niagara River at Lundy's Lane. Again, Americans proved their ability to withstand a ferocious battle against well-trained British regulars. The Americans had excellent leadership in the battle from Generals Brown and Scott. Both were wounded in the battle, Scott so badly that he saw no further service in the war. Although the battle was a draw, it forced the British to scale down their campaign along the Great Lakes.

THE FINAL SIX MONTHS OF WAR

By mid-1814, the British were able to tighten their blockade on the Atlantic coast. Using their advantage in naval power and reinforcements from the army from England, the British raided the coastline almost at will. The British were especially successful in the Chesapeake Bay area with raids on coastal towns in Virginia, Maryland, and Delaware.



The worst point of the war for the Americans came in August 1814. A British force of 4,000 troops under General Robert Ross landed in Maryland, crossed the upper Potomac River, easily defeated the Maryland militia at Bladensburg, then proceeded on to Washington, D.C. After capturing Washington on 24 August, the British troops burned the Capitol, the White House, and other public buildings before returning to their ships.

When the British assaulted Baltimore, they found that city well-defended. This time, the Maryland militia would not be defeated as they were at Bladensburg. Meanwhile, on the nights of 13 and 14 September, British ships bombarded Fort McHenry — which guarded Baltimore's harbor — but they were unable to force its surrender. With the British land attack on Baltimore stalled, their commander killed in the land assault, and their navy unable to neutralize Fort McHenry, the British withdrew.

> *Recall that Francis Scott Key wrote the words for the "Star Spangled Banner" during the bombing of Fort McHenry.*

As peace negotiations continued in Europe, the British sent 8,000 troops to capture New Orleans and possibly all of Louisiana. In response, General Jackson assembled a 4,500-man force composed of regulars, militia, Choctaw Indians, pirates, two battalions of free black Americans, and local recruits. Although Jackson established defensive positions behind earthworks and cotton bales along both banks of the Mississippi River, he expected the British to come up the river along the north bank — which is where he organized his main position. On 8 January 1815, the British attacked. As the British soldiers appeared out of the mist at a range of 300 yards, the Americans opened fire with an accuracy that the British had never seen in Europe. They withdrew with more than 2,000 killed or wounded while American casualties were less than 20.

However, unbeknown to both sides during the battle at New Orleans, both countries had signed the Treaty of Ghent two weeks earlier (on 24 December) ending the war. From this ironic twist came another; the treaty did not resolve the main issues that started the war — the British still refused to renounce its impressment, cargo seizures, or other shipping violations. Yet, America did manage to secure its independence from Britain once and for all. Over the next 30 years, as America continued to grow, the army grew very little. But, as a result of this war, a small professional army emerged.

DID YOU KNOW?

In 1824, Andrew Jackson, a general during the Battle of New Orleans, ran for the presidency. He received the most votes but not a majority, and the House chose John Quincy Adams instead. Then, in 1828, he won with a landslide victory.

CONCLUSION

After America won its independence in 1783, Congress nearly eliminated the army. The new government believed that a large standing army was no longer needed because the militias could defend the individual states. However, the violations of the Treaty of Paris by the British, the Indian threat on the frontier, the exploration of new lands, and the War of 1812 made a larger standing army necessary.

VIGNETTES OF MILITARY HISTORY

US ARMY MILITARY HISTORY RESEARCH COLLECTION

Holdfast

Contributed by Lieutenant Colonel George C. Wallace, Army War College Class of 1976

Captain Lukert hurried to stop a battle. Other men have raced to help start one.

Most people have read about the "message to Garcia" and how the brave Lieutenant Rowan took the message from President McKinley through miles of Cuban jungle to General Garcia. Some have also read about the feat of the Greek courier Phidippedes, who ran over 20 miles to Athens after the Battle of Marathon and, after uttering the words, "Rejoice, we conquer," fell dead. But, few have read or heard about perhaps the greatest runner in history. He was Sleeping Bear of the Mohegan Tribe, better known as "Holdfast Gaines." This is his story.

The year was 1814, and General Andrew Jackson needed reinforcements to fight the British at New Orleans. His only source of men was the troops from Kentucky and Tennessee that General William Carroll could muster at Nashville. But, Nashville was 600 miles away, and time was critical.

After studying his map, General Jackson told Holdfast that he could give him only ten days to deliver the message to Nashville, if the troops were to reach New Orleans before Christmas.

Holdfast started his epic run on November 7. There he was, a pureblooded Mohegan Indian, running through the country of the Creeks, Cherokees, Choctaws, and Chickasaws, to bring down a bunch of badly mixed backwoodsmen so they could help a Scotch-Irishman save the French-Spanish city of New Orleans from the British army. Through the days and some of the nights, his lean legs carried him along the Tombigbee River to Yowanni, Pontotoc, and Colbert's Ferry, and then along the Nachez Trace to Nashville.

General Carroll was having supper on the night of November 12, when Holdfast interrupted him to lay Jackson's message in his hands. When Carroll noted the date of the letter, he announced, in awe, that Holdfast had run the 600 miles from Mobile to Nashville in just six days.

Holdfast did not hear the excited talk throughout the night as plans were made to move down the rivers to Jackson's aid. He was fast asleep by the fireplace.

General Carroll and his 3,000 troops reached New Orleans in time to help Jackson defeat the British, thanks to the lost hero of the War of 1812, Holdfast Gaines, probably the greatest of all runners.

Source: *Odell and Willard Shepard, Holdfast Gaines, quoted in Hatchett Chandler's, Little Gems of Fort Morgan.*

GROWTH OF A NATION (1815–PRESENT)

LESSON 1: THE FORMATIVE YEARS (1815–1899)

abolitionist
amphibious
annexed
apathetic
aristocratic
confederate
conscription
emancipation
proclamation
expansionist
federals
fifth column
inaugurated
ironclad
manifest destiny
neutral
ordinance
pontoon
rebel
reconstruction
run
salient
seceding
sterotypes
sympathizers
union (2 different meanings)

INTRODUCTION

The Formative Years was a period of internal struggle, growth, and change for the United States. Although the nation underwent its most devastating war, The Civil War, it also experienced many inventions, personal achievements, and evolutions in the arts. During this period, the U.S. evolved into one of the strongest and most influential countries in the world.

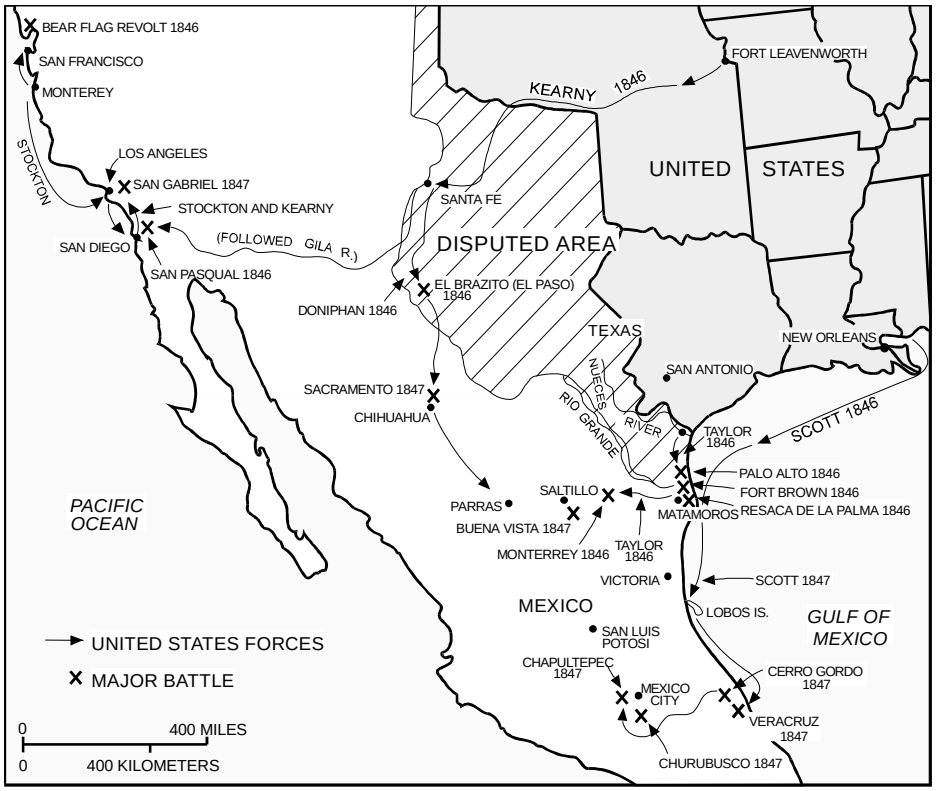
THE MEXICAN-AMERICAN WAR

After the War of 1812, America did not engage in any conflicts until 1845 when the U.S. **annexed** Texas.

Texas originally became a part of Mexico in 1821. Soon after, Stephen Austin arranged with the Mexican government to settle 300 American families in Texas. Then, in 1834, General Antonio Santa Anna, who was called the “Napoleon of the West,” became dictator of Mexico, threw out its constitution, and established a centralist government.

One year later, the Americans in Texas revolted against Santa Anna’s government and seized the Mexican garrison at San Antonio. Although they were defeated at the Alamo in 1836, the Texans under Sam Houston crushed Santa Anna’s forces at San Jacinto and captured him. To regain his freedom, Santa Anna signed a treaty recognizing Texan independence. The new republic of Texas included parts of present-day Colorado, Kansas, New Mexico, Oklahoma, and Wyoming. However, the Mexican government did not recognize Santa Anna’s treaty and removed him from office.

Texas remained a republic from 1836 until it was admitted to the Union as the 28th state in December 1845. But, Mexico, still claimed Texas and border disputes developed. One of these disputes was over the boundary between Texas and Mexico. Texas claimed the Rio Grande River as its southwestern border; Mexico said it was the Nueces River.



THE CAUSES OF WAR

Although the actual incident that led to the outbreak of hostilities with Mexico was a border dispute with Texas, the most recognized causes of the Mexican - American War were:

1. Mexico refused to recognize the annexation of Texas by the U.S. in 1845.

2. Mexico owed U.S. citizens about $3 million to make up for the lives and property lost in Mexico through revolution, theft, and confiscation since the 1820s. By the 1840s, many Americans demanded that the U.S. collect these debts by force.

3. The U.S. was in the midst of a growing **expansionist** movement and many Americans believed that the country was accomplishing its "**manifest destiny**" to expand westward.

THE FIRST YEAR OF WAR (1846)

By 1846, the Americans and Mexicans had been fighting for a year when Congress finally declared a state of war. The U.S. had two aims in the Mexican – American War: to occupy the territory that Mexico had been asked to sell and to invade Mexico in order to force them to agree to peace. President Polk went into the war clearly wanting to seize all of Mexico north of the Rio Grande and Gila Rivers and westward to the Pacific.

However, before the U.S. issued a declaration of war, General Taylor's force engaged the Mexicans in two battles north of the Rio Grande: at Palo Alto and Resaca de la Palma.

In the first of these battles, both sides clashed on 8 May 1846 on a plain northeast of Brownsville, Texas, at a place known as Palo Alto. After an hour-long artillery duel in which the American artillery proved to be

vastly superior, the Americans repulsed a number of Mexican attacks. With the coming of nightfall, the Mexican force withdrew.

These two forces met again on 9 May when a 2,300-man army under Taylor defeated 5,000 Mexicans at Resaca de la Palma, near Brownsville. After this defeat, the Mexicans scrambled back across the Rio Grande with heavy losses. As a result of these victories and the recently received declaration of war, General Taylor crossed the Rio Grande on 18 May, invaded Mexico, and occupied Matamoros, where he waited for the arrival of new troops.

THREE-PRONGED THRUST INTO MEXICO

After discussions between General Winfield Scott and President Polk, the strategy of a three-pronged thrust emerged. Taylor was to continue westward through Matamoros to the strategic city of Monterrey. Colonel Alexander W. Doniphan was to lead a second thrust down the middle of Mexico through Chihuahua to Parras. A third prong under Brigadier General Stephen W. Kearny was to proceed through Santa Fe on to San Diego, California.

The Monterrey Campaign

Monterrey guarded the pass that led through the Sierra Madre mountains. Mexican troops had turned Monterrey into a fortress city and fortified the hills on the outskirts of the city for protection. As Taylor approached the city from the north, he decided to attack from two sides.

On 20 September 1846, Taylor began his attack by sending one division around the city to cut off the road that would allow supplies into or prevent personnel from escaping the city. The Americans seized the Saltillo Road and forced the Mexicans to withdraw to the two fortified hills west of the city.

On the night of 22 September, the Americans rushed Independence Hill in a pouring rain. After stubborn resistance by the Mexicans, the Americans finally drove them from the hill and to the city. Now, the Americans controlled the western approach to Monterrey.

Meanwhile, Taylor led an attack on the other side of the city, also forcing the Mexicans within the walls of Monterrey. During 23 September, the Americans and Mexicans waged a bitter house-to-house battle. The next day, the Mexican commander agreed to surrender the city. Before the end of 1846, Taylor's forces succeeded in occupying Saltillo and Victoria, important towns in northeastern Mexico.

Doniphan's First Victory

In the thrust down the middle of Mexico, Colonel Doniphan's first campaign met with success. Midway enroute to his first objective, the Mexican city of Chihuahua, his force of about 850 troops engaged and defeated the Mexicans at El Brazito (present-day El Paso) on Christmas Day, 1846.

Occupation of New Mexico and California

In June 1846, General Kearny set out with about 1,700 troops from Fort Leavenworth, Kansas, to capture New Mexico. In August, the expedition captured the New Mexican town of Sante Fe without firing a shot and took control of New Mexico. The next, month, Kearny pushed across the desert to California.

Meanwhile, in June 1846, a group of American settlers in California revolted against the Mexican government. This rebellion became known as the "Bear Flag

Revolt" because of the portrayal of a grizzly bear on the settlers' flag. In July, U.S. naval forces under Commodore John D. Sloat captured the California town of Monterrey and occupied San Francisco.

On 6 December, Kearny led about 100 troops into a fierce battle at San Pasqual near San Diego. Reinforcements from San Diego helped save the small American force. In January 1847, U.S. troops under Kearny and Commodore Robert F. Stockton won the Battle of San Gabriel near Los Angeles. This victory completed the American conquest of California.

Even with all of these victories by the U.S. armed forces, Mexico refused to negotiate and the war continued into 1847.

THE FINAL YEAR OF WAR (1847)

THE BATTLE OF THE SACRAMENTO

In one of the first major battles of the year, Doniphan's army in the middle thrust won the furious Battle of the Sacramento just outside Chihuahua on 27 February, and marched into Chihuahua on 2 March.

THE BATTLE OF BUENA VISTA

To end this war, President Polk and his military advisors decided to land an army at Veracruz and strike a blow at Mexico City. However, Santa Anna — who was 200 miles to the south at San Luis Potosi — learned of the American plans and immediately led a 20,000-man army against Taylor at Buena Vista.

On 21 February, Taylor was surprised to find Santa Anna facing him with an army that outnumbered the Americans three to one. The hardest battle of this war began.

When it appeared that the Americans would be driven from the battlefield, down from the north came Colonel Jefferson Davis leading the Mississippi Rifles and the troops from Indiana, supported by two artillery batteries.

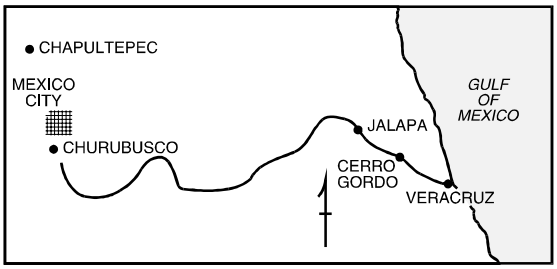
The Mexican attack was stopped cold as the Mexicans were forced back into their original positions. During the night, Santa Anna slipped away toward San Luis Potosi with his entire army. The Mexican army had suffered nearly 2,000 casualties, while the Americans had over 700 men killed and wounded. What had been a near defeat turned into a great American victory. The Battle of Buena Vista was the final major action in northern Mexico; it was significant because it ended any further Mexican threat to the Rio Grande valley.

DID YOU KNOW?

General Taylor became a hero because of his victories and was elected the 12th President of the United States in 1848.

VERACRUZ TO MEXICO CITY

General Scott was now determined to bring the war to a close by attacking Mexico City, the capital of Mexico. After picking up reinforcements at Lobos Island, (many of them were Taylor's men who had fled Buena Vista) Scott's force of 13,600 set sail for Veracruz. In what became the first major **amphibious** operation in the history of the U.S. Army, Scott's force came ashore on 9 March 1847. After 23 days, the siege and bombardment had taken their toll; Veracruz surrendered on 1 April.



After spending four months in camp, Scott reorganized his force that had been riddled by illness and expiring enlistments. When reinforcements arrived, bringing his force to about 10,000 men, Scott set out for the final leg of the advance to Mexico City.

Santa Anna attempted in vain to halt Scott's advance to the Mexican capital. Twice, the Mexican forces were defeated in very hard fighting with its army suffering over 5,000 casualties.

After these defeats, Santa Anna requested a cease-fire. Scott proposed a short armistice during which representatives of each government discussed peace terms. The Mexicans, however, used the armistice to strengthen their defenses of Mexico City. On 6 September, Scott halted the peace talks and prepared to assault Mexico's capital city.

One major obstacle, Chapultepec, remained before Scott could begin his final attack on Mexico City. Chapultepec was a fortified hill rising nearly 200 feet above the plain that guarded the city gates. The Americans overwhelmed the defenders and the hill was in American hands. Mexico City, now only two miles away, was at their mercy.

CONCLUSION

A U.S. victory was certain after U.S. forces captured Veracruz (March 1847), defeated General Santa Anna (April), and entered Mexico's capital city (September). Then, on 2 February 1848, Mexico gave up its claim to Texas at the signing of the Treaty of Guadalupe Hidalgo. The treaty had three significant terms:

1. The U.S. acquired from Mexico only the territory that President Polk originally asked for: the regions of California, Nevada, and Utah, most of Arizona, and parts of Colorado, New Mexico, and Wyoming.
2. Mexico recognized the American claim to Texas with the boundary at the Rio Grande.
3. In exchange for the terms listed above, the United States agreed to pay Mexico $15 million and to assume the unpaid claims by Americans against Mexico.

The Mexican–American War also served as a training ground for many of America's greatest military leaders on both sides of the next U.S. war — the Civil War. Some of these leaders from the Mexican – American War who went on to distinguish themselves in the Civil War were: Robert E. Lee, Ulysses S. Grant, Joseph E. Johnston, George G. Meade, P.G.T. Beaureguard, William T. Sherman, Braxton Bragg, and Jefferson Davis.

DID YOU KNOW?

Some historians believe this war was an unnecessary attack on a weaker nation, triggered by America's manifest destiny. Many Americans also opposed it, notably the author Henry David Thoreau, who was jailed for not paying a tax to support the war. His *Civil Disobedience* explains the principles of his action.

THE CIVIL WAR

THE CAUSES OF WAR

Beginning in colonial times, the North and South developed different lifestyles. If you traveled through the North you would see small farms harvesting grain or hay or raising livestock. If you traveled through the South, you would see many cotton fields. In the North, there were growing cities with busy factories. In the South, there were mostly plantations. Many of the differences between the North and South were due to the lack of roadways that would allow easy travel from one area to another. Without an effective means of transportation and communication, the two areas easily established different lifestyles.

The basic cultural differences between the North and South can best be summarized using **stereotypes** from that period. The South had a very small middle class because there were fewer and smaller cities in the South. Since there were more and larger cities in the North, it had a larger working class and more immigrants. Both the North and South had a large number of farmers on small farms, but the small farmer in the South was practically ignored because of the power of the **aristocratic** plantation owner. Consequently, many Northerners mistakenly believed that most Southerners owned slaves.

In the area of states' rights, many Southerners claimed that the North was trying to assert national power over the rights of the individual states. The southern states believed that the non-slave-holding states had no right to dictate laws that put restrictions on the slave-holding states. While many Northerners believed in states' rights, they also believed in preserving the Union and punishing the South for its "rebellion against the nation."

Concerning the extension of slavery into the western territories, many Southerners believed that the only way slavery could survive was to expand into new territories. This expansion would maintain the balance in the representation in Congress between free states and slave states, thus insuring the survival of the institution of slavery. Many Northerners were opposed to the further expansion of slavery, believing strongly that slavery should be restricted to the states where it currently existed.

Unfortunately, the North and South could not agree on many issues, especially slavery. Although there were other economic and social differences between them, the most important disagreements were over slavery and the South's desire for a strong local government versus the North's desire for a powerful **Union**.

A NATION DIVIDED

On 20 December 1860, South Carolina's newspaper, *The Mercury*, carried the following article:

"Passed at 1:15 o'clock p.m., December 20, 1860, an ***ordinance*** *to dissolve the Union between the state of South Carolina, and other states united with them under the compact entitled the Constitution of the United States of America.*

A sectional party has elected a man to the high office of President of the United States whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common government because he has declared that government cannot endure permanently half slave, half free. On the fourth of March next, this party will take possession of the government. The guarantees of the Constitution will then no

longer have the power of self-government or self-protection, and the federal government will have become their enemy."

DID YOU KNOW?

When Abraham Lincoln accepted the presidential nomination from the Republican Party, he said:

"A house divided against itself cannot stand. I believe this government cannot endure permanently half slave and half free. I do not expect the Union to have dissolved — I do not expect the house to fall — but I do expect it will cease to be divided. It will become all one thing or all another."

On 4 March 1860, President Lincoln was **inaugurated**.

When the United States elected Lincoln, the South responded to their new president by **seceding** from the Union. By 1861, Mississippi, Alabama, Florida, Georgia, Louisiana, Arkansas, Virginia, and Texas joined South Carolina and formed a new nation. They drew up the Constitution for the **Confederate** States of America and elected Senator Jefferson Davis as their president. On 12 April 1861, the Civil War began.

In any civil war, loyalties to the family and to the country often become divided. The American Civil War was no different. Many men faced the dilemma of choosing between duty to their state and duty to the nation. For Robert E. Lee of Virginia, duty lay with his home state, so he joined the Confederate army. For George H. Thomas, also of Virginia, duty lay in support of the Federal government. The Civil War also became a struggle of brother against brother. One example is the Crittenden family of Kentucky. Although their father was a U.S. senator, Thomas Crittenden became a Union officer while George Crittenden became a Confederate officer.

PREPARATIONS FOR WAR

By the time the North had assembled a large volunteer army, the Confederacy had already been forming and training its forces. The two Union leaders were: General Irvin McDowell, commander of the troops around Washington, D.C., and General George B. McClellan, a commander in western Virginia. For the Confederacy, Generals P.G.T. Beauregard and Joseph E. Johnston commanded the Confederate troops that formed in Virginia.

However, as the two sides prepared to wage war against each other, most of the advantages were clearly with the North. The North had a much larger population, more factories that could produce war materials and manufactured goods, more miles of railroads, and greater agricultural output than the South. The only real advantages for the South were good interior lines of communication, a long stretch of coastline and waterways that would be nearly impossible to blockade, and a rich military tradition (as evidenced by their skills

in marksmanship and cavalry tactics, and the number of outstanding general officers).

THE FIRST MAJOR BATTLE

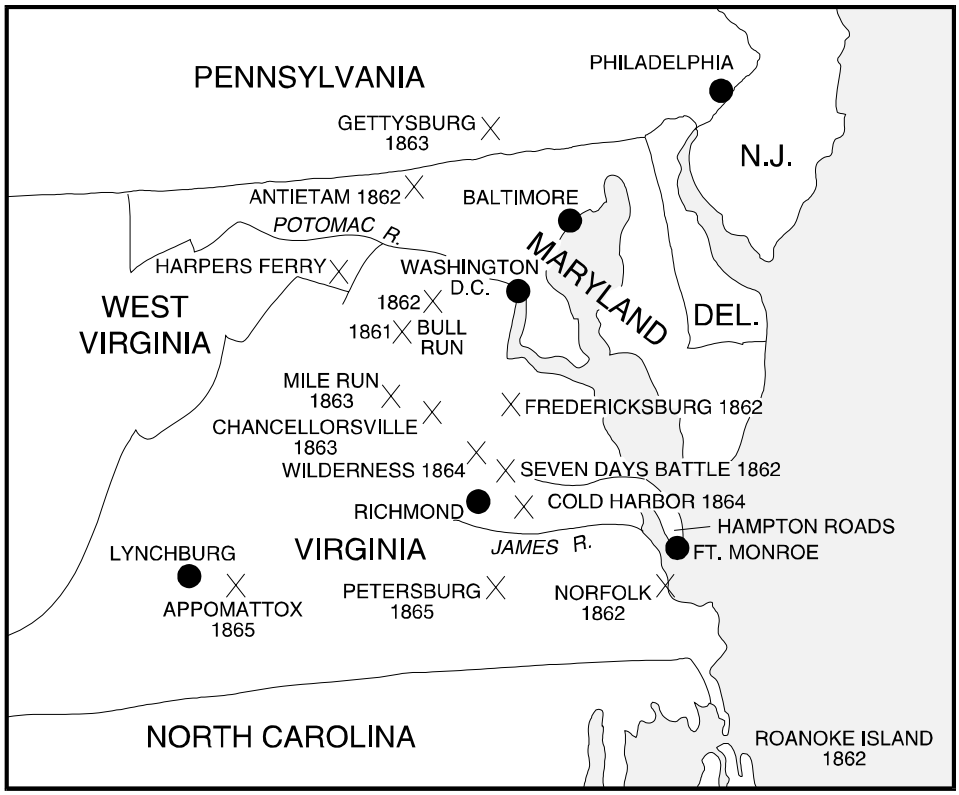
With the 90-day enlistments soon to expire and the public clamoring for action, Union troops marched from Washington in July 1861. As the shout "On to Richmond" swept the North, Federal forces under McDowell marched into Virginia in high spirits. Congressmen, government officials, and their wives went along to watch "the rebellion crushed in a single blow." The Confederates, under Beauregard and Johnston, met them along a **run** near the railroad center at Manassas Junction.

The Battle of Bull Run

The Battle of Bull Run on 21 July 1861 was an exercise in confusion as two ill-trained and ill-disciplined armies locked in fierce combat. Delays by McDowell allowed Confederate reinforcements to arrive and to strengthen their lines. At first, it seemed that the Federal forces had the upper hand, but after the arrival of Confederate reinforcements combined with the confusion created by Confederate troops in blue uniforms marching into the Union lines, the fate of this battle was still undecided.

A Confederate brigade under General Thomas Jackson held firm against a savage Union charge just as the Confederate reinforcements arrived. Observing Jackson's men, another Confederate officer yelled, "There's Jackson, standing like a stone wall. Rally behind the Virginians." Jackson earned his famous "Stonewall" nickname from this encounter. With the Union charge stalled, McDowell ordered a retreat — which became an unorganized rout as the Federal troops fled back to Washington, mingled with the crowd of civilians who came to watch.

This first major battle of the Civil War was a victory for the Confederacy, and it had two important results:



- The North realized that it could not win this war quickly. Therefore, it had to follow the advice of its military leaders on how to defeat the Confederacy.
- The South became overconfident, called for more volunteers, and sent representatives to Europe seeking recognition and assistance.

WAR IN THE WESTERN STATES

As both sides prepared for the battle at Bull Run, armies in the west were also maneuvering to strike at each other. Although Missouri, a Union slave state, had declared itself a border (or **neutral**) state, a large part of it was under Confederate control. Bands of southern guerrillas based in Missouri raided at will, and the Confederacy massed large armies in southwestern Missouri, on the Mississippi River at New Madrid, and more in western Tennessee.

With the town of Cairo, Illinois, located where the Mississippi and Ohio Rivers meet, General Albert S. Johnston, the Confederate commander in the west, realized that it would play a key role in any Union invasion of the South. In fact, "whatever nation gets control ... of the Ohio, Mississippi, and Missouri Rivers will control the continent." Flowing north to south, and broad enough to carry invading armies, these rivers plunged into the heart of the Confederacy. Johnston, a professional soldier and a master of tactics and strategy, positioned Confederate forces where they could control the Tennessee, Cumberland, and Mississippi Rivers. He remained with forces that occupied the neutral state of Kentucky.

General John C. Fremont, the Union commander in the west, sent reinforcements to Cairo and placed the forces there under the command of an unknown general named Ulysses S. Grant (pictured on this page) — who after the war became the 18th U.S. president.

As the Confederates took the initiative, Grant pushed for action — determined to open a route into the western part of the Confederacy.

On 6 February 1862, Grant led a combined naval/land force up the Tennessee River to Fort Henry. After the first models of **ironclad** gunboats (the most significant naval development of the war) under the command of Commodore Andrew Foote hammered the walls of that fort from almost point-blank range, Grant's soldiers easily captured it.

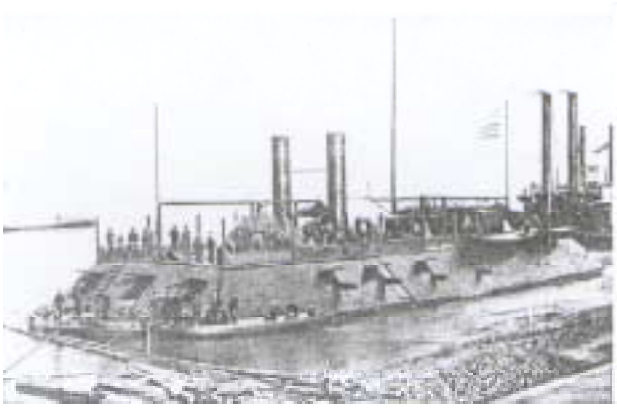
Then, he moved swiftly across the 12 miles to attack the stronger Fort Donelson on the Cumberland River. With this fort positioned high on a bluff, the shells from the gunboats arched harmlessly over it while guns from the fort smashed into the ironclads, sinking two and damaging the rest. When the naval attack failed, Grant's soldiers besieged the fort. After a **Rebel** attack in bitter cold weather failed to hold a break it had made in Grant's line, Simon Buckner asked for surrender terms. Grant's blunt reply was: "No terms except unconditional and immediate surrender can be accepted." Buckner accepted. The surrender of Forts Henry and

Donelson, and another Union victory at Pea Ridge, Arkansas accomplished the following:

- Prevented the Confederacy from controlling the Mississippi River as well as the lower Tennessee and Cumberland Rivers.
- Drove Confederate forces from Missouri.
- Broke the Confederate line in the west as all of Kentucky and the northern parts of Mississippi, Tennessee, and Alabama laid open to the Union armies.

The Battle of Shiloh

However, the Confederacy quickly recovered from those defeats. On 6 April, 40,000 soldiers under Albert Johnston attacked Grant's encamped army on the banks of the Tennessee River near the Shiloh church at Pittsburg Landing. Since the Union army was on an offensive mission at the time and had only temporarily halted in anticipation of reinforcements, it did not expect the attack and it was not entrenched.



The resulting Battle of Shiloh that morning was actually a fight between two armies of boys. Most of them did not have any battle experience or formal training, and some did not even know how to use their muskets. By nightfall, the Rebels had inflicted heavy losses on the Yankees and had pushed them back against the Tennessee River. But, the Confederate success had been costly; Johnston had been shot and he bled to death before a doctor could treat him.

That night, the Union reinforcements arrived and the next morning Grant counterattacked. The demoralized Rebels retreated, but there was no pursuit. Although Grant was highly criticized for this defeat, President Lincoln loyally stood by him. After Shiloh, however, the Confederacy's fortunes in the west dwindled for the remainder of the war.

THE WAR AT SEA

The North set the pace for the war at sea from the very beginning when President Lincoln established the naval blockade. Within a year, the Union armed and sent almost anything that could float to stations off southern ports. Although a number of Confederate blockade runners were successful at getting past the slower Union ships in the first two years of the war, as the North built better ships and captured more port cities, the blockade became more effective.

The first ironclad commissioned by the Confederacy was the *Virginia*, known as the *Merrimack* by Northerners. It destroyed or damaged three wooden Union warships in its maiden battle on 8 March 1862. But, the North countered the *Virginia* with an ironclad called the *Monitor*. The next day, the *Virginia* and *Monitor* squared off in a naval duel off Hampton Roads, Virginia. Although the battle was a draw, the *Virginia* withdrew to Norfolk, never again to menace Union ships.

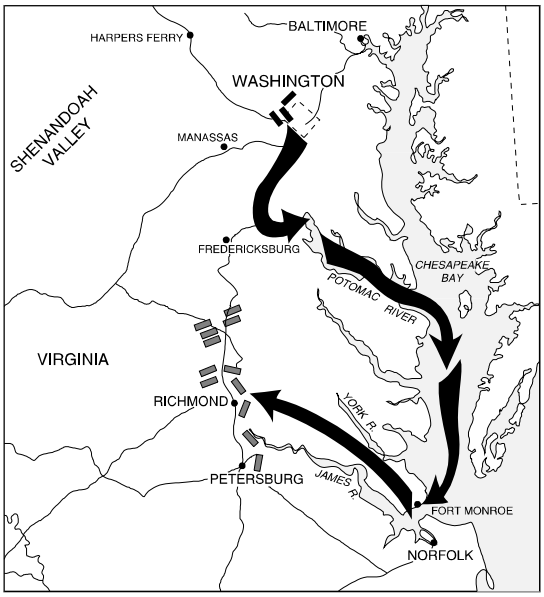
During the war, the South was never able to match the naval power of the North, because of the North's access to vast materials from which to build more ships,

including ironclads and gunboats, which were used to defeat the Rebels in river warfare.

THE UNION'S PENINSULA CAMPAIGN

Back in Washington, President Lincoln chose General McClellan to command the Army of the Potomac. While in command in western Virginia, Mc-Clellan had a number of early victories over the Confederates and was instrumental in driving them from the counties that eventually made up the state of West Virginia (which did not achieve statehood until 20 June 1863).

On 17 March 1862, McClellan loaded his force of 121,500 men onto 400 vessels. After three weeks, the Army of the Potomac reached Fort Monroe, then Yorktown on 5 April. Although there were only 11,000 Confederate troops in Yorktown, McClellan believed that number to be 100,000 and he asked President Lincoln for reinforcements.



Lincoln promptly replied, "you had better break the enemy's lines at once." However, McClellan dug in instead and besieged Yorktown for almost a month, giving General Joseph Johnston time to move his army into the Peninsula. Finally, on 3 May, McClellan's force left Yorktown. Initially, Johnston steadily withdrew all the way back to within five miles of Richmond by 24 April, but again McClellan stalled. Although he outnumber Johnston's army three to two, he remained convinced the opposite was true and demanded that McDowell's army be sent to reinforce him.

Meanwhile, Lee (pictured below) had ordered Jackson to engage McDowell's force in the Shenandoah Valley. Facing a force twice his size, Jackson waged a classic campaign and prevented McDowell from reinforcing McClellan. Jackson then moved his force down from the Shenandoah Valley and joined Lee, giving the Confederates a combined force of nearly 85,000 men at Richmond. With this advantage, Lee decided to attack McClellan's force.

On 31 May, after constant rain had flooded the area and divided McClellan's force, Johnston attacked the smaller of McClellan's forces. During the battle, Johnston was severely wounded and President Davis placed Lee in command of the Confederate army. Determined to hurl McClellan from Richmond, Lee attacked him again and again.

In the seven days that followed, between 25 June to 1 July 1862, McClellan won four of the five battles, but proved as fearful in victory as in defeat, backing steadily down the Peninsula. Although Lee's forces suffered a higher number of casualties, McClellan refused to counterattack. Finally, the Union army boarded steamers and withdrew from the Peninsula, ending the Union's Peninsula Campaign. For the second time, the Confederacy was able to protect its capital and force the Union army to retreat and regroup.

THE SECOND BATTLE OF BULL RUN

After the Union forces failed to take Richmond, President Lincoln chose General Henry W. Halleck as General in Chief of the Union forces. Halleck was famous for his writings on military strategy before the war.

Halleck's plan was to bring McClellan's force back up from the Virginia peninsula to the Potomac River and move General John Pope's force toward Fredericksburg to link up with McClellan. If these maneuvers were successful, Lee would be caught in a vice. However, Lee realized that his army was in a dangerous position. Therefore, he decided to concentrate on Pope, since the Confederate forces outnumbered Pope's forces. Lee's plan was to outflank Pope and cut him off before McClellan's force could join him.

Although each side captured a copy of the other's orders, enabling both Lee and Pope to learn the intentions of the other, Lee still out-maneuvered Pope's forces. First, Lee sent Jackson on a march around the Bull Run mountains and had him dig in on Stony Ridge, near the site of the old battlefield. Pope found Jackson's force on 29 August 1862 and attacked. While Jackson's force held their ground, Lee then sent General James Longstreet against Pope's flank with five divisions on 30 August. The result was a sweeping victory for Lee as Pope's army suffered 25,000 casualties and limped back to Washington.

THE NORTH INVADED

After this victory, Davis and Lee decided that the South should go on the offensive. Within a week of the Second Battle of Bull Run, Lee's army of 50,000 men crossed the Potomac River into Maryland. Lee's reasons for invading the North were:

- The North was rich in farmland still untouched by the war.
- Lee hoped he could bring Maryland, a border state, into the confederacy.
- Lee wanted to threaten the key cities of Washington, Baltimore, and Philadelphia, while cutting the lines of communication to the West.

When Lee's lean, hungry, and dirty troops entered Maryland, the people of Maryland did not welcome them as allies, but as invaders who were there to plunder the land. As Lee's army pressed on, Jackson's force broke away from Lee and captured the Federal arsenal at Harper's Ferry.

McClellan learned the exact position and intent of Lee when a Union private found a copy of Lee's orders on a hillside. However, since McClellan did not act on this information immediately, which could have cut Lee off from Jackson, Lee's force was able to withdraw while another Confederate force slowed McClellan's advance down at South Mountain.

The Battle of Antietam

Finally, the two forces clashed near Antietam Creek, at Sharpsburg, Maryland, on 17 September 1862. The Yankees (Union

soldiers) launched one assault after another against the Rebel lines, but those lines did not break and by the end of the day, both sides had suffered over 10,000 casualties. For the Confederacy, these figures were devastating because they represented about one-fourth of Lee's force. As McClellan hesitated again, the next night Lee's army slipped across the Potomac River ending the Confederate's invasion of the North. Although many historians consider the battle itself to be a draw, others consider Antietam to be a Union victory because Lee's advance was stopped.

As both sides regrouped after this battle, President Lincoln replaced McClellan on 7 November 1862 with General Ambrose Burnside as commander of the Army of the Potomac. Burnside had previously been successful in capturing North Carolina ports for the Union.

DID YOU KNOW?

Sideburns got their name from General Ambrose Burnside, who was famous for wearing the long whiskers.

The Battle of Fredericksburg

Burnside decided to march against Lee's forces at Fredericksburg, then to cut the Confederate rail lines to Richmond — thus cutting Lee off from his supply base. Unfortunately, Burnside was unable to succeed in even the first part of this plan. On 13 December 1862, Lee's forces delivered a crushing defeat to Burnside at Fredericksburg. The Union had 12,000 casualties, more than twice that of the Rebels.

THE WAR CONTINUES IN THE WEST

While Lee's troops were invading Maryland, President Davis ordered a force under General Braxton Bragg to move into Kentucky. However, after being defeated by a much larger Union force at Perryville, Kentucky, in October 1862, Bragg was forced to retreat. The only other major action in the West was at Murfreesboro, Tennessee, on the last day of 1862. Many men on both sides fought bravely, but the battle ended in a draw on 2 January 1863.

At the end of 1862, Missouri, Kentucky, and most of Tennessee were in Union hands, and except for Vicksburg and Port Gibson, the Union also controlled most of the Mississippi River. For 1863, Vicksburg was the focus of the Union's strategy in the west.

THE SITUATION ENTERING 1863

In January 1863, the Confederacy still had the opportunity to win more victories, but three campaigns would take place that would contribute greatly to final victory for the North.

- One campaign would result in the Union being able to control the Mississippi River.
- A second campaign, occurring concurrently with the first, would destroy any Confederate hopes for defeating the North by invasion and obtaining recognition in Europe.
- A third campaign, which developed more slowly, would result in the Union being able to launch an invasion into the heart of the Confederate states in the deep South.

By the spring of 1863, the Union was pressing hard on the Confederacy from all sides. The Union blockade was starting to reduce the flow of foreign goods to the South as well as the flow of southern exports to Europe. Additionally, the Union controlled most of the western part of the Confederacy

and had massed more than 120,000 men around Washington, D.C., for another attempt to take Richmond.

Once again, President Lincoln decided that a new commander was necessary to lead the North to victory, so he selected General Joseph Hooker as commander of the Army of the Potomac. With all of these developments, Northerners regained their confidence that the war could be brought to an end quickly.

IMPACT OF THE EMANCIPATION PROCLAMATION

On 22 September 1862, after President Lincoln had been persuaded that the Battle of Antietam was a Union victory, he issued a preliminary **emancipation proclamation**. He stated that if the Confederate states did not return to the Union by 1 January 1863, he would declare all Confederate slaves *"forever free."* When the Confederacy refused his offer, he issued the Emancipation Proclamation on New Year's Day, 1863. It had the following effects:

- The North was now fighting for more than the restoration of the Union, it was fighting to end slavery.
- Free black men could now join the Union army. (Although black Americans had fought in the Revolutionary War and War of 1812, they were not members of the army.)
- Black laborers could flee from their masters to the safety of the Union soldiers.

At first, black soldiers performed only menial tasks such as guard duty; however, the Union later organized them into black combat regiments led by white officers. Since most of them were escaped slaves, they were determined to fight to secure their freedom. In fact, they fought harder and with greater bravery than white troops because they knew if they were captured, they would be returned to slavery or hanged. A number of these black combat regiments distinguished themselves in battle and 23 black Union soldiers won the Congressional Medal of Honor during the Civil War.

Although the Confederacy passed a law in March 1865 that allowed the enlistment of slaves, this desperate act was too late. Meanwhile, black Union soldiers in the west and in the Army of the Potomac would play an important role in the final victory over the South.

DID YOU KNOW?

The African-American Civil War Memorial, the first national monument to American black troops, was dedicated on 18 July 1998 in Washington, D.C. It contains the names of nearly 209,000 black Union soldiers and sailors and their white officers.

THE BATTLE OF VICKSBURG

In the west, General Grant planned his campaign against Vicksburg with the ultimate objective of opening the Mississippi River to the Union. Grant viewed all aspects of the war — battle, maneuver, victory, and defeat as a means to achieve the objective. In the campaign for Vicksburg, Grant overcame the harsh geography and a stubborn defense by the gritty Rebel defenders to achieve a great victory with a relatively small number of casualties.

On 31 January, Grant positioned his 45,000 troops to take Vicksburg. Over the next two months, he made five attempts to assault the town, but they all failed. However, these failures only made him more bold and

determined. By the middle of March, Grant decided to take his men south and cross the Mississippi River far below Vicksburg and approach it from the east. In 18 days, Grant's force crossed the river, marched 180 miles through hard country, and won five battles at Port Gibson, Raymond, Jackson — the capital of Mississippi, Champion's Hill, and Bridgeport.

Upon reaching the high ground near Vicksburg, Grant's force discovered the strength of the town's fortifications. Twice, the Yankees tried to break through the seven-mile line of trenches. All during the night of 21 May, mortar shells from Union gunboats burst over Vicksburg. Then, at 2 a.m., every cannon along the front opened fire. Eight hours later, the Yankees charged from their entrenchments. They fought gallantly, but the Rebel defenders under General John C. Pemberton stood their ground. Grant's men then dug in for a siege. A siege meant constant weeks of digging trenches, exchanging cannon and rifle fire, and preventing Confederate counterattacks. Inside the town, the situation became desperate as the Rebels went without food or supplies.

By the end of June, soldiers and civilians inside Vicksburg were reduced to eating mules, horses, cats, and dogs. As the trench lines closed in on the city, General Pemberton saw that there was no escape and surrendered to Grant on 4 July 1863. Vicksburg was a decisive victory for the North because:

- The Union now controlled the entire Mississippi River.
- The Confederacy was cut in half.
- Grant removed an entire Confederate army of 31,000 men from the war.

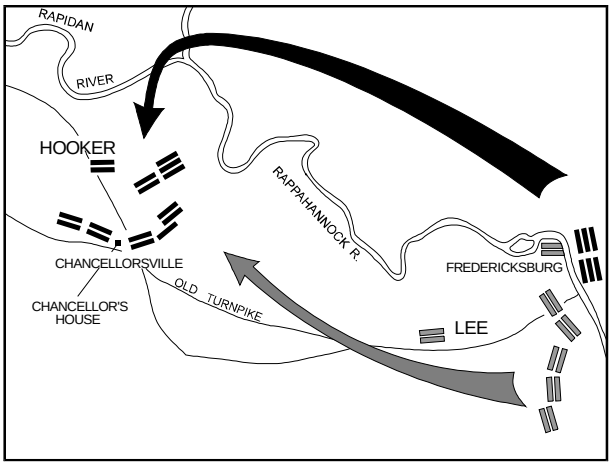
ANOTHER UNION OFFENSIVE IN THE EAST FAILS

Under Hooker's leadership, the Army of the Potomac grew to 134,000 well-equipped men, and discipline, morale, and training had improved. However, Hooker became overconfident that he could crush Lee's force, weakened by two years of war and the naval blockade, to achieve a total Union victory. At that time, the Confederacy was experiencing a severe shortage of men and supplies, such as guns, ammunition, food, and clothing. In fact, many of Lee's army of 60,000 men at Fredericksburg lacked shoes.

Hooker's plan was to approach Fredericksburg again from the north, leave a small force in front of the town to keep Lee's force busy, then swing the majority of his force wide to the right and attack Lee from the west. Once this maneuver was successful, Lee's force would be trapped between the two converging Union forces and defeated.

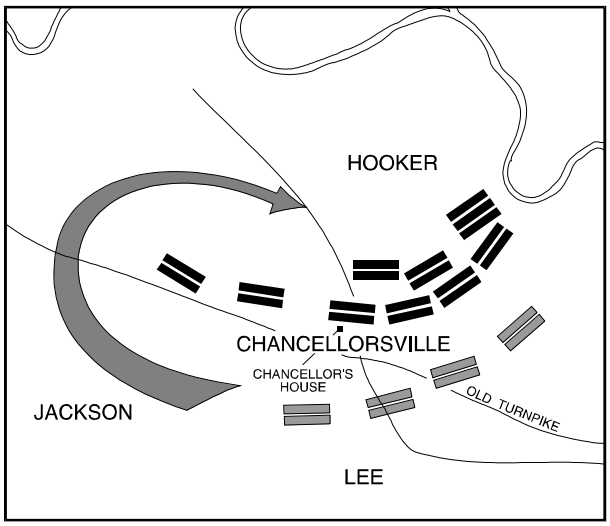
The Battle of Chancellorsville

Late in April 1863, Hooker's wing of the army moved out of its camp opposite Fredericksburg to begin its long march to the west.



On 29 April, his force crossed the Rapidan River, and by the next day, Hooker was at Chancellorsville — just 12 miles from Fredericksburg and well behind Lee's lines.

Lee realized that his army was in danger and reacted quickly. On 1 May, leaving only 10,000 men at Fredericksburg, he took 45,000 men and marched hard for Chancellorsville — a daring measure defying all military convention by dividing his outnumbered force. The Battle of Chancellorsville was Lee's finest battle. Although Hooker had 70,000 men, on the next day Lee sent Jackson with 26,000 men on a long march through the woods in front of the Union army to attack Hooker's right flank.



The **Federals** thought the Rebels were in retreat, so they attacked. But, the weakened Union line was caught between Jackson and Lee. The battle raged through the night, resulting in the Rebels soundly defeating and driving Hooker's force back to the Rappahannock River. Then, on 3 May, Lee moved to meet the other Union force as it advanced west from Fredericksburg. Halfway between these towns, Lee's force was victorious again.

Chancellorsville was a great victory for the South. Hooker's army was battered and beaten as it retreated across the Rappahannock to regroup. Unfortunately, it was a costly victory for the South. On the night of 2 May, as "Stonewall" Jackson returned from a reconnaissance for a night attack, he was accidentally shot in the left arm by his own sentries. After having his left arm amputated the next morning, Lee said "... I have lost my right (arm)." Jackson died seven days later.

THE NORTH IS INVADED AGAIN

After his victory at Chancellorsville, Lee went to Richmond to meet with President Davis. The two men reached the decision to invade Pennsylvania. They believed that if the Confederacy could win another major battle, this time on northern soil, the war could be brought to an end.

Plus, Lee hoped that by invading the North, the Confederacy would acquire more food and supplies and force the Union to divert troops from the west — specifically from Grant's siege at Vicksburg — to help defend Washington D.C. On the other hand, Lee knew that another invasion of the North would be very risky because his force would still be heavily outnumbered. But, whether Lee's army remained in Virginia or not, a major victory by the massive Union army could result in the South losing its army and possibly the war.

Lee proceeded with the plan to invade the North by marching through the mountain passes of Virginia and then through western Maryland and into Pennsylvania. As Lee's army advanced, Jeb Stuart's cavalry rode all over southern Pennsylvania. Lee's army stopped to camp on 30 June at Cashtown, a tiny town near Gettysburg and the site where he wanted to fight the Yankees.

The Battle of Gettysburg

However, the next morning, several Confederate brigades ran into the Union cavalry at Gettysburg. At first, the Rebels thought they were merely facing local militia. As they approached the town from the north, intense firing broke out as the Union force dismounted to face the Rebels. The Union cavalry held on until more infantry could arrive. These Union troops were not militia, but part of the Army of the Potomac.

Thus began the Battle of Gettysburg, the turning point of the war in the east. Although neither side had planned to fight at Gettysburg, these initial clashes led to a major concentration of both armies in the fields and hills around this Pennsylvania town.

The main body of the Army of the Potomac, now under the command of General George G. Meade, rushed to meet the Confederates. Meanwhile, Lee also moved toward Gettysburg with his main body. Directing the initial Union defenders around Gettysburg was General John F. Reynolds, a native Pennsylvanian. As he mounted the ridge near the Lutheran Seminary, he looked out across his battleline and saw more columns of gray coming toward him. Looking to the south of the town, he noticed that the hills there had the shape of a giant fishhook that dominated the countryside.

Cemetery Hill formed the bent part of the hook. The barb was a lower knoll called Culp's Hill to the north and east. Little Round Top and Big Round Top, at the southern end of the formation, formed the eye of the fishhook. Paralleling this smaller fishhook was a similar formation to the west called Seminary Ridge. These features would become renowned before the next few days had passed.

Reynolds saw that the ground around Cemetery Hill would be the best for defense. He sent a note to Meade with that recommendation. Soon after Reynolds made that decision, he was killed.

During the afternoon of 1 July, the Union troops retreated back through Gettysburg and retired to Cemetery Hill. That night, Lee arrived and set up his headquarters on Seminary Ridge. Meanwhile, Meade worked to organize a defensive line southward to the Round Tops.

Heavy fighting erupted on 2 July as Lee sought to outflank both ends of the Union line. The Confederates made strong attacks against Culp's Hill and at the positions in front of the Round Tops on the other end. The Federals held on to the right, though Rebels were on the slopes of the hill and held the initial advantage.

As more Confederates began climbing up the lower slopes of the Round Tops, a Union general noticed that the two hills had been left unguarded, so he gathered a small force and raced for both summits. The Yankees held those hills with bitter hand-to-hand fighting among the boulders and thickets. Darkness closed in on the second day and both sides braced for the next day.

Lee was outnumbered at Gettysburg, but he thought he could win by attacking. After trying the flanks of the Union line, he decided to attack the center on 3 July. He directed 15,000 men under General George Pickett to make the charge. All morning, the units massed around Seminary Ridge. The assault formation was nearly one mile wide and it had to march across nearly one mile of open fields to reach the Union positions.

At 1 p.m., Confederate artillery opened a barrage on those positions. Not all of the Union artillery could fire on Seminary Ridge, but some responded. During the next hour, the batteries kept up the fire in the greatest artillery duel ever to take place on the American continent. To save ammunition, replace damaged pieces, and cool the guns, a Union artillery chief ordered a cease fire. The Rebels, whose own ammunition was running short, thought this meant that Union artillery had been knocked out. At 3 p.m., Pickett's men attacked.

In perfect formation, the gray lines moved across the fields. With a "rebel yell," they marched through shot and shell toward the Union lines. A few Rebels struggled right into the Union battery positions, but the Confederate surge was so weak that Union infantry counterattacked and drove back Pickett's troops.

The remnants reached Seminary Ridge shattered and defeated. In three days at Gettysburg, Union forces suffered 23,000 casualties (over 3,000 were killed) while the Confederate forces had over 28,000 casualties (with nearly 4,000 killed). After the defeat at Gettysburg, Lee was unable to mount another major offensive for the remainder of the war.

POLITICAL PRESSURES OF THE WAR

By mid-1863, President Lincoln was facing heavy political pressure because opposition to the war was growing. In fact, many Northerners were becoming **apathetic** toward it. They were almost ready to accept the Confederacy as a separate country if it would end the fighting and killing.

Jefferson Davis was also facing political troubles. His biggest problem was that since the Confederate states strongly believed in States' rights, they did not want a strong central government. However, Davis realized that only a strong central government could sustain the war effort by pooling the limited resources from the individual states. Davis would fight this losing battle throughout the war.

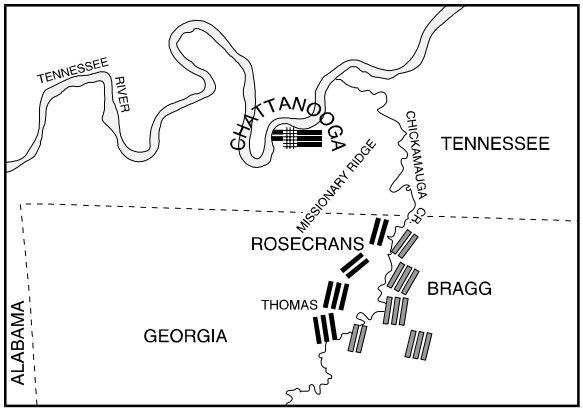
THE CAMPAIGN FOR CHATTANOOGA

At the end of June 1863, General William S. Rosecrans, the Union commander in Tennessee, set out with his force from Murfreesboro with the goal of capturing Chattanooga. The North considered Chattanooga to be a strategic city because it was the junction of a number of important railroads and the Tennessee River also passed by it. If the Confederates held Chattanooga, they could threaten Kentucky and prevent a Union thrust into the southeastern part of the Confederacy. If the Union forces could secure it, they would be in position to strike at Atlanta and the deep South.

Rosecrans' force outnumbered the Confederate soldiers in the area, who were commanded by General Bragg, but Rosecrans decided to get the advantage on Bragg by outmaneuvering him. Rosecrans marched his force into northern Alabama, then swung northward back across the Tennessee River; he planned to approach Bragg from the southwest, trapping the Confederates in Chattanooga.

The Battle of Chickamauga Creek

However, Bragg discovered Rosecrans' scheme and evacuated Chattanooga. Thinking that the Confederates were demoralized and in retreat, Rosecrans' force pursued the Rebels. Since Bragg was not retreating, on 18 September 1863 he positioned his force around Chickamauga Creek in northern Georgia.



When a Confederate corps arrived from Virginia to reinforce Bragg, he decided to cross the Chickamauga and attack Rosecrans' force. During the two-day battle that followed, fierce Confederate attacks forced a gap through the Union lines. The Union left flank and center crumbled, but the right flank under General George H. Thomas stood fast as the rest of the Yankees streamed back toward Chattanooga.

Rosecrans believed that he had been beaten, so he also returned to Chattanooga to organize the Federal defenses. Thomas' courageous defense allowed the Union forces to reach Chattanooga safely and earned him, and his unit, the nickname of "The Rock of Chickamauga." Chickamauga was a Confederate victory, but Bragg did not take the opportunity to follow and crush Rosecrans' force.

The Battle of Chattanooga

After Chickamauga, Grant placed Thomas as the Union commander in Tennessee. As Thomas set out building the Union defenses, Bragg positioned his forces to lay siege to Chattanooga. Now, it was the Federals' turn to be besieged without adequate supplies. Grant telegraphed Thomas to hold his position at all costs. Supplies arrived by steamboat and were then transferred by wagon trains. Along with these supplies was the arrival of more reinforcements from the Union armies belonging to Generals Hooker and William T. Sherman.

General Grant also arrived to take command of the Federals at Chattanooga. Bragg, already outnumbered, made the mistake of sending 12,000 men to attack the Union forces at Knoxville. Grant took this opportunity to assault the flanks of the Rebel siege lines. In a series of battles that took place from 23 to 25 November 1863, the Union forces routed Bragg's army on Missionary Ridge and forced the Confederates to flee in disorder to Georgia.

The battles at Chattanooga were some of the most complete Union victories of the war, and they produced the following results:

- The North destroyed Bragg's army, preventing it from becoming a serious offensive threat for the rest of the war.
- The rail center at Chattanooga and all of eastern Tennessee were in Union hands.
- The way was open for a Union invasion of the deep South.

LINCOLN FINALLY FINDS A GENERAL

In March 1864, President Lincoln promoted Grant to lieutenant general and named him the General in Chief of the Union

forces. By mid-April, Grant issued orders to the commanders of the four Union armies, who would execute the grand strategy that he had formulated over the past three months. However, Lincoln was forced to veto some of those strategies for political reasons.

Grant's Strategies for Victory

Nonetheless, Grant's strategy for defeating the Confederacy consisted of the following:

- Meade's Army of the Potomac and Burnside's Corps, a combined force of 120,000 men, would be the main attack against Lee's force of 63,000. Grant would be the overall commander in this sector — his primary aim was the annihilation of Lee's army.

- Two minor thrusts were to support the Army of the Potomac in finding and defeating Lee: A force of 33,000 men under General Ben Butler was to follow the James River to Richmond, capture it if possible, and destroy the railroad system near Petersburg. Another force of 25,000 men under General Sheridan was to advance through the Shenandoah Valley and capture the key railroad center at Lynchburg, Virginia.

- Grant ordered Sherman to: take command of the 100,000-man force in Tennessee; march to Atlanta, destroying Joseph Johnston's 65,000-man army enroute; and lay waste to the rich resources of central Georgia, making it difficult for the Confederate army to be supplied.

- Finally, after the Union forces in the Texas-Louisiana campaign had secured the Red River, some of them would be detached to join Union naval forces in the Gulf of Mexico for an amphibious operation against Mobile.

At the beginning of 1864, the South was reeling from its losses in three major campaigns in 1863 (Vicksburg, Gettysburg, and Chattanooga) and most of its major port cities. However, Grant's strategy supported President Lincoln's desire to end the war as quickly as possible. Even if Union casualties increased, constant pressure would be kept on the Confederacy, which was already strained to the limit in resources and manpower. Grant was determined that the next time the Confederacy was on the ropes, the Union would keep up the attack until it achieved a final victory.

LEE IS PUSHED BACK TO RICHMOND

As Grant set up his headquarters with the Army of the Potomac, it was considered at that time as one of the finest armies in the world. It was well-equipped; it had an efficient supply and transport service (its wagon trains could stretch up to 65 miles in a single line); it had a highly developed signal corps, which laid telegraph wire to brigades by reels mounted on mules; and it had experienced leaders and trained soldiers.

The Battle of the Wilderness

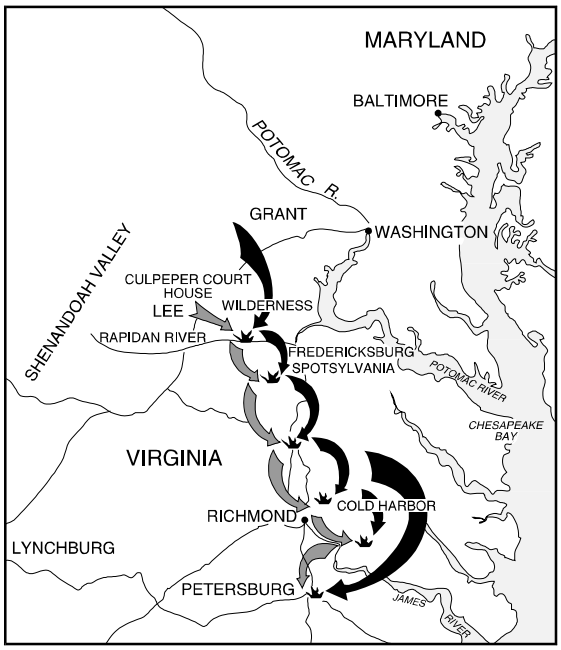
On 4 May 1864, Grant sent the Army of the Potomac south of the Rapidan River into the area where Hooker had met defeat a year before. Over the next two days, Grant's force encountered Lee's army in a densely forested area known as the Wilderness. However, Grant and Meade were unable to dislodge Lee's army from its positions.

The Battle of Spotsylvania Court House

Unlike the other Union generals who retired back to the north and postponed any

further clashes with the Confederates, Grant was determined to keep the pressure on Lee. Grant marched his army around Lee's right flank in an attempt to place Federals between Lee and his capital city of Richmond. But, Lee anticipated Grant's next move at Spotsylvania, where the battle continued on 12 May.

At Spotsylvania, the Federals hit both sides and the center of a **salient** for several days (12-14 May), but the Confederates held their lines. In some of the hardest fighting of the war, men fought across this corner which came to be known as the "Bloody Angle." Again, Grant sidestepped to the south in an attempt to envelop Lee's right flank.



The Battles of Yellow Tavern and Cold Harbor

In a battle of Union and Confederate cavalry at Yellow Tavern, the Union cavalry under General Philip Sheridan proved that it was finally the equal of Lee's soldiers on horseback as Stuart's force was defeated and Stuart mortally wounded. Meanwhile, Grant battled Lee again at Cold Harbor on 3 June where the Union forces took massive losses in a pre-dawn attack. Then, after three days and nights of no action, both sides buried their dead and Grant sidestepped Lee again. For the first time, Lee misjudged Grant's intentions. Expecting Grant to head toward Richmond, Grant instead moved south of the Confederate capital to Petersburg in order to choke off Lee's supplies and force Richmond to surrender — just as he had done at Vicksburg one year before.

The Battle of Petersburg

Grant realized that he had to take the initiative even more because the Rebels had halted Butler's advance from the Shenandoah Valley along the James River, north of Petersburg. In June 1864, the Army of the Potomac marched east past Richmond and crossed the James River over a 2,100 foot **pontoon** bridge. Lee's army followed and stopped Grant's flanking thrust. Then, the two armies dug in around Petersburg. Union forces attempted to cut the supply routes below that city.

In July, the Federals tried to blast their way through Lee's defenses. A regiment of Pennsylvania coal miners dug a tunnel under the Confederate positions. Relays of soldiers then put 8,000 pounds of gunpowder into this mine. Early on the morning of 30 July, the mine was exploded, killing nearly 300 Rebels and creating a crater over 250 feet long and 30 feet deep. Union troops poured into the gap in the Confederate lines, but the startled Rebels recovered and drove the Federals out.

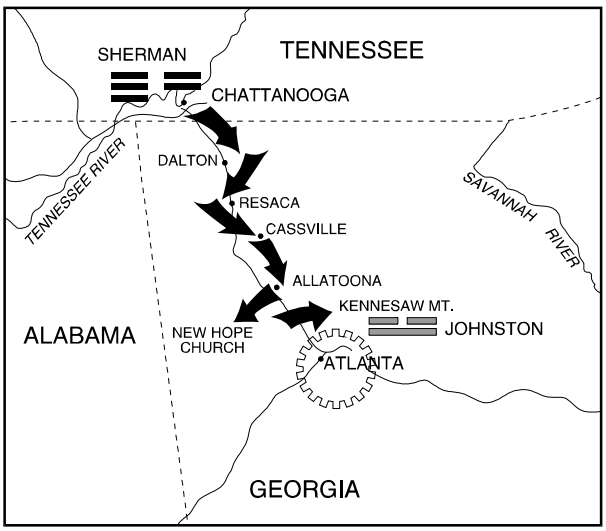
The battle around Petersburg then developed into a deadly, trench warfare. Grant extended his lines to the west, cutting the various supply routes to Petersburg and Richmond. The men dug bomb-proof shelters with connecting trenches and set up wire entanglements. Both sides settled into a siege

that would last for eight months (August 1864 to March 1865).

WAR IN THE SOUTH AND WEST

Sherman's March to Atlanta

While Grant battled Lee in Virginia, Sherman carried out his part of Grant's strategy. Knowing Georgia better than the Rebels did, Sherman knew that the fighting had to be scattered, sporadic, and informal. In May 1864, Sherman's 105,000 veterans of fighting in the west moved against Johnson's force of 65,000. As Sherman pushed south from Chattanooga, Johnson continued to fight delaying tactics (at Dalton, Resaca, Cassville, Allatoona, and New Hope Church) hoping to slow Sherman's advance and lure him into making a doomed frontal attack.



The Battle of Kennesaw Mountain

With his force at New Hope Church, Sherman decided to attack and destroy with one blow Johnston's army, which was dug in across the face of Kennesaw Mountain just 20 miles north of Atlanta. On 27 June 1864, 13,000 Union soldiers stormed Kennesaw Mountain — and failed. A most savage slaughter took place on the right, at a salient that came to be called the "Dead Angle." Three days after that battle, an armistice was granted for burying the dead.

Sherman never admitted he had made a mistake at Kennesaw Mountain, but he never repeated it either. After that battle, he returned to his flanking maneuvers, forcing Johnston back to Atlanta.

The Battle for Atlanta

By the time Johnston had withdrawn to Atlanta, President Davis believed that only bold action could save the city, so Davis relieved Johnston and appointed General John B. Hood as the Confederate commander at Atlanta. Hood launched a number of costly attacks against Sherman's superior force — all of them failing. By early September, after a 40-day siege, Hood's battered army evacuated its defensive positions around Atlanta and withdrew into northern Alabama. Sherman's army marched triumphantly into this southern rail center in the first two days of September.

Battle of Mobile Bay

Meanwhile, on 5 August 1864, Union naval forces under Rear Admiral David Farragut battled the Confederates at Mobile Bay. Although Farragut faced three forts, a field of mines (called torpedoes at that time), and a huge ironclad, the CSS Tennessee, his force of wooden ships and four monitors recaptured Mobile Bay and restored Mobile, Alabama, to the Union. It was during this battle that Farragut gave his oft-quoted command, "Damn the torpedoes, full speed ahead!"

DID YOU KNOW?

An important battle of the Civil War was fought in the English Channel. The Confederate raider, *Alabama*, was built by English shipbuilders and designed to patrol the Atlantic where it was a menace to Union merchant shipping for much of the war. On 11 June 1864, it steamed into the harbor at Cherbourg, France, with the prisoners and loot from another successful raid when the Union ship *Kearsage* also sailed into the harbor. The captain of the *Alabama* challenged the captain of the *Kearsage* to a duel at sea. On 19 June, the two ships clashed in a battle that lasted only 90 minutes. The French sat on rooftops and watched the *Kearsage* sink the *Alabama.*

Sherman's March to the Sea

After burning Atlanta, Sherman ignored the remnants of Hood's small army and began his historic "March to the Sea." With a 60,000-man force, Sherman destroyed farms — including livestock, factories, railroads, and the will to fight in the very heart of the Confederacy. He destroyed everything that contributed to the enemy's ability to fight. (Sheridan was doing the same in the Shenandoah Valley.) By 22 December 1864, Sherman reached Savannah and offered it as a Christmas gift to Lincoln.

These victories at Atlanta, Mobile Bay, and Savannah clinched Union domination over most of the deep South.

Battles of Franklin and Nashville

In an effort to break Sherman's drive to the sea, Hood managed to gather a force of 30,000 men. Instead of directly opposing Sherman's much larger force in battle, Hood embarked on an offensive campaign of his own. His plan was to capture the Union supply base and rail center at Nashville, Tennessee. Although, at first, Union leaders were not able to halt Hood's drive, late in November 1864, units under Generals Thomas and John Schofield engaged Hood in two significant battles.

At the Battle of Franklin, Hood lost nearly twice as many casualties as Schofield, but the Confederates pressed on to Nashville where the Federals smashed Hood's cold and weakened army. Although some of the Rebels were able to withdraw back across the Tennessee River into Alabama, Hood's army was never again an offensive threat to the Union. President Davis relieved Hood of command and assigned his scattered units to other Confederate armies. These battles decisively eliminated one of the Confederacy's greatest armies.

POLITICAL MANEUVERING

The 1864 Presidential Election

By 1864 many Confederate soldiers were without proper uniforms or shoes, and the people of Richmond and Petersburg had little food or basic necessities. Moreover, the people of Georgia were suffering hardships caused by Sherman's army and the deserters from both sides that followed. Nevertheless many Southerners still had a strong will to fight.

President Davis, his cabinet, and most Confederate generals continued to hope that they could hold out until opposition in the North either forced President Lincoln (a Republican) to give up the war or the Democrats won the upcoming election. Davis was already aware that the Democrats led the opposition to Lincoln's conduct of the war.

Therefore, a Democratic victory might mean a negotiated end to it.

As the election of 1864 approached, President Lincoln admitted in the early summer months that he may not be re-elected. But, on 8 June, the Republicans nominated him for President and Andrew Johnson, Tennessee's loyal Democratic Governor, for Vice President.

In August, the Democrats nominated General McClellan, who was still very popular, for President. McClellan accepted the party nomination, but he disagreed with the anti-war Democrats who claimed that the war had been a failure. They wanted to reestablish the Union as it had been, "Half slave and half free," and were ready to end the war on the South's terms. McClellan, however, did not support this part of the party's platform.

On election day, 8 November 1864, a large number of voters showed they were dissatisfied with President Lincoln's handling of the war. But, they were not the majority; Lincoln won the election with 55% of the total vote.

Political Spies

As previously stated, many Northerners were not only opposed to President Lincoln's handling of the war, but they were also becoming opposed to the war itself. To take advantage of this northern discontent, Davis decided to use a device that in this century would be known as a **fifth column**, which the Confederacy operated from Canada.

Confederate agents based in Canada kept constant contact with other agents and southern **sympathizers** in the northern states. The fifth column planned to burn New York City, capture a Union warship on the Great Lakes, destroy railroad bridges, and rob northern banks. These efforts produced very little results, but its main impact continued to foster discontent in the North until late 1864, when a democratic victory began to appear possible.

Some of the most effective spies of the Civil War were women. Rose Greenhow of Washington, D.C., used her friendship with Union officers to provide information to Confederate leaders. In fact, Beauregard learned of the exact day McDowell left Washington for Manassas (Bull Run) in a secret message from Mrs. Greenhow. Perhaps the most celebrated female agent was Belle Boyd, whose admirers called her "La Belle Rebelle." Six highly publicized arrests failed to stop her from soliciting secrets from Union officers in Washington.

The North also had its own spies. Pauline Cushman traveled freely as an actress spying for the Union and Elizabeth Van Lew, the Union's ablest female agent, managed to plant a spy among Jefferson Davis's servants.

The Draft

A major problem on the home front for Presidents Lincoln and Davis was the draft. When the war began, young men from both sides were eager to enlist and flocked to the armies. However, as the war dragged on and casualty lists grew, enlistments began to decline. In 1862, the Confederacy passed the first law in U.S. history creating **conscription**. According to it, all able-bodied white males between the ages of 18 and 35 were eligible, although they could hire substitutes as replacements and Southerners who owned 20 or more slaves were also exempt from the draft.

In March 1863, the North passed a similar law. In it, all men aged 20 to 45 were eligible for military service, although one could avoid the draft by making a payment of $300 to the government or hiring a substitute.

Many Southerners grumbled about the draft and some voiced their opposition, but most accepted it. However, in the North, opposition to it led to violence. In New York City, a few days after the Battle of Gettysburg, angry crowds gathered outside the local draft offices where names were being drawn for the draft. Rioters mobbed the draft office and set the building on fire, then they took to the streets. The riot turned into an indiscriminate attack on blacks and Republican party supporters. For four days, violence gripped the city before President Lincoln rushed in Union troops to put down the riot.

FINAL VICTORY AND SURRENDER

With the support of the people behind him, President Lincoln urged General Grant to continue with the plans to destroy the Confederate forces. Grant ordered Sherman to proceed up through the Carolinas to link up with Meade's Army of the Potomac on the James River. With Sherman advancing from the south and Schofield from the east, that would cut Lee off from the other Confederate forces. Then, all Union forces would surround Richmond to administer the death blow to Lee's army.

Realizing his situation would be hopeless if the Union massed its forces around Petersburg, Lee tried breaking the Union defenses south of Petersburg on 25 March, but failed. To block Lee's exit, Grant counterattacked on 1 April. Discovering the condition of Lee's forces, Grant ordered an all-out attack the next day which forced Lee's army back to the north.

Realizing how desperate his situation was, Lee advised President Davis to evacuate Richmond, then he moved his army from Petersburg heading west. Lee hoped to maneuver around Grant's forces and to link up with Johnston. One week later, with rations completely gone and his line of retreat cut off by Sheridan at Appomattox, Lee reasoned that to continue the fight was hopeless. There, at Appomattox Court House, on 9 April 1865, Lee surrendered his army to Grant.

As Grant was forcing Lee out of Richmond and Petersburg, Sherman's army advanced northward through the Carolinas against only token resistance from Johnston. After Lee's surrender, Johnston's small army stopped its hit-and-run tactics and surrendered to Sherman on 26 April. Scattered fighting continued west of the Mississippi until the final Rebel forces surrendered on 26 May.

The most difficult years in the history of the U.S. were finally over, but the Union victory was saddened by President Lincoln's assassination on 14 April 1865 by John Wilkes Booth.

RESULTS OF THE CIVIL WAR

The American Civil War was a paradox of warfare. In many respects, it was similar to the wars of the 1700s in that it involved tactics where large formations of infantry advanced in the open. However, it was also a modern war in many respects because it foreshadowed the concept of total war and involved strategic planning on a continental scale. The Civil War produced the following significant results:

- The U.S. abolished slavery with the ratification of the 13th Amendment to the Constitution in 1865.

- The Civil War brought about the introduction of the following developments that changed the nature and conduct of war:
  - Railroads
  - Steamships and armored ships
  - Torpedoes (mines) and submarines
  - Rifled artillery and small arms
  - Telegraph communications
  - Balloons for aerial observation
  - Large-scale industrial production effort
- The Civil War ushered in the era of **Reconstruction** and military occupation in the South. Although the Union readmitted the 11 seceded states after they endured the Reconstruction, that era led to bitter feelings between Americans until the next century.

THE SPANISH-AMERICAN WAR

In 1898, the United States was again at war, this time against Spain in what is known as the Spanish - American War. Although this war lasted only 16 weeks, it is an important part of America's history.

America went to war on the side of Cuba to help that country gain its freedom from Spain. The U.S. mainly fought that war in the Caribbean Sea and at Manila Harbor in the Philippines, against a weaker Spanish navy. In addition to the naval war, U.S. ground forces in Cuba, including the famed Rough Riders, also fought and won in battles such as El Canay and San Juan Hill. The war proved that the United States had one of the most powerful military forces in the world.

According to the terms of the peace treaty, signed in December 1898, Spain gave Guam, the Philippines, and Puerto Rico to the United States and agreed to give up its claim to Cuba. Cuba became a free nation in 1902.

Taking place three decades after the Civil War, the Spanish - American War helped to dim the sour feelings between the North and South as all Americans united together to fight for one cause. The war also proved to the rest of the world that the United States was once again a truly united and powerful nation.

THE AMERICAN CULTURE

The Civil War affected the culture of the United States in many ways. Its influence is evident in music, literature, and personal achievements.

MUSIC

Americans produced many songs during the 1800s as a direct result of the Civil War. These songs, arranged in chronological order, outline the events of the war. One of the more moving songs to come out of this period was "The Battle Hymn of the Republic," written by Julia Ward Howe.

Howe was an **abolitionist** who had written many poems and essays. One day, she and her husband were near the battle-front when they stopped to look at some soldiers. Suddenly, the soldiers had to withdraw. As the soldiers rode back to the city they sang "John Brown's Body," a popular war song. Howe's husband suggested that she use that tune to write her own song. Early the next morning, Howe sat down at her desk and began to write. The first line of her song was, "Mine eyes have seen the glory of the coming of the Lord."

Another famous song to come out of the Civil War period was "Dixie." Written by the Northerner Daniel Emmett, the song soon became a symbol for the South. Slaves used the word "Dixie" when they referred to the South; however, Emmett used it as the name

of a carefree land. Although it was intended to represent our entire nation, it was then, and still is now, commonly referred to as a southern song.

LITERATURE

Literature is often an expression of history. During periods of conflict, it is common to see many written works — usually expressing the writer's feelings about a particular topic.

In 1852, Harriet Beecher Stowe published Uncle Tom's Cabin. The book expressed Stowe's opposition to slavery. Uncle Tom's Cabin is a fictional account of a southern plantation. Southerners claimed the novel exaggerated the harshness of slavery. But, it became one of the most popular historical novels ever written, and a very successful stage play as well.

PERSONAL ACHIEVEMENTS

Clara Barton was an extremely dedicated humanitarian. Called the Angel of the Battlefield during the Civil War, she set up a medical supply service, was a camp and battlefield nurse, and led searches for the missing. After working for the International Red Cross, she organized the American Red Cross in 1881.

After the Civil War, former slave George Washington Carver began 47 years of agricultural research at Tuskeegee Institute. He discovered hundreds of uses for the peanut, sweet potato, and soybean, and devised many products from cotton waste.

Another major contribution in the late 1800s came from Daniel Hale Williams, a black surgeon. In 1891, Williams founded Provident Hospital in Chicago, the country's first interracial hospital, where in 1893, he performed the nation's first open-heart surgery by repairing a tear in the sac around the heart. Later, he established a nursing school for blacks at Freedman's Hospital in Washington, D.C. In 1913, he was the only black original member of the American College of Surgeons.

CONCLUSION

In just over 100 years, Americans established a nation that was united and dedicated to ensuring equality for all. The 1800s were a time for the United States to grow. After emerging from the Civil War as one united nation, the American culture opened the door for many minorities by allowing them to develop and express their ideas and talents. As the turn of the century approached, Americans continued to struggle for their beliefs and they began to influence the rest of the world. The 20th Century held promise for Americans and the U.S. willingly contributed to technological progress.

VIGNETTES OF MILITARY HISTORY NO. 46

US ARMY MILITARY HISTORY RESEARCH COLLECTION

Oh! For The Good Old Days!

Contributed by Lieutenant Colonel Harry E. Soyster

IT MAY SEEM HARD TO IMAGINE THAT AT ONE TIME ALL THE ARMY REGULATIONS AND COURT MARTIAL MANUAL WOULD TAKE UP LESS THAN AN INCH OF SHELF SPACE. HARDER TO IMAGINE IS WHAT THEY CONTAINED. THE FOLLOWING ITEMS RELATING TO THE ALL-VOLUNTEER ARMY OF THE 1800s ARE QUOTED DIRECTLY FROM THE GENERAL REGULATIONS OF THE ARMY AND THE ARTICLES OF WAR BETWEEN 1821 AND 1857.

RECRUITING: ...Recruiting officers must be very particular in ascertaining the true age of a recruit. They are not always to take the word of a recruit, but are to rely on their own judgment for the ascertainment of his probable, if not actual age.

PASS POLICY: ...There shall be daily at least five stated roll calls: The first immediately after reveille; the second immediately before breakfast; the third immediately before dinner; the fourth immediately before retreat; the fifth immediately after tattoo....Any non-commissioned officer or soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

MESSING: ...Bread and soup are the great items of a soldier's diet in every situation: to make them well is, therefore, an essential part of his instruction....The troops ought not to be allowed to eat soft bread fresh from the oven, without first toasting it. This process renders it nearly as wholesome and nutritious as stale bread....Fresh meat ought not to be cooked before it has had time to bleed and to cool; meats will generally be boiled, with a view to soup; sometimes roasted or baked, but never fried....Vinegar, particularly in hot weather, is essential to the soldier's mess....The soup must be boiled at least 5 hours and the vegetables always cooked sufficiently to be perfectly soft and digestible.

CLEANLINESS: ...Bathing is recommended, and where conveniences for it are to be had, the men should be made to bathe at least once a week. The feet to be washed at least twice a week.

APPEARANCE: ...All the parts of the dress will be kept in a state of the greatest neatness possible. Those which are of woolen cloth will not be washed....Spots of dirt and grease, or stains, will be taken out by the application of pipe clay moistened with saliva from an empty stomach. Scratch the place lightly, when it is dry, and then beat it.

MILITARY JUSTICE: ...; nor shall more than 50 lashes be inflicted on any offender, at the discretion of court-martial.

VIGNETTES OF MILITARY HISTORY NO. 87

US ARMY
MILITARY HISTORY INSTITUTE

Long Roll of The Drum

Contributed by Mr. Randy W. Hackenburg

THE WAR BETWEEN THE UNITED STATES AND MEXICO WAS BASICALLY A TWO FRONT WAR. GENERAL ZACHARY TAYLOR'S NORTHERN CAMPAIGN WAS ALMOST ENDED BY THE CLOSE OF 1846, BUT GENERAL WINFIELD SCOTT WAS JUST THEN PREPARING FOR HIS SOUTHERN CAMPAIGN.

EARLY IN 1847, SCOTT BEGAN ASSEMBLING HIS TROOPS FOR THE FORTHCOMING LANDING AT VERACRUZ. A LARGE PORTION OF THEM WERE STATE VOLUNTEER REGIMENTS FROM SUCH STATES AS SOUTH CAROLINA, NEW YORK, MISSISSIPPI, LOUISIANA, AND PENNSYLVANIA. THE DESIGNATED RENDEZVOUS POINT WAS A SMALL ISLAND CALLED LOBOS, ABOUT FORTY MILES SOUTH OF TAMPICO.

JESSE G. CLARK, THE YOUNG MUSICIAN OF COMPANY C, 2nd PENNSYLVANIA VOLUNTEER INFANTRY REGIMENT, WROTE HOME ABOUT AN EXCITING EVENT WHICH OCCURRED AT LOBOS ON FEBRUARY 14, 1847:

The first night we were encamped here an alarm was given about four o'clock in the morning by the sentinel gun and the long roll of the drum, which roused us out of our slumbers quite unexpectedly, and as we had not yet received our arms, we were placed in rather an awkward situation. We were marched out on our parade ground to get ready for battle, and the company formed, when the captain seeing the situation we were placed in, ordered us to break ranks, go to our tents and arm ourselves with our pistols, knives, axes, hatchets, spades, and whatever a man could in any way defend himself; but in the end it proved to be a false alarm, raised for the express purpose of trying the bravery of Pennsylvania troops, knowing that we were wholly unprepared for the battle field. Notwithstanding this, we were not found wanting, and I hope never will be while we have the honor to represent Pennsylvania in the field of battle.

THE LONG ROLL OF THE DRUM WAS HEARD AGAIN BY THESE SOLDIERS: AT VERACRUZ, CERRO GORDO, CHAPULTEPEC, AND GARETA DE BELEN. EACH TIME THEY RESPONDED IN THE SAME SPIRIT. AFTER SIXTEEN MONTHS OF ARDUOUS CAMPAIGN AND GARRISON DUTY, THEY RETURNED HOME WITH THINNED RANKS BUT AN UNSTAINED REPUTATION. JESSE CLARK WENT ON TO BECOME CHIEF MUSICIAN OF HIS REGIMENT AND SURVIVED TO TELL HIS FRIENDS BACK HOME OF HIS EXCITING EXPERIENCES.

Source: *Danville Intelligencer, March 26, 1847.*

VIGNETTES OF MILITARY HISTORY NO. 113

US ARMY
MILITARY HISTORY INSTITUTE

A Good Investment

Contributed by Mr. Randy W. Hackenburg

In December of 1846, the Columbia Guards of Danville, Pennsylvania, left their homes to become Company C of the 2d Pennsylvania Infantry Regiment in General Winfield Scott's army in Mexico. John Smith had been the Assistant Postmaster of Danville and an apprentice to Alexander Best in the leather-working trade, but he now was serving as corporal in the "Guards." On April 1, 1847, he took the opportunity to write to his friend and former boss, Mr. Best, about his recent experiences in the investment of Veracruz."

> "After we laid there [Island of Anton Lizardo] a few days we set sail for the harbor of Veracruz, and cast anchor in sight of the city, and close to the island of Sacrificios. On the evening of the same day the troops landed...we were in the second division and landed about ten o'clock at night. About two o'clock in the morning the enemy fired upon the picket guard, and from that time, the 9th ult. until within a few days [ago], there has been more or less firing. For a few of the first days after we landed, there was a great deal of sharp skirmishes in which there was a number of Mexicans killed and taken prisoners. On the first day after we landed, the enemy began to throw shot and shell from the town and castle, and continued their fire for ten or twelve days before we were able to return a shot. On the 22d, our batteries were so far completed that we were able to return shot for shot. When our batteries opened, they continued to play on the city for nearly three days, when the enemy in the city sent a flag, desiring time to bury their dead. This was refused. Then, the Castle sent a flag — this was regarded with more consideration, and a certain time given to the enemy to bury their dead. At the same time, negotiations were set on foot for the surrender of the town and Castle."

Corporal Smith was an intelligent and promising young man whose account was appreciated by his friends and citizens of his hometown. Unfortunately, he was not able to record for them the account of his next battle, for at Cerro Cordo he died for his country in a charge on a Mexican battery.

Source: *The Danville Intelligencer, April 30, 1847.*

VIGNETTES OF MILITARY HISTORY NO. 151

US ARMY
MILITARY HISTORY INSTITUTE

Pillows On The Sand

Contributed by Mr. Randy W. Hackenburg

Early in 1847, General Winfield Scott collected his invasion army on a small speck of land just off the Mexican coast, called the Isle of Lobos. The 2nd Regiment of Pennsylvania Volunteers formed part of that force. At 9:30 A.M. on March 3, the regiment set sail for Veracruz. Six days later, at ten o'clock in the evening, the 2nd Pennsylvania Volunteers landed on the beach, as part of Gideon Pillow's brigade of Robert Patterson's division.

Company C of that regiment was a uniformed militia unit known as the Columbia Guards, and it hailed primarily from Danville, Columbia County, Pennsylvania. Second Lieutenant Edward E. Le Clerc of that company recorded his impressions of what followed the landing in a letter to his parents:

Camp Washington, near Veracruz, March 28, 1847.

> The day after we landed, our company had a smart skirmish with the enemy, without sustaining any loss upon our side. After receiving their fire, and giving them ours in return, the order to charge was promptly and cheerfully obeyed, and the enemy were completely routed. Our Company is the only one of the second Pennsylvania Regiment that has had an opportunity to test its bravery with the enemy. Columbia County will not be ashamed of her boys. We have not had our clothes off for nearly three weeks, and day after tomorrow will be three weeks since my boots have been off my feet, yet never did I enjoy better health. We have not had a tent since we landed. We sleep upon the sand, with a knapsack, a log, or an exploded shell for a pillow. I send in this letter a flower for each of the girls, which I pulled from a grave in a beautiful cemetery just without the city, placed there perhaps by the hand of love, and plucked from their stems to be love's messenger. In a few days, we leave here for Jalapa and thence to the halls of the Montezumas.
>
> Adieu. L.

Source: *The Danville Intelligencer, May 7, 1847.*

VIGNETTES OF MILITARY HISTORY NO. 32

U S ARMY MILITARY HISTORY RESEARCH COLLECTION

Unfair Trade Agreement

Submitted by Michael J. Winey

Coffee and hardtack became the Civil War soldier's staple diet, and hungry soldiers naturally used their wits in obtaining a sufficient amount of either or both to satisfy a craving stomach. Sergeant Charles McKay of Co. C, 154th New York State Volunteer Infantry left to history a vivid account of how one group of soldiers tried to remedy the Commissary Department's scant ration allowance.

> The German members of the 27th and 73rd Pa. were very fond of coffee, and the amount furnished them by the Commissary did not fully meet their wants, while the generous supply of hard bread, or "hardtack," was rather more than they cared for. In our regiment, the exact opposite was the case; we did not use all the coffee, but our "ration" of hardtack disappeared quickly and left a sincere desire for more. Under this condition of things, there quickly grew a great trade between the regiments — we giving our surplus coffee for their hardtack. This was all right and legitimate until some of our boys of Yankee proclivities saw a chance of getting the best of the bargain, which they accomplished by saving all the coffee grounds after using and carefully drying them and placing them in a sack. When a sufficient quantity was obtained, they were carried over to the unsuspecting Germans and traded for good hardtack. Of course, it did not take long for the Teutons to discover that their much loved beverage had lost most of its flavor, and they were not slow in discovering the cause. They immediately named us the "hardtacks." When we passed their camp, either singly or in a body, they would turn out and yell, "Hardtacks!" as loud as their lungs would allow. I have always suspected that they applied this title to use as a sort of reproach, thereby intimating that we were in some way hard customers. But, our boys always took it in good part and invariably answered their cry with the one word, "Coffee."

However, Sergeant McKay did not leave to history whether the Germans continued trading with the deceitful York State boys.

Source: *Winey Collection, MHRC.*

VIGNETTES OF MILITARY HISTORY NO. 174

U S ARMY
MILITARY HISTORY INSTITUTE

Ex Uno Plures

Contributed by Mr. Michael J. Winey

The old cliché that the United States is a melting pot of cultures may not always be true. Antebellum Louisiana, notably New Orleans and surrounding parishes, exemplified a separation of ethnic groups (much as do New York City and other cities even today) into conclaves of their own. This separation is still better revealed in the early 1861 volunteer companies which made up the Provisional Army of Louisiana, much of which later became units in the Confederate States Army.

So ethnically oriented were these companies that notices in the newspapers called specifically for men of the various nativities to join a distinctively native unit. The names of these companies tell us how ethnically (not American) oriented these units were. Such names as Austrian Guards, French Company of St. Martin, Garibaldi Guards, German Guards, Irish Volunteers, Slavonian Rifles, Shamrock Guards, Spanish Independents, Swiss Guards, Native Guards, European Brigade, and The Plouche Guards (the last a company composed of free men of color) attest to ethnically oriented units. These names, moreover, indicate only a few such units, many others assuming the name of their captain or some other name not readily identifiable as to national origin.

Even the uniforms of some of these units were ethnically recognizable. For instance, the uniform of the Garibaldi Guards, composed exclusively of Italians, consisted of “a high peaked black felt hat, with moderate sized brim turned up on the left side, with a small bunch of green, black, and white feathers; around the crown a green silk cord, terminating behind in a tassel, and fixed in front with a gilt button; a round jacket of red woolen cloth, bottle green pantaloons, cut wide and reaching below the knee, there held by gaiters or leggins of the same material, buttoned on the outer side.” The Greek company was reported to have made “a very dashy appearance in National Albanian dress,” and the British Guards adopted a uniform “similar to that of ... regiments of the line in England.” Various Zouave units adopted the colorful uniform of the Algerian and French Zouave regiments, and the Irish Volunteers wore green.

This segregation of the ethnic groups became less and less clear cut as the companies were mustered into Confederate service and regiments were formed. After a few hard campaigns and replacements of men of other ethnic backgrounds, or American-born personnel, many of these early-war native companies lost their national identity. It is interesting that so many nationalities were represented in the Confederate army from Louisiana alone. They all fought for a cause they thought just and in dying, mingled their blood with that of similar ethnically oriented units from the North. In the final analysis, however, the blood of all brave men is the same color.

Source: *Works Progress Administration/Fort Jackson, LA, Historical Militia Data on Louisiana Militia.*

VIGNETTES OF MILITARY HISTORY NO. 53

U S ARMY MILITARY HISTORY RESEARCH COLLECTION

For Want Of Shoes

Contributed by Colonel James B. Agnew

Benjamin Franklin, writing in Poor Richard, 1758, provided us with the droll little verse which began:

"For the want of a nail a shoe was lost,
For the want of a shoe a horse was lost, ..."

It continues through several causative links until the downfall of a kingdom could be ultimately attributed to the loss of a shoe. Franklin did not realize how prophetic his lines would prove to be in another conflict in his native land a little over a century after he penned those words.

Late June, 1863, found "Marse" Robert E. Lee's Army of Northern Virginia conducting a strategic invasion of the north calculated to result in victory for the south. On June 30, one of Lee's brigades under Brigadier General Johnston Pettigrew moved eastward from Cashtown into the outskirts of Gettysburg, then a sleepy rural county seat in south-central Pennsylvania. Pettigrew's mission was to enter the town and "liberate" a quantity of shoes which sources had reported were there for the taking, in order that his ragged North Carolina infantry might be better shod.

His advance was thwarted by Brigadier General John Buford's cavalry division scouting ahead of George Meade's Army of the Potomac. Observing Federal horse soldiers in town, Pettigrew abandoned his quest and fell back westward to camp. He duly reported the presence of seasoned Union cavalry in Gettysburg.

His division commander, Major General Harry Heth, and his corps commander, Lieutenant General A.P. Hill, were not convinced that his observations were completely accurate. They instead surmised that the cavalry was probably just Pennsylvania militia such as Lee's veterans had easily scattered in earlier engagements. The two senior officers discussed the situation:

Heth: "If there is no objection, I will take my division tomorrow and go to Gettysburg and get those shoes!"

Hill: "None in the world."

On 1 July, Heth led his division to Gettysburg.

* * * * * * *

Lee, at his best on the defensive in prepared positions, had planned to fight the Yankees from the heights around Cashtown, but Hill and Heth proceeded to draw him into battle in a place not of his choosing. There, the Graycoats found not shoes but Meade's determined Federal army which fought them to a standstill. Lee retreated from Gettysburg, back into Virginia, and never returned. By spring of 1865, the southern dream had faded, and the Confederacy died. To paraphrase Poor Richard:

"For want of some shoes a nation was lost."

Source: *Henry Heth, "Letter...," Southern Historical Society Papers, v. IV, p. 157.*

VIGNETTES OF MILITARY HISTORY NO. 93

U S ARMY
MILITARY HISTORY INSTITUTE

Clothes Encounters Of Three Kinds

Contributed by Mr. Michael J. Winey

The confederate army of northern Virginia experienced problems procuring supplies almost from the outset of the civil war. Obtaining uniforms was especially troublesome. From early 1862 to the end of hostilities, it can hardly be said that the confederate army was in uniform. Active campaigning throughout the summer of 1862 — the Peninsula, Second Bull Run, Antietam — left Lee's army in rags. By the end of September, some men were half naked for want of coats, shirts, trousers, and shoes.

Probably the most extreme period of want came after the Battle of Fredericksburg, when the victorious southerners languished in the cold camps on the heights beyond Fredericksburg. There, they experienced a winter similar to that which their ancestors had endured at Valley Forge in 1777-1778. Even Mrs. Robert E. Lee spent her days in Richmond knitting stockings for the destitute soldiers of her husband's army.

With the spring thaw came a new campaign, but no new clothing issues. The southern soldier had only what he had taken from the frozen bodies of union soldiers left on the field of Fredericksburg. The sight of them hardly impressed private Emory Sweetland of the new 154th New York. During an informal reconnaissance of the rebs and dixie along the Rappahannock River, he caught a good first look at them with a field glass. In a letter of April 19, 1863, he gave his opinion of them: "They are a hard looking sett. I believe if I looked as hard as they do, I would as lieve die in the first ditch as the last one that they are always telling about. They are none of them dressed in uniform but wear old gray clothes. It would be natural for a man at the north if he should meet one of them gray backs to put his hand in his pocket and give him a quarter."

Contrast that incident, however, with one during the second Battle of Bristoe Station, October 14, 1863. General A. P. Hill expected Cooke's North Carolina brigade to charge the Union II corps at a propitious moment. But, the attack was delayed: Cooke's men had stopped to change from their brand new gray jackets and blue trousers into their old battle clothes so as to save their pretty new uniforms!

The uniform did not make the confederate soldier a fighting man. Rather, his indomitable spirit and belief in his cause kept him going under severe hardships. He would have continued to fight when Lee finally had to relinquish Petersburg and fall back along the Appomattox River, even if he was naked! But, he could not fight on an empty stomach, and not only the Confederate soldier but almost literally the Confederate cause was fighting on an empty stomach by the spring of 1865. The union army did not defeat him — the simple but necessary facts of nature did.

Source: *Sweetland Papers, M. J. Winey Coll., MHI.*

VIGNETTES OF MILITARY HISTORY NO. 137

U S ARMY
MILITARY HISTORY INSTITUTE

"Give Us Victories"

Contributed by Mr. Dennis Vetock

On Jan. 25, 1863, Joseph Hooker was appointed to command the Army of the Potomac. He replaced Ambrose Burnside, in whom the country and the President had lost confidence — after the failure and carnage of the Battle of Fredericksburg. The self-confident Hooker had gained a reputation for aggressiveness, as reflected in his sobriquet, "Fighting Joe." Well-known to Lincoln, too, was Hooker's outspoken criticism of his administration and of previous Army commanders.

The next day, the Commander-in-Chief met with his new top field commander and, during the interview, handed him the following note. Among other things, this extraordinary document provides a measure of both men and of the American civilian-military relationship:

Major General Hooker: Executive Mansion,
General, Washington, January 26, 1863

I have placed you at the head of the Army of the Potomac. Of course, I have done this upon what appear to me to be sufficient reasons. And yet I think it best for you to know that there are some things in regard to which, I am not quite satisfied with you. I believe you to be a brave and a skillful soldier, which, of course, I like. I also believe you do not mix politics with your profession, in which you are right. You have confidence in yourself, which is a valuable, if not an indispensable quality. You are ambitious, which, within reasonable bounds, does good rather than harm. But, I think that during Gen. Burnside's command of the Army, you have taken counsel of your ambition, and thwarted him as much as you could, in which you did a great wrong to the country, and to a most meritorious and honorable brother officer. I have heard, in such way as to believe it, of your recently saying that both the Army and the Government needed a Dictator. Of course, it was not for this, but in spite of it, that I have given you the command. Only those generals who gain successes, can set up dictators. What I now ask of you is military success, and I will risk the dictatorship. The government will support you to the utmost of its ability, which is neither more nor less than it has done and will do for all commanders. I much fear that the spirit which you have aided to infuse into the Army, if criticizing their Commander, and withholding confidence from him, will now turn upon you. I shall assist you as far as I can, to put it down. Neither you, nor Napoleon, if he were alive again, could get any good out of an army, while such a spirit prevails in it.

And now, beware of rashness. Beware of rashness, but with energy, and sleepless vigilance, go forward, and give us victories.

Yours very truly A. Lincoln

Source: *Roy P. Basler, ed., The Collected Works of Abraham Lincoln; Walter H. Hebert, Fighting Joe Hooker; Kenneth P. Williams, Lincoln Finds a General; T. Harry Williams, Lincoln and His Generals.*

VIGNETTES OF MILITARY HISTORY NO. 177

U S ARMY
MILITARY HISTORY INSTITUTE

Justice

Contributed by Lieutenant Colonel Gerald C. Brown

Military justice systems often must preserve law and order under very difficult circumstances. In former times, punishments were harsh. Those who believe that little has changed should consider the following excerpt from the entry of July 23, 1863, in the diary of Corporal William W. Cluett, a drummer of the 57th Illinois Volunteer Infantry Regiment, part of the garrison of Corinth, a strategic railroad junction and the main Federal stronghold in northeastern Mississippi:

> This morning, we are ordered on review at 8 o'clock in the large field to the south-east of Corinth, to witness the execution of a deserter named Johnson, from Company A, 1st Alabama Cavalry. At the appointed time, the troops are all in line, the sun is intensely hot, and from the movements of the troops, it is very dusty; soon the procession, with the unfortunate man, appear at the right of the column, a brass band playing the dead march; then the company of which he was a member; then four men carrying his coffin, the prisoner following, assisted by the Chaplain of the 66th Indiana; and then came the detail of twelve men who were to carry out the sentence of the Court Martial — that he be shot to death — passing along the line of the troops from right to left. The procession then marched to the center of the column, the place of execution. The prisoner was placed upon his coffin in a sitting position, a solemn and impressive prayer was offered by the Chaplain after which he was blindfolded; the executioners take their position; the Provost Marshal gave the command and the unhappy man was launched into eternity. May his ignominious death prove a warning to all those who might be tempted to do likewise.

Source: *William W. Cluett, History of the 57th Regiment, Illinois Volunteer Infantry.*

LESSON 2: WORLD WAR I (WWI) (1914–1918)

allies
armistice
atrocities
barrage
central powers
czar
doughboys
draft
isolationism
nationalism
propaganda
reparations
ultimatum

INTRODUCTION

In the early 1900s, relations among European countries were tense. The major powers in Europe (Great Britain, France, Germany, and Italy) wanted to increase their power through better technology and large empires. This desire for increased power sparked the beginning of World War I in 1914.

WAR ERUPTS IN EUROPE

The spring of 1914 was quiet, peaceful, and featured some of the most beautiful weather of the decade. But, despite the outward appearance of calm, Europe was sitting on a time bomb ready to explode. An almost unbelievable chain of events led to the massive German invasion of Belgium and France. Listed below are the principal causes of World War I.

- People controlled by others began to develop feelings of **nationalism**.
- The involvement by nearly all European nations in rival military alliances that created a balance of power.
- The competition for colonies/other lands.
- The use of secret diplomacy by European governments.
- The assassination of the Archduke Francis Ferdinand by a Serbian nationalist (the event that actually started the war).

For three years, the **Allies**, which included Great Britain, France, Russia, Italy, and the nations that supported them, fought the **Central Powers**, which included Germany, Austria-Hungary, Turkey, and Bulgaria.

DECLARATIONS OF WAR AND GERMANY ATTACKS ON TWO FRONTS (1914)

After the assassination of the heir to the throne of Austria-Hungry in Sarajevo, Bosnia, on 28 June 1914 (modern-day Bosnia-Herzegovina), Austria-Hungry issued an **ultimatum** to Serbia. However, Serbia did not accept all of the demands of the ultimatum, so Austria-Hungry declared war on Serbia on 28 July.

As Serbia's ally, Russia declared war on Austria-Hungry and Germany declared war on Russia. Within one week, nearly all of Europe was at war. Britain, France, Russia, Serbia and later Italy (in 1915) formed the nucleus of the Allied Powers. Other Allied nations were Belgium, Greece, Japan, Montenegro, Portugal, and Rumania. In all, 24 nations fought against the Central Powers, which consisted of Germany, Austria-Hungry, Turkey (the Ottoman Empire), and Bulgaria.

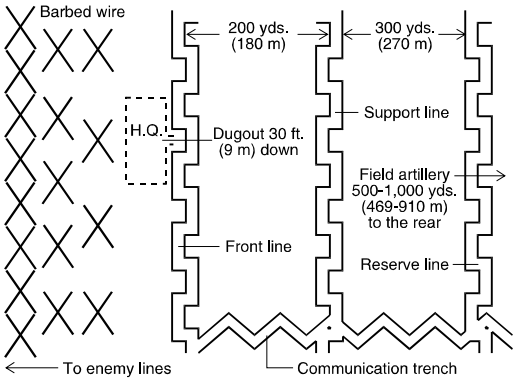
The Allies (date entered war)

Belgium (4 Aug 1914)	Japan (23 Aug 1914)
Brazil (26 Oct 1917)	Liberia (4 Aug 1917)
Britain (4 Aug 1914)	Montenegro (5 Aug 1914)
China (14 Aug 1917)	Nicaragua (8 May 1918)
Costa Rica (23 May 1918)	Panama (7 Apr 1917)
Cuba (7 Apr 1917)	Portugal (9 Mar 1916)
France (3 Aug 1914)	Rumania (27 Aug 1916)
Greece (27 Jun 1917)	Russia (1 Aug 1914)
Guatemala (23 Apr 1918)	San Marino (3 Jun 1915)
Haiti (12 Jul 1918)	Serbia (28 Jul 1914)
Honduras (19 Jul 1918)	Siam (22 July 1917)
Italy (23 May 1915)	U.S. (6 Apr 1917)

The Central Powers (date entered war)
Austria-Hungary (28 Jul 1914)
Bulgaria (14 Oct 1915)
Germany (1 Aug 1914)
Ottoman Empire (29 Oct 1914)

With its well-organized and very powerful army, Germany decided to wage war on two fronts: against France on the west and Russia on the east. On what became known as the western front, Germany invaded Belgium on 4 August 1914 and advanced to within 15 miles of Paris before being stopped at the Battle of the Marne. The French, along with their British allies, attacked and drove the Germans back 30 to 40 miles. More than one and one-half million troops fought in that battle, which marked the first turning point in the war, because it ended Germany's chances for a quick victory.

From the end of 1914 through the rest of the war, the western front became a defensive war using trench warfare. In fact, a line of trenches extended for about 600 miles across France and Belgium. In some places, less than 100 yards separated the opposing lines. Between these lines of trenches lay no-man's land.



Once in a while, one side or the other would go on the offensive, but little was accomplished except for increased casualties (those killed and wounded.) Infantrymen with fixed bayonets would climb out of the trenches and dash across noman's land. They would throw their grenades, struggle through barbed-wire entanglements, and run around gaping shell holes. Machine gun fire inflicted a heavy toll and made successful charges almost impossible.

THE SECOND YEAR OF WAR (1915)

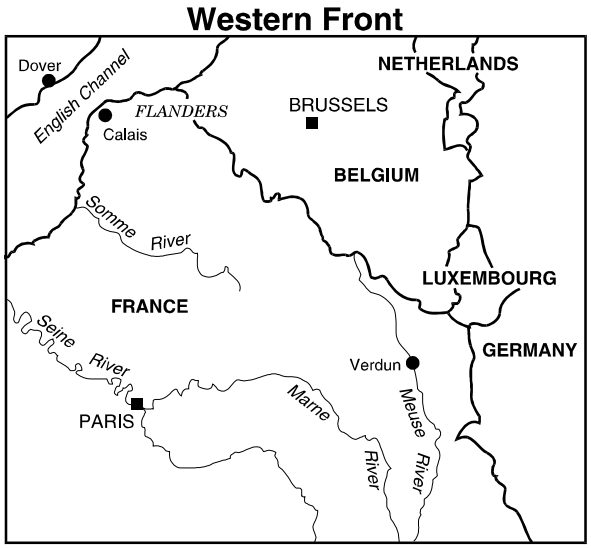
In April 1915, the Germans unleashed a new weapon along the French line at Calais. French soldiers found a greenish-white mist drifting toward them from the enemy line. The Germans had released poisonous chlorine gas. Some French troops fled when the gas attacked their eyes and throats. British and Canadian forces moved quickly to close the gap in the Allied line.

On the eastern front, German forces crushed the Russians in a series of battles in Poland. Austria-Hungary invaded Serbia, but could not defeat the tough, outnumbered Serbian army before winter set in. However, after Bulgaria joined the Central Powers in October 1915, German and Bulgarian troops later conquered Serbia.

The Central Powers also fought battles in Italy and even in the Middle East. In fact, the British launched the largest amphibious operation (in March 1915) up to that time at Dardanelles, a narrow strip of water that separates Europe from the Middle East. The intent of this operation was to knock Turkey out of the war. The Allied fleet destroyed the forts at the entrance to the straits and advanced part way up until it ran into explosive mines and had to turn back. The Allied landing forces on the Gallipoli Peninsula and at Constantinople (which later became Istanbul) were unable to push inland and had to withdraw by year's end.

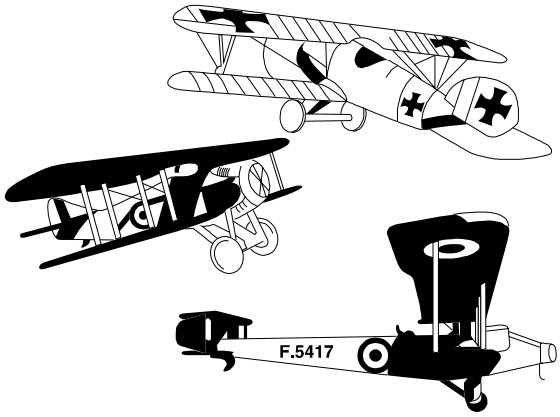
THE THIRD YEAR OF WAR (1916)

During 1916, great military operations occurred on both fronts. In February, Germany conducted a massive attack on the French line at Verdun. Although at first the Germans advanced only four miles in about six months, they finally penetrated to within four miles of the city before being stopped by the French forces.



On 1 July, British troops began an attack on the Somme front in France to relieve pressure on the French forces fighting at Verdun. During this battle, Britain introduced a new weapon — the tank.

Both sides used airplanes for large-scale fighting in the battles of Verdun and the Somme. Air battles became common as each side tried to force the other from the skies. At first, pilots fired pistols at one another. Later, their planes carried mounted machine guns. The pilots who shot down five or more aircraft became know as "war aces."



The Germans also developed dirigibles as part of their air force. Although they sent dirigibles and airplanes to bomb London, the cigar-shaped dirigibles were fairly easy targets for fighter planes.

The greatest naval battle of the war took place on 31 May and 1 June in the North Sea. The commander-in-chief of the German High Fleet felt that he could defeat the British Grand Fleet if he could divide it and fight each part separately. In the battle that followed, the British lost six cruisers and eight destroyers; Germany lost one battleship, five cruisers, and five destroyers. Germany hailed the battle as a victory, but Britain continued to control the seas, and the German fleet remained almost inactive after that battle.

WHY THE U.S. ENTERED THE WAR

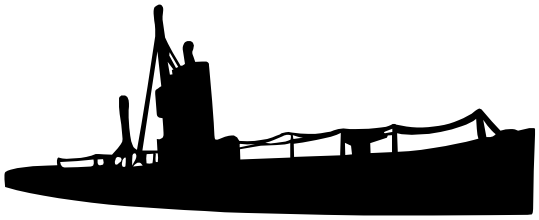
When the war in Europe began, the U.S. was following a policy of **isolationism**. That is, as long as the U.S. could trade freely with other nations, regardless of what side they were on in the war, the American people preferred not to get involved in the conflict.

The American government also allowed its citizens to lend money to foreign governments. Thus, the Allies began to buy large amounts of war supplies from the United States, which prompted a boom in American businesses. However, it was difficult for Germany to import food and supplies from the United States because the British navy kept the German merchant ships off the seas.

However, the attempt by the United States to remain neutral and to provide supplies to both sides failed. To cut off such shipments to the Central Powers, Great Britain began to stop and search American ships.

THE GERMAN SUBMARINE MENACE

Then, in May 1915, a German U-boat (submarine) sank the British liner *Lusitania* resulting in the loss of 1,198 lives, including 128 Americans. The sinking of the *Lusitania* outraged the American public, and it lead the U.S. government to officially protest the German action.



However, German submarines continued to sink ships with American cargo. In March 1916, a U-boat sank the French ship *Sussex*, which resulted in the loss of more American lives. The U.S. government delivered an ultimatum to Germany: cease the unrestricted submarine warfare or the U.S. would break diplomatic relations. As a result, Germany responded with the "*Sussex* pledge" that stated German U-boats would allow the passengers to safely leave a ship before destroying it with a torpedo.

Meanwhile, the British continued to deny U.S. ships carrying food and cotton products into German ports. President Woodrow Wilson protested that action and declared that it violated the freedom of the seas. The British paid no attention to this protest. Realizing that it would not be long before the Germans resumed their unrestricted submarine warfare, President Wilson offered the services of the U.S. to negotiate for peace. Both sides were so caught up in the momentum of the war that neither responded.

On 30 January 1917, Germany announced to the U.S. that it was going to resume its unrestricted submarine warfare.

The Germans surrounded the British Isles with submarines. They told the Americans they would allow only one American ship through the blockade each week and that they would sink all other ships. Germany made no effort to save the passengers or crews on board those ships they sank. In March and April, several U.S. ships managed to sail through the blockade; however, German submarines caught and sunk most of them, again killing many Americans. The sinking of these merchant ships and the "Lusitania" finally triggered the United States' entry into the war. On 2 April 1917, the United States declared war on Germany.

REASONS FOR THE U.S. DECLARING WAR

In addition to Germany's unrestricted submarine warfare — which directly caused the U.S. to join the Allies in World War I — other reasons for the U.S. entering the war were:

- The American public was angered by reports of German **atrocities** against civilians in Belgium; however, most of those reports were not true.

- On 30 July 1916, German saboteurs set off an explosion at the Black Tom Island ammunition shipping station near Jersey City, New Jersey. The U.S. traced **propaganda** and sabotage plans to the German and Austrian embassies.

- In January 1917, the British intercepted a message from the German Foreign Secretary Arthur Zimmerman to the German Ambassador to Mexico. The message, known as the Zimmerman Note, proposed that Mexico form an alliance with Germany against the U.S. In return, Germany would give financial assistance to Mexico once victory was achieved, and promised to help Mexico regain the territory it lost to the U.S. after the Mexican War.

After entering into the war militarily, America helped the Allies in many other ways: lending money to the British, French, and Italian governments; and providing war supplies (produced by women back in the U.S.) that benefited the Allied war effort.

AMERICA PREPARES FOR WAR

NATIONAL DEFENSE ACT OF 1916

During the first few years of the war, the size of the Regular Army and the National Guard combined was less than 160,000. The former Army Chief of Staff, General Leonard Wood, and ex-president Theodore Roosevelt called for a stronger, better-organized, and more modern military. In 1916, President Wilson took action to improve America's military readiness.

In May 1916, Congress passed the National Defense Act. Its provisions included:

- Increasing the size of the Regular Army to a wartime strength of 300,000.

- Allocating more funds for equipment and training for the National Guard and increasing its size to 400,000 personnel; obligating National Guard personnel to active duty if ordered by the President.

- Establishing the Army Reserve Corps and the Reserve Officers' Training Corps for colleges, universities, and high schools.

- Giving the President the power to order American industry to produce defense materials.

UPGRADING THE MILITARY

Once the United States declared war, it had to accomplish the incredible task of equipping and moving a large fighting force to Europe. By 1917, the Army numbered 210,000 men, including National Guard troops on active duty; however, with the exception of having 890,000 M-1903 rifles, the Army did not have the weapons or equipment necessary for sustained warfare in Europe. As a result, the U.S. joined Britain in a massive shipbuilding program, and American industry began producing weapons, ammunition, military supplies, and improved rations.

Selective Service Act of 1917

In order to increase the size of the Army to the strength needed to support the Allies in Europe, Congress passed the Selective Service Act in May 1917. Unlike the unfair practices and the riots that broke out during the Civil War, the War Department developed careful plans for carrying out the **draft.** The 1917 Selective Service Act had the following provisions:

- Created local civilian draft boards to administer the draft.
- Required all males between the ages of 21 and 30 to register without exception.
- Established the U.S. Army consisting of three components:
  - The Regular Army with a wartime strength of 286,000 personnel.
  - The National Guard with an expanded strength of 450,000 personnel.
  - The National Army that would consist of one million personnel, whom the President could call to duty in two equal increments at a time determined by the Executive Branch.

EUROPE IN CRISIS — THE FOURTH YEAR OF WAR (1917)

REVOLUTION IN RUSSIA

As the United States prepared for war, 1917 was a year of crises in Europe, especially for the Allies. The first crisis was in Russia. By March, Russia was losing the war badly and was in the midst of a major revolution. Its economy was in shambles and food riots were common place. Within a few months, the Russian **Czar** stepped down from power. In November, the Communist Party, led by Nikolai Lenin and Leon Trotsky, seized control of the government and sought peace with Germany. On 3 March 1918, Russia was out of the war. In the treaty with Germany, Russia gave up Finland, the Baltic States, Poland, and the Ukraine.

MILITARY ACTIONS

The capture of Baghdad and Jerusalem by the British were the only major Allied gains of the year.

On the western front, the first operation of 1917 began with great hopes for an Allied victory. French forces launched a massive attack against the Germans. The offensive failed and the French army eventually mutinied. Marshall Petain, the French Commander, restored order by punishing the leaders of the mutiny and promising the soldiers better conditions.

In late July, the British began an offensive in western Belgium (at Flanders); however, it bogged down after two weeks of solid rain. British soldiers actually slipped into shell holes filled with water and drowned

in the mud, slime, and filth. Then, in a battle that lasted over three months, the Germans halted the British attack.

In Italy, a German-Austrian offensive resulted in a crushing defeat for the Italians.

Propaganda Warfare

Propaganda warfare reached a new high in 1917. As both sides tried to gain additional allies, or to keep other countries neutral, they sought to keep up the spirits of their own people, and to destroy the morale of the enemy. They spread stories of atrocities, such as tales of soldiers cutting off children's hands. Allied propagandists called the Germans "Huns," while Germans claimed that an Allied victory would bring "the end of the German people."

Siegfried (Hindenburg) Line

To save manpower and strengthen their position on the western front, the Germans built a specially prepared battle line called the *Siegfried Line*. This line stretched behind the existing German trench line in France. For 20 months, the *Hindenburg Line* (as the Allies called it) played a crucial role on the western front, and most leading German generals served there. During that period, although the Allies carried out several major campaigns along the front, no important changes in territory occurred between the sides, credited in part to the existence of the *Siegfried Line*.

SOCIAL AND ECONOMIC CRISIS

The year of 1917 was not only one of crisis on the battlefield, but on the home front as well. The war and the British blockade took their toll on the German people. Many Germans were starving. There were few men left at home to help with the hard work, and the German people had grown weary from three years of war.

Conditions were similar in France. Most of its male population was involved in the war and much of eastern France had suffered through the hardships of three years under German occupation.

Additionally, the British economy was on the verge of collapse from the effects of unrestricted submarine warfare. The British people made sacrifices as their government rationed food, coal, and other items.

THE FINAL YEAR OF WAR (1918)

AMERICAN TROOPS IN ACTION

The first large-scale involvement by the U.S. took place during the German spring offensive in May 1918. Although American intelligence officers had warned the French of an impending major German attack and where it would most likely occur, the French did not heed their advice until the day before it. The Germans attacked on May 27 and three days later had reached the Marne River at Chateau-Thierry, less than 50 miles from Paris.

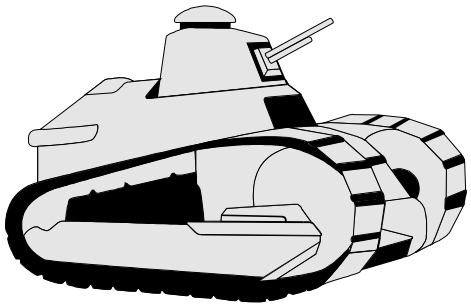
Realizing the seriousness of the situation, U.S. General Pershing went to French Field Marshal Ferdinand Foch and offered him five American divisions. Foch could use those divisions along the Marne wherever he needed them. During the first few days of June, the U.S. 3rd Infantry Division helped French troops hold the bridge over the Marne at Chateau-Thierry and the 2nd Infantry Division (including a Marine brigade) held the road west of the town.

As the German attack bogged down, the 2nd Infantry Division counterattacked. The Marines led the attack at a place called Belleau Wood. It took the Marines 20 days to

clear the German machine gun nests and capture Belleau Wood. American determination had won out, but at a cost of 5,200 casualties. In fact, during the first month of action, American losses were heavy — nearly 10,000 casualties. But, the American will to fight remained high and continued to inspire the Allies.

On 28 May, the Americans took part in their first offensive action of the war. The 1st Infantry Division attacked the entrenched Germans at Cantigny.

The Americans planned the attack well in advance and in great detail. The day before the attack, German artillery bombarded the American lines with high explosive shells and poison gas. After a U.S. artillery **barrage**, the "**doughboys**" went over the top of the trenches and advanced toward the German lines. Supported by French tanks and artillery, the Americans captured Cantigny and held on stubbornly against a series of German counterattacks. The Americans had won their first victory.



A French tank of World War I

In July, the Germans launched their last major offensive of the war with two separate German armies converging on the Marne. Standing in the way of a German river crossing operation was the U.S. 3rd Infantry Division. Under the cover of fog and a smoke screen, the Germans began crossing the river. Although the 3rd Infantry Division fought hard, inflicted heavy losses on the Germans, and sank many boats, the Germans kept coming in such strength that they finally overwhelmed the American positions.

However, in the center of the American line was the 38th Infantry Regiment. They held the line against the surging German force and enabled the rest of the division to establish new defensive positions and to halt the German advance. As a result of their steadfast defense in that battle, the 38th Regiment earned the nickname "Rock of the Marne." Thanks to the efforts of the 3rd Infantry Division and the nearby French troops, the Allies halted the last German offensive before it could achieve its objectives.

THE ALLIED COUNTEROFFENSIVE

In mid-July, Marshal Foch had been organizing Allied divisions for a major counteroffensive to cut the German supply lines in the Marne area. Leading the assault were two U.S. divisions operating under French command. On 18 July, the Allied attack began and by nightfall, the Allied forces had driven the Germans back at least five miles. Other American divisions also played a role in the counteroffensive by forcing the Germans back 20 miles by the first part of August. Allied spirits soared despite sustaining 50,000 casualties.

As Marshal Foch prepared a series of follow-up offensives, Pershing pressed his case for an independent American army with its own sector of the front. His wishes fit into Foch's plans and the U.S. First Army was created with Pershing in command. Its mission in the next Allied offensive was to advance into the German bulge in the area of St. Mihiel. Pershing's demands were finally answered.

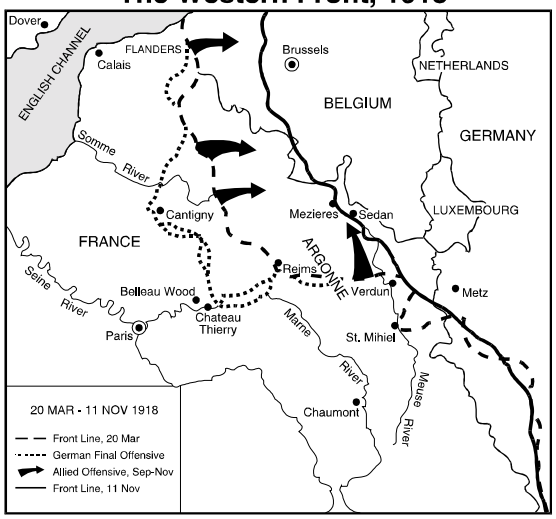
DID YOU KNOW?

Pershing insisted on an independent U.S. force and strongly objected to the use of Americans as individual replacements to casualty-ridden Allied units. The only instance where he violated that principle was with the 93rd Infantry Division — an all-black division. Since the 93rd did not have its own supply, administration, or artillery, Pershing allowed his staff to assign it to the French, where it was reorganized and used in operations conducted by French divisions. However, another all-black division, the 92nd Infantry Division, served with distinction in Pershing's First Army.

The goal of the St. Mihiel offensive was for the Americans to go beyond the bulge at St. Mihiel and to seize Metz or to cut the highway running north from Metz. Nine U.S. and five French divisions were involved in a two-pronged attack. On 12 September, 3,000 Allied cannons bombarded the German positions for four hours.

Just before dawn, the Americans went over the top. They advanced through the barbed wire quickly and into the German positions. Fortunately, the Germans had made the American's task easier by withdrawing most of their troops. The Americans trapped large numbers of the withdrawing Germans, capturing over 15,000 of them. Then, the Americans halted their advance to await further orders.

The Western Front, 1918



THE MEUSE-ARGONNE OFFENSIVE

The Meuse-Argonne offensive was a combined Allied effort that was part of Marshal Foch's plan to drive the Germans from France. Foch's plan included a Belgian-British assault in northern France at Flanders, a huge French attack in the center, and an American attack in the south. The American attack was to begin first, on 26 September. To reinforce the American attack, Pershing moved 600,000 more Americans to the front. This action was accomplished in complete secrecy and the attack began on schedule. The British and French furnished most of the artillery, tanks, and aircraft that supported the attack.

The terrain of the American offensive was full of natural and man-made obstacles including the Argonne Forest, the Meuse River, and the high ground east of the river. The Germans occupied the Argonne Forest and high ground with thousands of soldiers in three lines of defense, barbed wire, dugouts, and concrete bunkers. However, Pershing had superior strength outnumbering the enemy, 8 to 1, and he intended to use this advantage to push through those defense lines.

The American attack went well for the first few days as the U.S. forces took the Germans by surprise. Within a week, the U.S. succeeded in advancing to the Argonne Forest. American casualties were again heavy — this time due to a lack of troop and officer experience as well as the tough German defenses. Next, the Americans faced the formidable German defenses in the Argonne Forest. Pershing took the opportunity to reorganize his forces before continuing into the Argonne.

On 4 October, Pershing's First Army renewed the attack. That same day, the German chancellor sent President Wilson a telegram requesting an armistice. Although President Wilson accepted the German peace initiative, the British and French would have no part of it until they drove the Germans from French soil. Meanwhile, the Americans plunged into the Argonne. The forest was a mass of barbed wire strung between trees with German machine guns hidden everywhere. Despite the formidability of the German defense, American units and individuals displayed great heroism. One such unit was known as the "Lost Battalion."

* * *

On 2 October, a battalion of the 308th Infantry Regiment (77th Infantry Division) broke through a German defense position and pressed forward until its leaders realized they had gone deep into the heart of the German defenses. Already suffering heavy losses, the Americans were surrounded and cut off from the main advance. The Germans began to close the circle around the battalion with the purpose of annihilating it. The Germans were so close they did not dare fire artillery for fear of hitting their own men. But, they hit the Americans with everything else they had — rifle fire, machine gun fire, and mortar fire. As the Americans hunched down in a big ravine, the Germans also rolled hand grenades down at them.

After two days, the battalion commander, Major Charles W. Whittlesey, sent out a message by carrier pigeon. "Men are suffering from hunger and exposure and the wounded are in very bad condition. Cannot support be sent at once?" They were out of food, blankets, and medical supplies and they were quickly running out of water.

The Germans sent a polite message asking the Americans to surrender. The American response was a loud shout of "Come and get us!" The Germans mounted a savage attack to wipe out the Americans, but the Americans drove them back. After five days, the main American advance rescued the "Lost Battalion" — less than 200 men were alive out of the 600 that had entered the ravine.

* * *

Progress through the Argonne continued as the Americans kept grinding ahead with heavy losses. After two weeks of constant fighting, U.S. troops reached the northwest end of the Argonne. Despite 120,000 casualties, the impressive American advance had achieved its objectives. As the Americans reached the banks of the Meuse River, they prepared to turn toward the German rail lines in Sedan and Mezieres. The French and British were rapidly closing in on the German rail system as well.

Finally, on 8 November 1918, the Allies offered terms for an **armistice** to Germany. According to these terms, Germany was to withdraw from all European territories that it had invaded and surrender its navy and artillery.

On 11 November, Germany accepted the armistice. The fighting ended as the armistice took effect on the 11th hour of the 11th day of the 11th month. America lost 53,402 people due to battle and 63,114 to other causes; another 204,002 were wounded.

RESULTS OF WORLD WAR I

... ON THE UNITED STATES

While some American soldiers spent between eight months to a little over four years (until January 1923) on occupation duty in Germany and Europe, the vast majority faced the enormous task of returning home and being demobilized from the military. However, World War I produced the following results for the United States.

- The U.S. ended its tradition of isolation from world affairs.
- The U.S. emerged as one of the major economic and military powers in the world.
- American industry proved it could mass-produce large amounts of war materials.
- The U.S. Army had proved that it could expand with incredible speed and efficiency and that it could be an effective fighting force.
- Most Americans supported the war effort.

The Treaty of Versailles, signed in June 1919, officially ended the war in Europe. However, since the U.S. Senate refused to ratify the treaty, the U.S. government made a separate peace agreement with Germany in 1921. In fact, as soon as America had nearly all of its troops home, America began to drift back into its traditional desire to be isolated from world affairs.

... ON EUROPE

The Treaty of Versailles forced Germany to give up land to France and to the new nations of Czechoslovakia and Poland. The Treaty also forced Germany to practically eliminate its entire military, accept total blame for the war, and pay war **reparations.**

Despite these harsh terms, the French were not satisfied. They wanted to slice Germany into many small states, and French troops occupied Germany's coal and industrial regions well into the 1920s.

When Marshal Foch read the peace terms, he retorted, "This isn't peace! This is a truce for 20 years!" The Treaty of Versailles and the aftermath of World War I had sown some bitter seeds in Europe. One of those seeds was planted in a young Austrian named Adolf Hitler, who vowed that France and the other nations responsible for Germany's downfall would pay. Twenty years later, Europe was at war with Hitler's Germany.

Military Casualties and POWs/MIAs in W.W.I
(Only totals/major nations for the Allies are listed below)

	Total Casualties	*Dead*	*POWs/ MIAs*
The Allies	***20,007,667***	***5,232,788***	***4,174,375***
France	4,968,000	1,368,000	557,000
Italy	2,197,000	680,000	600,000
Russia	9,150,000*	1,700,000*	2,500,000*
U.S.	320,518	116,516	4,500
Ctrl Powers	***13,617,250***	***3,947,495***	***3,203,729***
Austria-Hungry	4,820,000	1,200,000	2,200,000
Bulgaria	256,250	87,495	13,729
Germany	6,251,000	1,935,000	990,000
Ottoman Empire	2,290,000	725,000	(X)

* Unofficial (X) Unavailable

THE GREAT DEPRESSION

In the 1930s, the Great Depression befell the United States, during which many factories, banks, and businesses closed. By 1932, there were 16 million Americans out of work. The United States was in the worst depression it had ever experienced.

THE AMERICAN CULTURE

PERSONAL ACHIEVEMENTS

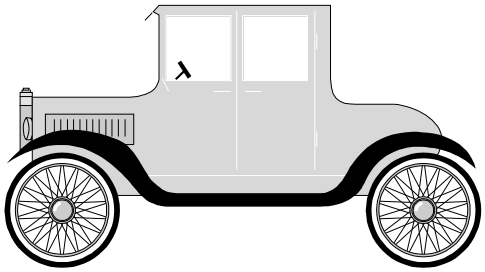
President Theodore Roosevelt was best known for his participation in forming the Rough Riders in 1898 and fighting with them in the Spanish - American War. He also passed the Pure Food and Drug Act of 1906, fathered important conservation legislation (thereby saving millions of acres of timber in national forests), and fostered construction of the Panama Canal. In 1906, he won the Nobel Peace Prize for mediating the end of the RUSSO-Japanese War. When dealing with foreign countries, he was known for saying, “Speak softly and carry a big stick.”

DID YOU KNOW?

During his career, President “Teddy” Roosevelt found time for big-game hunting. In 1902, a cartoon showing Teddy Roosevelt sparing the life of a little brown bear while he was hunting inspired the birth of the “teddy bear.”

SCIENCE AND TECHNOLOGY

In the first half of the 20th Century, there were a variety of new inventions in science and technology that Americans still use today. For example, in 1903, Henry Ford founded a company in Detroit, Michigan, that used assembly lines to produce Model T Fords by the hundreds.



With the increase of motorized vehicles came the need for traffic regulations. In 1914, the “red-for-stop and green-for-go” traffic lights began operating in Cleveland, Ohio.

CONCLUSION

World War I was a 20th century war fought with 19th century tactics. Despite the introduction of many modern weapons of mass death and destruction (such as the machine gun – responsible for most of the casualties, poison gas, the submarine, the air-plane, and the tank), the Europeans clung to the ideas of maneuvering large massed armies and using horse cavalry and other traditional tactics. This unfortunate combination was the main cause of the horribly high number of casualties. A total of over 33 million personnel were killed or wounded and over seven million became prisoners of war (POWs) or were missing in action (MIAs).

LESSON 3: WORLD WAR II (WWII) (1939–1945)

air superiority
allies
appeasement
atoll
axis powers
balkan
beachhead
blitzkrieg
carbine
depression
dictators
fascist
garrison
hara-kiri
inflation
league of nations
materiel
nazi
pillboxes
proletariat
puppet government
sphere of influence

INTRODUCTION

World War II was the most devastating war ever fought. It killed more persons (over 16 million servicemen died), cost more money (over $1,150,000,000,000), affected more people (over 50 countries took part in the war), and caused more far-reaching effects than any other war in history. Military forces fought in many parts of the world: Asia, Europe, North Africa, three oceans, and the Mediterranean Sea.

The war introduced tactics such as the use of aerial bombing, giant tanks, and pinpoint artillery to "soften" enemy positions. Paratroops were dropped from airplanes or landed in gliders; airplanes, warships, and ground troops worked together with split-second timing in amphibious attacks; and atomic bombs and ballistic missiles rained death and destruction.

By the time the U.S. entered the war, Europe had already been at war for over two years. The U.S. commitment in terms of manpower, **materiel**, and strategic planning was massive in scope and has been unequaled.

EUROPE DRIFTS TOWARD WAR

THE RISE OF DICTATORSHIPS

After World War I, Europe suffered an economic depression that was even greater than the depression the United States experienced in the 1930s. The people of Europe found themselves trying to rebuild their countries as well as their confidence. They were troubled by their economic hardships, and dissatisfied with their governments' handling of economic and social issues.

The **dictators** that emerged in Germany and Italy took advantage of those troubled times. They were able to easily win the confidence and support of the people by promising their broken nations a strong, powerful future. The people believed them, and the feeling of nationalism and pride in those countries grew during the 1930s.

Communism in Russia

Communism came to power in Russia during the revolution of 1917. The Communists under Lenin promised a "dictatorship of the **proletariat**," or of the working people. But, the Communists set up a one-party dictatorship instead. First Lenin and then Joseph Stalin ruled Russia. The government

seized all types of private property. It also outlawed all political parties other than its own — the Communist Party.

Fascism in Italy

Italy came out of World War I on the side of the victors, but the costs were extremely high. Italy suffered over two million total casualties, a shattered economy, an unstable government, and a feeling that they were cheated out of much of the land promised to them when they entered that war.

Out of the labor strikes, riots, and political unrest in Italy emerged Benito Mussolini. In 1922, Mussolini became Prime Minister of Italy and his **Fascist** Party took over the government. Italy became a one-party (totalitarian) state. Despite political oppression, the economy and living conditions in Italy improved until the **depression** began in 1929. To divert attention away from Italy's problems at home, Mussolini turned his attention to foreign conquests.

Nazism in Germany

Germany tried democracy from the end of World War I to 1933, but its republican government had to accept the blame for all of Germany's ills. The republic was burdened by starvation and disease brought on by the war, staggering war debts, and a soaring **inflation** rate. Finally, in 1929, the German economy collapsed and unemployment rose.

Adolf Hitler and the National Socialist, or **Nazi** Party took advantage of the situation and began their rise to power. In 1925, Hitler clearly revealed his plans in his book *Mein Kampf* (which means "My Battle"), in which he urged the use of armed force to remove the restrictions of the Versailles treaty. Hitler called for rearmament and a union of all German-speaking peoples into a "Greater Germany."

The Nazis placed the blame for Germany's problems on the western powers (especially France), the capitalists, the communists, and the Jews. In the 1930 elections, the Nazis became even more powerful. Then, in 1933, Hitler (a one-time unemployed artist and ex-corporal in World War I) became the Chancellor of Germany.

During the next few years, Hitler strengthened his power by taking such steps as declaring the Nazi Party the only legal party in the state, passing racial laws against Jews, and eliminating members of any party he viewed as a threat. Additionally, German schools — from kindergarten up — began teaching children the glories of military might, and the state required all children to join Hitler Youth groups, which stressed military discipline.

DID YOU KNOW?

Hitler originally joined the Nazi Party in 1920 as a paid informer for the German army that wanted to keep an eye on potentially dangerous political groups.

AGGRESSION ON THE MARCH

The time was right for Italy and Germany to regain their rightful position in Europe — which they undertook for the next six years.

- In late 1933, Hitler withdrew Germany from the **League of Nations**.
- In March 1935, Germany violated the terms of the Treaty of Versailles by bringing back the draft for its army. As

the German military stepped up its training, Hitler created the German air force (called the Luftwaffe), and the German navy began a massive construction program. The treaty limited Germany to a 100,000-man army, but Hitler soon had 600,000 men under arms.

- In 1935, Italy invaded Ethiopia (northeast Africa). The Italians slaughtered the crudely equipped and poorly trained Ethiopian forces. Although the League of Nations voted economic sanctions against Italy, it later withdrew them.

- In 1936, Italy and Germany contributed troops to the rebel forces of Francisco Franco during the Spanish Civil War. Franco overthrew the Spanish government and in 1939 organized an absolute dictatorship similar to the ones in Germany and Italy. Historians often call the war in Spain a testing ground for World War II because the Germans, Italians, and Russians tested some weapons and military tactics there.

- In March 1936, German troops moved back into the Rhineland, an area in western Germany that had been demilitarized since World War I. This act once again put German soldiers close to the French border. French leaders wanted to send troops to force the Germans back, but it was felt that such an act might lead to war.

- In March 1938, Germany annexed Austria in a non-violent takeover — another act that was forbidden by the Versailles treaty.

- In September 1938, Germany achieved a non-violent takeover of the Sudetenland, an area of Czechoslovakia where nearly three and one-half million Germans lived.

- Although Hitler "promised" at a 29 September 1938 conference that Sudetenland was the "last territorial claim I have to make in Europe," in March 1939, German troops took the rest of Czechoslovakia by force. Next he seized Memel (German for Klaipeda) from Lithuania (a republic of Russia). In April, Italy conquered Albania.

- In the west, the Germans worked at frantic

EUROPE IN SEPTEMBER 1939

speed to complete the *Siegfried Line* opposite the French *Maginot Line*.

- In the spring of 1939, Hitler demanded the area of Danzig, Poland, and a pathway across the Polish Corridor to East Prussia, Germany's largest state. His high command also began making plans to attack Poland in September. Assuming that Great Britain and France would not go to war to support Poland, Germany invaded Poland on 1 September 1939. On 3 September, France and Great Britain declared war on Germany.

APPEASEMENT

After reviewing the list above, you may wonder why European leaders allowed Germany to bully its way over Central Europe. The answer can be found in one word — **appeasement**. The French and British decided that none of these actions were aggressive enough to justify going to war.

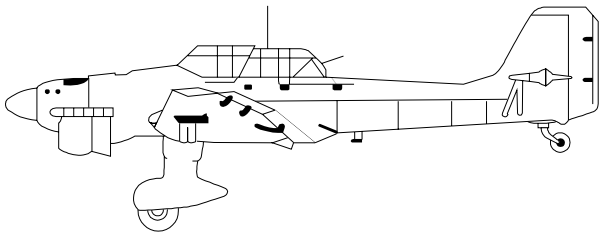
Britain and France did no more than protest Germany's annexation of Austria, perhaps because they felt that most Austrians favored union with Germany. The most well-known example of appeasement was the Munich conference between Hitler, Mussolini, the British Prime Minister Neville Chamberlain, and Premier Edouard Daladier of France in September 1938. To avoid war with Germany, Chamberlain and Daladier persuaded Czechoslovakia to give up the Sudetenland to Germany. They justified their decision by insisting that they sought to maintain "peace for our time."

Hitler's broken promises finally convinced Great Britain and France that he intended to conquer all of eastern Europe. The policy of appeasement (giving in) had proved to be a complete failure.

EUROPE AT WAR

POLAND CRUSHED

On 1 September 1939, the German war machine, using a new method of warfare called the ***blitzkrieg*** — or lightning war — unleashed its might on Poland. German *Stuka* dive-bombers attacked Polish air and ground forces, and heavier bombers struck at fortifications and industrial plants. On the ground, tanks and motorized infantry raced across the Polish frontier. The British and French forces could not give any direct help to the Poles. At times, the Poles fought stubbornly, even charging German tanks on horseback.



German Dive-Bomber

By 27 September, the last pockets of Polish resistance surrendered. Poland was divided between Germany and Russia in accordance with a 23 August 1939 non-aggression pack signed between those two countries, in which Russia also agreed to remain neutral if Germany went to war.

For six months after the Polish campaign, the Germans and the **Allies** fought no important land battles. The French defended the *Maginot Line* (a line of fortifications along their eastern border) and the Germans stayed behind their *Siegfried Line*, awaiting the next order to attack. Both sides conducted small raids, took aerial photographs, and dropped propaganda leaflets.

Newspapers began calling the war in the west the "phony war."

THE COUNTRIES AT WAR

Throughout the course of World War II, 49 nations joined the Allies against Germany, Italy, Japan, and six other Axis nations. Very few countries remained neutral.

The Allies *(date entered war):*

- Argentia (27 Mar 1945)
- Belgium (10 May 1940)
- Bolivia (7 Apr 1943)
- Brazil (22 Aug 1942)
- Canada (10 Sep 1939)
- Chile (11 Apr 1945)
- China (8 Dec 1941)
- Columbia (26 Nov 1943)
- Costa Rica (8 Dec 1941)
- Cuba (9 Dec 1941)
- Czechoslovakia (16 Dec 1941)
- Dominican Republic (8 Dec 1941)
- Ecuador (2 Feb 1945)
- Egypt (24 Feb 1945)
- El Salvador (8 Dec 1941)
- Ethiopia (14 Dec 1942)
- France (3 Sep 1939)
- Great Britain (3 Sep 1939)
- Greece (28 Oct 1940)
- Guatemala (9 Dec 1941)
- Haiti (8 Dec 1941)
- Honduras (8 Dec 1941)
- India (3 Sep 1939)
- Iran (25 Aug 1941)
- Iraq (17 Jan 1943)
- Lebanon (27 Feb 1945)
- Liberia (27 Jan 1944)
- Luxembourg (10 May 1940)
- Mexico (22 May 1942)
- Mongolia (9 Aug 1945)
- Netherlands (10 May 1940)
- New Zealand (3 Sep 1939)
- Nicaragua (11 Dec 1941)
- Norway (9 Apr 1940)
- Panama (7 Dec 1941)
- Paraguay (7 Feb 1945)
- Peru (12 Feb 1945)
- Poland (1 Sep 1939)
- Russia (22 Jun 1941)
- San Marino (21 Sep 1944)
- Saudi Arabia (1 Mar 1945)
- South Africa (6 Sep 1939)
- Syria (8 Jun 1941)
- Turkey (23 Feb 1945)
- U.S. (8 Dec 1941)
- Uruguay (15 Feb 1945)
- Venezuela (15 Feb 1945)
- Yugoslavia (6 Apr 1941)

The Axis Powers *(date entered war):*

- Albania (15 Jun 1940)
- Bulgaria (1 Mar 1941)
- Finland (25 Jun 1941)
- Germany (1 Sep 1939)
- Hungary (10 Apr 1941)
- Italy (11 Jun 1940)
- Japan (7 Dec 1941)
- Rumania (23 Nov 1940)
- Thailand (25 Jan 1942)

THE WAR RESUMES

The Fall of Denmark and Norway

After a successful test of the *blitzkrieg* methods in Poland, the Germans crushed six countries — Denmark, Norway, Belgium, Luxembourg, The Netherlands, and France — in three months, after beginning its invasion of Denmark on 9 April 1940. Denmark surrendered almost immediately. In Norway, although Great Britain and France sent troops to aid the Norwegian resistance, they could not furnish adequate air support. As the Germans gained strength, especially in air power, they were able to drive the Allies from Norway in June. The British navy, however, was able to inflict heavy losses on German warships.

The Fall of Belgium, Luxembourg, and The Netherlands

Next, on 10 May 1940, German troops plunged into Belgium, Luxembourg, and The Netherlands. Armored units, paratroops, and dive bombers struck at Luxembourg and the heavily wooded Ardennes Forest. The Germans raced to the coast and isolated the Allied forces in Belgium from the main body in France. Luxembourg fell in one day; The Netherlands in five days, and Belgium surrendered on 28 May.

Belgium's surrender left the remaining Allied forces in a desperate situation. They retreated to Dunkerque — the only escape port on the northern French coast. German armored units were close to the port, but they halted about 20 miles away. As the tiny Royal Air Force formed an aerial umbrella to repel German bombers, more than 336,000 French, British, and Belgium troops boarded British rescue ships, including fishing boats and motorboats.

DID YOU KNOW?

Some historians believe that Hitler allowed the Allies to escape at Dunkerque because he felt it would be easier to negotiate a peace with Britain if he spared them.

The Fall of France

On 5 June 1940, Germany launched a new offensive against France. By attacking France from Belgium, Germany was able to initially by-pass the *Maginot Line*. In just four days, the French were in hopeless retreat. Plus, on 11 June, Italy entered the war on Germany's side. It immediately attacked the coast of southern France, tying down some of France's best troops who were guarding the Italian border against such an attack.

The Germans entered Paris on 14 June and France signed an armistice with Germany on 22 June. Hitler forced the French to surrender in the historic railway car in the Camplegne Forest where Germany had surrendered to the Allies in 1918.

Thousands of Frenchman fled to North Africa and Britain, and continued to fight the Germans. Brigadier General Charles de Gaulle became the leader of a Free France movement with its headquarters in London.

The Battle of Britain

France's surrender left Great Britain with no allies in western Europe, and Hitler boasted that he would march into London in two more months. But, Hitler hoped he could force Britain to surrender without an invasion.

Rather than attempt an invasion of Britain (called *Operation Sea Lion*) which would require going up against Britain's navy (that controlled the seas around the islands and especially in the English Channel), Hitler decided to use the Luftwaffe and bomb Britain into submission. In July, the Luftwaffe began to blast British airfields and ports. The Royal Air Force (RAF), outnumbered but with better planes and pilots, shot down so many aircraft it forced the Germans to give up their daylight attacks.

In September, Germany switched to night raids. But, the British used radar, a carefully guarded secret development, to track the attacking planes. From 7 September 1940 to 10 May 1941, German planes blasted London nearly every night. These raids became known as the "London Blitz." Despite the devastation the Luftwaffe caused to London and other cities, the RAF had saved Britain. By the middle of 1941, Germany gave up its attempts to conquer Britain by the air, although it continued the raids into 1944.

Historians consider the Battle of Britain as one of the turning points of the war. It showed that the Luftwaffe, which lost more than 2,600 planes, could be defeated.

Meanwhile, German and British naval and air forces began the Battle of the Atlantic, which was to last for five years before the Allies, with help from the U.S., would defeat Germany. Also, Mussolini finally decided to take the offensive in the summer of 1940 by attacking British possessions in North Africa and by unsuccessfully attacking Greece in October.

Fighting in Eastern Europe

The Balkans

When Germany and Italy failed to defeat the Allies in Britain and Greece, they quickly changed their strategy. In October 1940, German troops marched into Rumania to protect its oil fields and reorganize its army. One month later, Rumania joined the Axis powers.

Bulgaria was next to side with the Axis in March 1941, followed by Yugoslavia and Hungary. However, the Yugoslavian people revolted against their pro-German government and entered the war with the Allies. On 6 April, German troops poured into Yugoslavia and destroyed its army in 12 days. Despite this defeat, guerilla forces in the mountains continued to resist the Germans and Italians.

Then, using Yugoslavia as a base, Hitler helped the Italians in their Greek campaign. German troops entered Athens on 27 April 1941 and handed the country over to Mussolini. The British forces that were in Athens escaped to Egypt and Crete before Athens surrendered. But, German paratroops and men in air transports made the first air assault invasion in history by landing on Crete and defeating the British forces there. With this victory, Germany and Italy controlled the **Balkan** nations.

The Invasion of Russia

In December 1940, with Germany controlling crucial areas (especially oil fields and grain) in the Balkans, Hitler decided to invade Russia. On 22 June 1941, over 150 German and other Axis divisions swept across the Russian border in *Operation Barbarossa* — the campaign that would, in the end, contribute the most to Hitler's defeat. Germany's three million-man force faced about two million Russian troops, and the battle line stretched 2,000 miles — from the Arctic Ocean to the Black Sea.

Hitler announced that he had ordered the attack into Russia "to save the entire world from the dangers of *Bolshevism* (or Soviet Communism)." Actually, Germany wanted Russia's vast supplies of food, petroleum, and other raw materials. Confidently expecting another blitzkrieg, the Germans made no preparations for a long struggle. They did not even issue winter uniforms to their troops.

For almost five weeks, the Germans drove the Red Army back, capturing thousands of prisoners. Most of the world expected Russia to collapse. However, as the Germans advanced, the Russians burned or destroyed factories, dams, railroads, food supplies, and everything else they could not move, and they relocated factories to safety east of the Ural Mountains.

Bands of Russians fought behind the German lines in an effort to disrupt their flow

of supplies and to slow down their advance, while the Russian government hurried troops westward from Siberia. Great Britain and the U.S. shipped supplies to Russia through the Arctic Ocean and the Persian Gulf. Both countries lost many ships in the Arctic to German planes and submarines operating from Norway.

During Germany's advance through Russia, Nazi troops rounded up Jews, Slavs, and other so-called "undesirables" and sent them to concentration camps where they were oftentimes slaughtered.

By 6 December 1941, the Germans were within 254 miles of Moscow. Hitler was at the peak of his power. However, two events would occur that would change things:

- Instead of appealing to Russians to fight to save the Communist state, Premier Joseph Stalin urged Russians to rise to the defense of the Motherland — a call they answered
- The Japanese attacked Pearl Harbor on 7 December 1941 — bringing the U.S. into the war.

THE U.S. MILITARY BETWEEN WORLD WARS

TROOP REDUCTIONS AFTER W.W.I

Within nine months after World War I, the Army discharged 3.25 million officers and enlisted men. By 1920, the Regular Army had a strength of about 220,000 personnel. The War Department assigned most of them to perform the following types of duties in the first few years after the war:

- Handling labor disputes, public disorders, and racial conflicts because of the lack of National Guard forces.
- Serving as occupation forces in Germany until January 1923.
- Serving as an Allied Expeditionary Force (with 15,000 troops) in Russia and Siberia to protect war supplies and communication lines from the communist Bolshevik forces. This force suffered as many combat casualties as the U.S. military had in Cuba during the Spanish-American War.

After the troop withdrawals from Germany and Russia, the only Army forces stationed on foreign soil until 1941 were a small **garrison** in China and troops in the Philippines. The U.S. Marine Corps, rather than the Army, provided the majority of America's troops in these overseas garrisons after World War I, mostly in the Caribbean.

REORGANIZATION OF THE U.S. ARMY

National Defense Act of 1920

After the war, Congress swiftly passed legislation to improve America's military readiness. The National Defense Act of 1920 reorganized the Army under a system that would exist until the late 1940s. This act did the following:

- Established the Army of the United States as an organization with three components: the Regular Army, the civilian National Guard, and the civilian Organized Reserves. During peacetime, Congress and the War Department would regulate the Regular Army and the Organized Reserves while each state regulated its own National Guard so that all components could contribute the necessary troops in the event of a war.

(Note: The National Defense Act of 1916 changed the organizational structure of the various National Guard units to conform to the structure of the Regular Army and it provided increased federal assistance to the National Guard.)

- Required the Regular Army to oversee the training of the other two components.

- Authorized the Regular Army's strength at a maximum level of just less than 300,000. The actual strength would depend on the annual funding allocation from Congress.

- Added three new branches to the Army: Air Service, Chemical Warfare Service, and Finance Department. The Tank Corps became part of the Infantry.

The Army's education programs received a great deal of attention between the world wars. The U.S. Military Academy at West Point and the Reserve Officers' Training Program furnished most of the basic schooling for new officers; both systems benefited from improvements. By 1928, there were Reserve Officers' Training Programs in about 225 colleges and universities and JROTC units in about 100 high schools. These educational programs paid rich dividends when the nation mobilized to face the threat of war in 1941.

(**Note**: The National Defense Act of 1916 established the Junior Reserve Officers' Training Corps, provided for an Officers' Reserve Corps through direct commissioning up to the grade of major, and formulated a Reserve Officers' Training Program at civilian colleges and universities.)

Reorganization of the Army's General Staff

When General Pershing became Army Chief of Staff in 1921, he reorganized the General Staff using the model of his wartime staff in France. Below is a comparison of his wartime staff to the reorganized General Staff.

Section	*Wartime Staff*	*Army Staff*
G-1	Personnel	Personnel
G-2	Intelligence	Intelligence
G-3 and	Operations	Operations Training
G-4	Supply	Supply
G-5	Training	War Plans *

* The new War Plans Division dealt with strategic planning and related preparations in the event of war.

EARLY AMERICAN INVOLVEMENT

Although the American public was determined to stay out of Hitler's war in Europe, President Franklin Roosevelt, his cabinet, and Congress took the following steps that brought this country closer to involvement in the war.

- In late 1939, Roosevelt proclaimed that any country could buy American war materials on a "cash and carry" basis. Although "cash and carry" supposedly applied to all combatants, only France and Britain could actually purchase U.S. war materials because of the British blockade on Germany.

- Under the leadership of Army Chief of Staff General George C. Marshall and the Secretary of War, the Army began to expand in the summer of 1940. The

Army's expansion was combined with a Navy program designed to protect the western hemisphere against any potential threat and to defend U.S. interests against the Japanese in the Pacific. Both programs had the overwhelming support of the American people, although the public still opposed entering the war in Europe.

- The Army's expansion effort was aided by the President's executive order to bring the National Guard into federal service and the Reserves Corps to active duty.

- In September 1940, Roosevelt traded 50 old American destroyers for leases on British bases in the Atlantic. Also that month, the President and Congress started the first peacetime draft in the country's history (recall the Selective Service Act of 1917).

- Early in 1941, the War Department established officer candidate schools to train men selected from the enlisted ranks for officer leadership positions.

- In March 1941, America virtually ended its neutrality when Congress passed the Lend-Lease Act. This act allowed President Roosevelt to lease war materials to any nation whose defense he thought vital to the defense of the United States.

- By the fall of 1941, U.S. Navy ships were escorting British supply ships in the Atlantic and were coming under attack by German submarines.

- Throughout this period, Roosevelt mobilized American industry to begin producing planes, ships, weapons, and equipment to maintain a force of 1.2 million.

War seemed inevitable!

WAR COMES TO THE UNITED STATES

JAPANESE EXPANSION IN THE PACIFIC

Like Germany and Italy during the 1930s, Japan had also begun an aggressive expansion campaign of its own — in Asia.

- In 1931, Japanese forces invaded Manchuria, conquered the region in a few months, and established a **puppet government**.

- After numerous armed clashes with Chinese troops during the next few years, Japan launched a full-scale invasion of China in July 1937. Not only did the Japanese administer crushing defeats on the Chinese army, but Japanese forces killed thousands of civilians as well.

- In 1940 and 1941, Japanese troops moved into French Indochina with the intent of conquering the oil and resource rich British possessions to the south. With Great Britain deeply involved in the war in Europe, the Japanese realized that the only nation who could stand in their way was the United States.

JAPANESE ATTACK ON PEARL HARBOR

On 7 December 1941, a beautiful Sunday morning on the Hawaiian Islands was shattered by the Japanese attack on the American naval base at Pearl Harbor. This attack was one of the most brilliant tactical moves in military history. Six Japanese aircraft carriers sailed undetected to a position 200 miles north of Hawaii and launched over 350 aircraft for the strike. The U.S. Pacific Fleet and the Army air fields were caught completely by surprise.

When the attack ended, the Japanese had damaged or destroyed over 170 American aircraft; sunk or damaged all eight battleships, three light cruisers, and three destroyers; and killed 2,400 Americans. Fortunately, the three American aircraft carriers were out to sea.

The attack was the greatest military disaster in U.S. history. The Japanese minister in Washington was supposed to have delivered an ultimatum before the attack, but the coded message from Japan arrived late and he delivered it after the attack had already begun. Admiral Yamamato, who led the attack, learned of this development, when an aide said, “Sir, we have won a great victory” Yamamato was reported to have replied, “I’m afraid all we have done is awaken a sleeping giant.” The next day, the United States declared war on Japan. On 11 December, Germany and Italy declared war on the United States, and Congress then declared war on Germany and Italy.

ALLIED STRATEGY WITH THE U.S. IN THE WAR

The U.S. military entered World War II with President Roosevelt firmly committed to supporting the American public’s demand that Japan be attacked first and punished for its attack on Pearl Harbor. However, Great Britain’s Prime Minister, Winston Churchill, convinced Roosevelt that the Allies should concentrate on defeating “Germany first.” Roosevelt agreed, but that is where the agreements ended.

General Marshall wanted to conduct an invasion of Europe across the English Channel and hit directly at Germany. The British, on the other hand, believed the Allies could not build a strong enough force to defeat Germany in a direct confrontation by the end of 1942, or even by the summer of 1943. Stalin demanded that Britain and the U.S. open a second front in Europe in order to take some pressure off Russia. After weighing these options, Roosevelt decided to postpone the Allied cross-channel invasion.

In May 1942, the Germans and Italians in North Africa launched a massive counterattack against the British forces in Libya. The Axis forces, led by Field Marshall Erwin Rommel, broke down the tough British resistance and captured key British positions. Since the buildup of men, supplies, and landing craft for the cross-channel invasion (called Operation ROUNDUP) was already behind schedule, these developments, combined with the British losses in North Africa, resulted in its cancellation. Instead, the British proposed landings in French North Africa for an offensive against Rommel. President Roosevelt backed the British proposal and committed U.S. forces to join Operation TORCH in North Africa.

In January 1943, toward the end of the North Africa campaign, President Roosevelt met with Churchill at Casablanca, Morocco. Churchill not only persuaded Roosevelt to put off the invasion of Europe another year, he convinced Roosevelt that the Allies should mount an invasion of Sicily as a first step for an invasion of Italy. These leaders made two other important decisions at Casablanca:

- To mount a massive around-the-clock bombing campaign against Germany to reduce its war industries in preparation for Operation ROUNDUP.

- To select General Dwight D. Eisenhower as Supreme Allied Commander in the Mediterranean.

In November 1943, the leaders of the three major Allied powers met for the first time at Tehran, Iran. At this conference, Stalin strongly asserted that Russia — as a major power and an equal member of the

alliance — demanded a second front in Europe. Churchill still called for further operations in the Mediterranean and in the Balkans to strike at the "soft underbelly" of the Germans.

However Britain's declining military and industrial power, combined with Stalin's demand and Roosevelt's persistence for a cross-channel invasion, led these leaders to decide to launch the cross-channel invasion on northern France (now code-named Operation OVERLORD) in May 1944. They also decided to give the command of Operation OVERLORD to General Eisenhower.

The leaders of the three major Allied powers met again two more times before the end of the war — at Yalta in the Soviet Union and at Potsdam, Germany. But, these meetings dealt mostly with political decisions on how to divide Europe between the victors.

A BITTER RUSSIAN WINTER (1941-42)

Snow, mud, cold, and darkness stalled the German armies on the eastern front in Russia. Although German troops almost advanced to the city of Moscow, Russian defenders in the surrounding forests threw them back. Then, a counteroffensive on 16 December 1941 by the Russian troops in Moscow forced the Germans into winter defensive positions. The Russian counter-offensive continued into the spring of 1942.

In May, the Germans resumed their attack and captured Sevastopol after besieging the city for eight months. In late August, the German Sixth Army drove south toward the important oil-distribution center of Stalingrad. But, Russian troops firmly held on to that city and finally broke the assault after two months. Then, two Russian armies surrounded the German Sixth Army and destroyed it. Its commander surrendered on 31 January 1943.

NORTH AFRICA AND THE SOUTHERN EUROPEAN CAMPAIGN

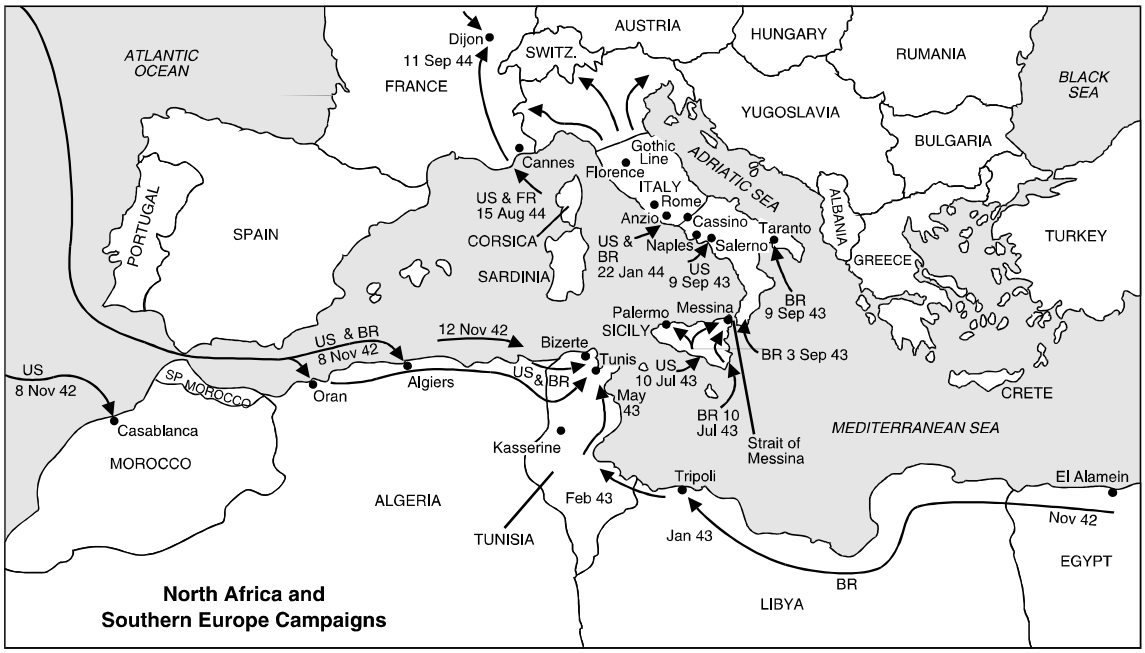
THE NORTH AFRICA CAMPAIGN

Operation TORCH, the Allied landings in North Africa, had four major purposes:

- To defeat the Axis forces in North Africa.
- To regain French-controlled sections of North Africa in order to get France back into the war on the Allied side.
- To open the Mediterranean Sea to Allied shipping for further operations.
- To relieve pressure on the hard-pressed Russian forces, which were reeling under a new German offensive.

The Allies made elaborate plans to capture French North Africa with as little fighting as possible. As Allied diplomats plotted with French patriotic groups, Major General Mark Clark (U.S.) secretly slipped ashore via submarine to meet with the French. Clark asked them not to resist the Allied landings.

Shortly after midnight on 8 November 1942, U.S. troops landed on the beaches at Casablanca (Morocco) while U.S. and British troops landed on the beaches at Oran and Algiers (Algeria). A battalion of U.S. paratroopers, flown in from Britain, helped capture airfields. Initially, the French did resist the landings until a senior French leader ordered them to stop fighting. This Allied invasion caught the German high command completely by surprise.



Within a few days, the Allied landing forces had won all of their immediate objectives (including getting the French back in the war on the Allied side). The Allied landing forces had completed the biggest amphibious invasion to date and had learned valuable lessons for future amphibious operations. Meanwhile, the British Eighth Army under General Bernard Montgomery had defeated the Axis forces at El Alamein and was advancing west.

The U.S., British, and French forces advanced east into Tunisia to trap the Axis forces between them and Montgomery's Eighth Army. However, the Germans met the U.S. forces at Kasserine Pass, broke through their thin lines, and dealt them a crushing defeat in their first direct battle against the Germans. American artillery and British tanks finally halted the German advance, so Rommel withdrew to his original position to await Montgomery.

The U.S. forces, under the command of General George Patton, attacked the Axis forces from one side while Montgomery hit them from the other. The Allies soon captured the ports of Bizerte and Tunis and had the Axis forces trapped at the northeastern tip of Tunisia, where over 250,000 Germans and Italians surrendered to the Allies on 10 May 1943.

INVASION OF SICILY

According to the Casablanca Conference, the Allies next turned their attention to Sicily. On 10 July 1943, a U.S.-led force landed on the southwest side of Sicily and a British-led force landed on the southeast side. These troops were the same ones used in North Africa. General Eisenhower commanded the operation with Generals Patton and Montgomery assisting him.

As in North Africa, the poor performance by the Italian forces meant that the better trained Germans did most of the fighting. At the onset of the Sicily campaign, German Panzer (armored) units kept the Allies from advancing and even broke through Allied lines in the U.S. 1st Infantry Division sector. But, the leadership of Generals Patton and Omar Bradley (II Corps

Commander) and the support of naval gunfire enabled the Allies to capture all of Sicily by 17 August, after just a 39-day campaign.

During the fighting on Sicily, Mussolini fell from power. Although the Italian government imprisoned him, a daring band of German paratroopers later rescued him.

INVASION OF ITALY

The Allies next turned to Italy to knock it out of the war. Although the Italians were tired of being second-hand partners in Hitler's war and had signed a secret armistice with the Allies (officially taking Italy out of the war), their country was not spared the devastation of battle. The Germans quickly disarmed the Italian army and defended Italy against the Allied invasion.

On 3 September, British and Canadian forces of the Eighth Army crossed the Strait of Messina from Sicily and landed in Southern Italy. Meanwhile, the U.S. Fifth Army and British troops under General Clark sailed from Africa and landed at Salerno, near Naples, on 9 September. Initially, a German counterattack almost succeeded in defeating the Fifth Army's landing operation. But, it was not until after the Allies achieved **air superiority** and after an extensive naval gunfire bombardment, were Clark's troops able with intense fighting to secure the **beachhead** and link up with Eighth Army.

The Allies then split with the U.S. Fifth Army taking the west side of the peninsula. Their advance northward proved to be a slow struggle against the 400,000-man German army. The Allies also faced floods, mud, mountains, and winter cold.

After taking Naples, the U.S. Fifth Army had reached a German defensive line that was about 75 miles south of Rome by early November 1943. Not being able to pierce those defenses, General Eisenhower decided to outflank the Germans by making an amphibious landing on 22 January 1944 at Anzio, a beach town 33 miles south of Rome. German forces held the high ground at Anzio and were initially successful in pinning the Allies down on the beach. Finally, Allied air superiority and artillery fire helped to dislodge the Germans.

DID YOU KNOW?

Actor James Arness (Matt Dillon on the TV show "Gunsmoke") participated in the landings at Anzio. He was the first man off his landing craft because he was the tallest man in the company and the commander wanted to see how deep the water was where the troops were being unloaded.

In another attempt to break the German defenses, the Allies bombed the town of Cassino, and the famous monastery on top of Monte Cassino — thinking that the Germans were using it. Later, however, the Germans claimed they had not used it until after the Allied bombing. After capturing Cassino, the U.S. Fifth Army advanced northward toward Rome. The Italians declared Rome an "open city" and announced that they would not defend it. On 4 June 1944, U.S. troops entered Rome and it became the first Axis capital to fall.

Two months later, the Allies captured Florence and pursued the German withdrawal northward to the *Gothic Line* (a line of trenches and defensive emplacements four miles deep) in the Apennine Mountains. For the next 10 months, both sides became locked

in intense combat. The Allied advance was slowed by the mountainous terrain, the tough German defenses, and the deep mud caused by heavy winter rains. In the spring of 1945, the German forces in Italy surrendered. The long, difficult Italian campaign was over; however, it had achieved its most important objective — to draw German divisions away from France and Germany for the invasion of Europe.

THE NORTHERN EUROPEAN CAMPAIGN

THE MILITARY BUILD-UP AND D-DAY

By the first week of May 1944, the often-postponed Allied invasion of France had still not happened. The landings were then scheduled for the Normandy beaches in the first week of June. However, before this campaign could begin from the British Isles, three other campaigns had to achieve success:

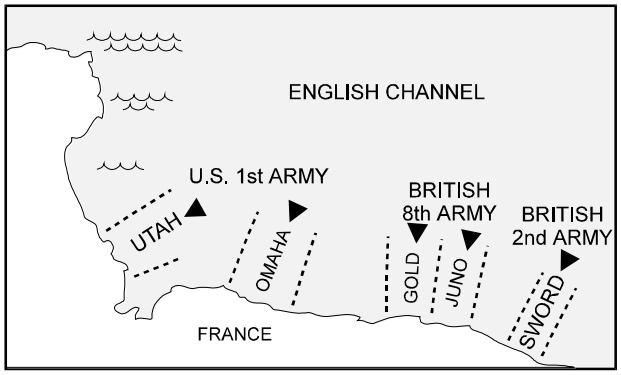
- Defeat of German submarines by the U.S. and Royal navies
- A U.S.-British strategic bombing campaign against Germany
- The largest military build-up of men and equipment in history. (The Allies assembled almost three million men and stored 16 million short tons of supplies in Britain for the invasion. They had also assembled 5,000 large ships, 4,000 smaller landing crafts, and more than 11,000 aircraft.)

Finally, on 6 June 1944, the largest invasion fleet ever assembled left the docks in Britain headed for the Normandy coast. General Eisenhower was the supreme commander of the invasion; the two principal Allied commanders on the ground were General Montgomery, who commanded Eighth Army, and General Bradley, who commanded the First U.S. Army.

The German high command knew an invasion was coming, but they did not know where it would happen. Across the English Channel from the French port of Calais, General Patton had created a fictitious army, complete with inflatable tanks. Therefore, because of Patton's reputation (his expertise at warfare and his effectiveness as a stern and demanding leader), the Germans thought the Allied invasion would be at Calais.

Despite a weather forecast of high winds and a rough sea, the invasion went as scheduled on the morning of 6 June. American, British and Canadian forces came ashore at five beach landing sites. Earlier, one British and two U.S. airborne divisions (the 82nd and 101st) dropped behind the beaches to cut railroad lines, blow up bridges, and seize landing fields and other key areas to facilitate the advance of the landing forces. This was the largest airborne operation up to that time.

Montgomery's forces waded ashore first along a 50-mile front at 6:30 a.m. on D-Day. There was not any air opposition because the Allied air forces had subdued Germany's air power. The First U.S. Army then landed to the west of Montgomery while British and Canadian forces of the British Second Army landed to the east of Montgomery.



The landings went well at all of the beaches except one of the two U.S. beaches, OMAHA Beach. There, an elite German division occupied **pillboxes** and the high ground around the beach. The American casualties mounted as the Germans pinned the two U.S. divisions down on the beach. Army Rangers scaled up a cliff under heavy fire to knock out a German artillery battery, but found that it had already been destroyed. Therefore, the Rangers pressed inland, knocking out the German positions as they advanced. Soon, the Americans were advancing from OMAHA beach to link up with the Americans from UTAH Beach and the paratroopers farther inland.

While Germany's forces bitterly resisted the Allied landings, Hitler opened a new age in air warfare. On 13 June, he sent the first "flying bombs" over London. The Germans called their new secret weapon the *Vergeltungswaffe* (Vengeance Weapon) or V-1. The British called it the "buzz bomb."

THE ALLIED BREAKTHROUGH

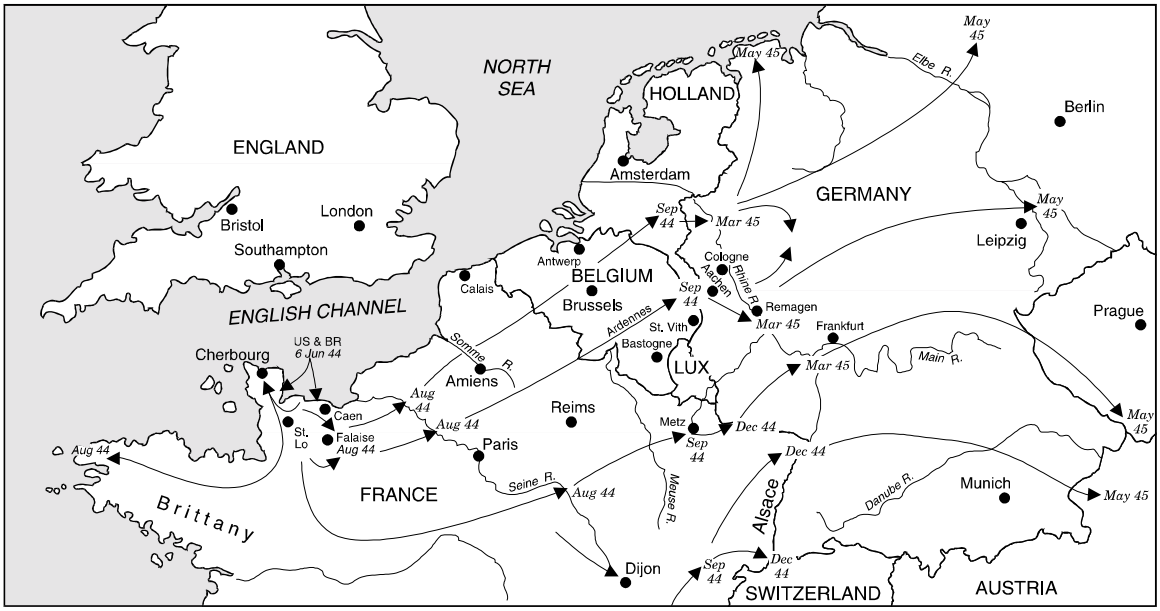
The Battles for St. Lo and Caen

On 27 June, U.S. troops succeeded in capturing the port facilities at Cherbourg, but in three weeks, the Allies had advanced only 20 miles inland and were still trapped in a beachhead stretching from St. Lo in the American sector to Caen in the British sector. Until St. Lo — with its heavy concentration of German defenses — could be taken, Bradley's First U.S. Army would not have the space to mount an all-out drive.

Hedgerows (banks of dirt two to four feet thick and three to six feet high with trees or bushes growing on top) crisscrossed the countryside around St. Lo. These hedgerows enclosed small fields or grazing lands and sunken roads often ran between the hedgerows in all directions. The Germans used this ground to their fullest advantage. They put machine guns and bazookas in the corners of the hedgerows and riflemen along the hedges.

In the trees, snipers and artillery observers watched for the attacking

Northern Europe



Americans. Each hedgerow became a small battlefield. Allied forces had to stay behind their own hedgerows and spray the one to their front with machine gun and rifle fire while tanks and artillery blasted the Germans out of their hedgerows. Finally, on 18 July, the Americans broke through and captured St. Lo. Meanwhile at Caen, Montgomery tried to break into open country, but German tanks halted his offensive.

After taking St. Lo, Bradley's First U.S. Army advanced 25 miles to the south in two days, then turned eastward. General Patton's Third U.S. Army advanced west into Brittany. In an effort to stop the German retreat, Hitler ordered a counterattack. But, after advancing only a few miles, the Germans found themselves trapped by Allied forces. Although most of the Germans escaped, U.S. and Canadian forces (who had captured Caen and were advancing toward Falaise) killed or captured over 60,000 men — many guns, tanks, and supplies also fell into Allied hands.

Liberation of Paris

As the Allies moved eastward across France, the Seventh U.S. Army, under Lieutenant General Alexander Patch, and the Free French (or French First) Army landed in Cannes, France, on 15 August. After forcing the Germans to withdraw from Paris, French troops and soldiers from the First U.S. Army entered Paris to the throngs of cheering crowds on 25 August 1944. Meanwhile, Seventh U.S. Army linked up with Patton's Third Army at Dijon in September.

Allies Race Across Europe

The Allies began their race across Europe, liberating cities and towns as they went with Montgomery's forces in the north, the First U.S. Army, now under General Courtney Hodges in the center, and Patton's Third U.S. Army which was advancing the fastest — to the south.

Montgomery's forces smashed forward from the Seine River to cross the Somme and Marne Rivers and the Belgian border. Brussels fell to the British and Canadian forces in early September. Eisenhower hoped that Montgomery's forces would next capture Antwerp and knock out the rocket launching sites. Following Belgium, Montgomery's forces pushed into the Netherlands. In the largest airborne operation ever attempted, the Allies dropped three divisions from 4,500 planes and gliders into the Netherlands to seize bridges in advance of the ground forces; however, they achieved only part of their objectives.

Because of logistical problems, Montgomery wanted Eisenhower to halt Patton's advance and to allocate all supplies to him for a final drive into Germany. Eisenhower refused this request and decided that all three main Allied thrusts would advance together to the Rhine River.

Meanwhile, the First U.S. Army advanced into Luxembourg and crossed the German border on 12 September. It managed to break through the German defenses and laid siege to the city of Aachen, Germany. After two weeks of violent house-to-house fighting, the German forces in Aachen surrendered on 21 October 1944. It was the first major German city to fall to the Allies.

Farther south, Patton's Third U.S. Army continued its advance east, liberating Dijon and Metz in September 1944 and dozens of other French cities and towns as it went. However, upon reaching the German-held *Siegfried Line*, the Germans halted the American advance.

As the winter weather began to set in, the Allies took the time to rest and consolidate their forces.

THE LAST GERMAN GASP — THE BATTLE OF THE BULGE

On 16 December 1944, under the cover of fog and in the hilly forests of the Ardennes, 38 German divisions attacked along a 50 mile front. Hitler personally planned this operation, designed to cut the Allied forces in half by recapturing Belgium and Luxembourg. Mechanized units overran several First U.S. Army positions. Two American divisions withstood the attacks of superior German forces for 36 hours until reinforcements arrived.

Despite pockets of resistance, the Germans drove the Allies back almost to the Meuse River, and surrounded Bastogne in the southern Ardennes. The offensive created such a bulge in the Allied lines, the name given to this action was the Battle of the Bulge.

In Bastogne, German troops surrounded the U.S. 101st Airborne Division and asked for it to surrender. Instead, the Division Commander, Brigadier General Anthony McAuliffe, sent the famous one-word reply: “Nuts.” The 101st continued to resist, in bad weather, with many casualties, and with short supplies. Several days later, the 4th U.S. Armored Division secured a small corridor to Bastogne and soon the 101st was relieved in place.

To keep the U.S. forces in the south occupied during the Ardennes offensive, Germany launched a supporting attack in the Alsace. Second Lieutenant Audie Murphy was commanding a company in one of the infantry regiments that was in a defensive position when the attack occurred.

Although Patton’s Third U.S. Army was located 125 miles south of the Ardennes when the German breakthrough occurred and the attack in the Alsace was taking place, Eisenhower ordered Patton to reinforce the U.S. forces in the bulge. Within two days after receiving those orders, Patton’s forces pierced the German lines from the south and relieved Bastogne. Elsewhere, at St. Vith, American troops held out for a week to block a vital road center.

On 3 January 1945, the First U.S. Army counterattacked in the north. After 12 days of intense combat in the snow-covered hills and woods, the First and Third U.S. Armies linked up. Turning eastward, they drove the Germans out of the Bulge. The last German gasp for victory was over.

DID YOU KNOW?

Second Lieutenant Murphy had entered the Army as a private, earned a “battlefield commission,” and received the Distinguished Service Cross and Silver Star. One day in January, six German tanks and waves of infantrymen attacked his company. Murphy ordered his men to withdraw to the woods, but he remained at his command post to direct artillery fire.

An armored tank destroyer behind him was hit and started to burn while the Germans kept coming. Murphy ran to the burning vehicle, climbed on the deck, and opened fire with its .50 caliber machine gun. Murphy was successful in halting their advance. Then, he returned to his company and organized a counterattack that drove the Germans back. His actions won him the Medal of Honor. The 5 foot, 6 inch tall Murphy became America’s most decorated hero of World War II, and went on to become a Hollywood movie star after the war.

THE ALLIED DRIVE TO VICTORY

THE WESTERN FRONT

With this victory at the Battle of the Bulge, the Allies concentrated on their last remaining obstacle to defeat Germany — crossing the Rhine River. After capturing Cologne, First U.S. Army troops advanced toward Remagen. The Germans planned to destroy all the bridges across the Rhine in order to slow the Allied advance while they regrouped. However, on 7 March 1945, an infantry company of the 9th Armored Division found the Ludendorf railroad bridge at Remagen damaged, but passable. The infantrymen raced across the bridge, cut the lines of emplaced explosive charges, and threw the explosives into the river. Soon, the division sent in reinforcements and secured the bridge.

First U.S. Army crossed the Rhine River on that bridge at Remagen. A few days later, Third U.S. Army made a surprise crossing in assault boats farther south. In the north, the British advanced across the Rhine River and the North German Plain against little resistance. By 1 April, the Allies advanced into the industrial heartland of Germany, destroying nearly all of the organized resistance in western Germany.

THE EASTERN FRONT

After stopping the Germans on the outskirts of Moscow and Stalingrad (in 1943), the Russians concentrated on driving the Germans back. From July 1943 to June 1944, the Russians recaptured most of their lost territories.

Russian troops then drove into Rumania, Bulgaria, and the Baltic states. In October 1944, Finland also surrendered to the Russians. After advancing into eastern Hungary and Yugoslavia, Russian armies then swung north and captured Vienna and eastern Austria. In five months, Russia took four Axis nations (Rumania, Bulgaria, Finland, and Hungary) out of the war.

Early in January 1945, as U.S. troops were winning the Battle of the Bulge, the Russians crashed into Warsaw. For the final assault on Germany, the Russians assembled more than four million men.

THE COLLAPSE OF GERMANY

The Allies closed in on Germany from all directions. Canadians liberated The Netherlands. The British headed for Bremen, Hamburg, and the Elbe River in northern Germany. Bradley's four U.S. armies raced to Leipzig and the Elbe River to link up with Russian forces. In the south, Allied armies raced past Frankfurt and Munich into Czechoslovakia and Austria to cut off Berlin from the Bavarian Mountains.

Since Germany still deployed most of its remaining troops on the eastern front, the Russians found the going tough all the way to Berlin. On 16 April, the Russians began their final drive to Berlin and soon had the city surrounded. On 25 April, U.S. and Russian troops met for the first time at the Elbe River.

With Berlin almost in Allied hands, Hitler committed suicide on 30 April. Berlin finally fell to the invading Russian armies on 2 May. On 7 May, members of the German high command entered the Allied headquarters at Reims, France, and signed the terms of an unconditional surrender. The free world celebrated May 8 as "V-E (Victory in Europe) Day." After five years, eight months, and seven days, the European phase of World War II was over.

JAPAN'S EARLY STRATEGY

War had raged in Asia since Japan's attack on Manchuria in 1931 and China in 1937. Then, the war in Europe opened the way for Japan to turn south. In September 1940, its troops marched into French Indochina as part of its plan for a *Greater East Asia Co-Prosperity Sphere* similar to Hitler's *New Order* in Europe.

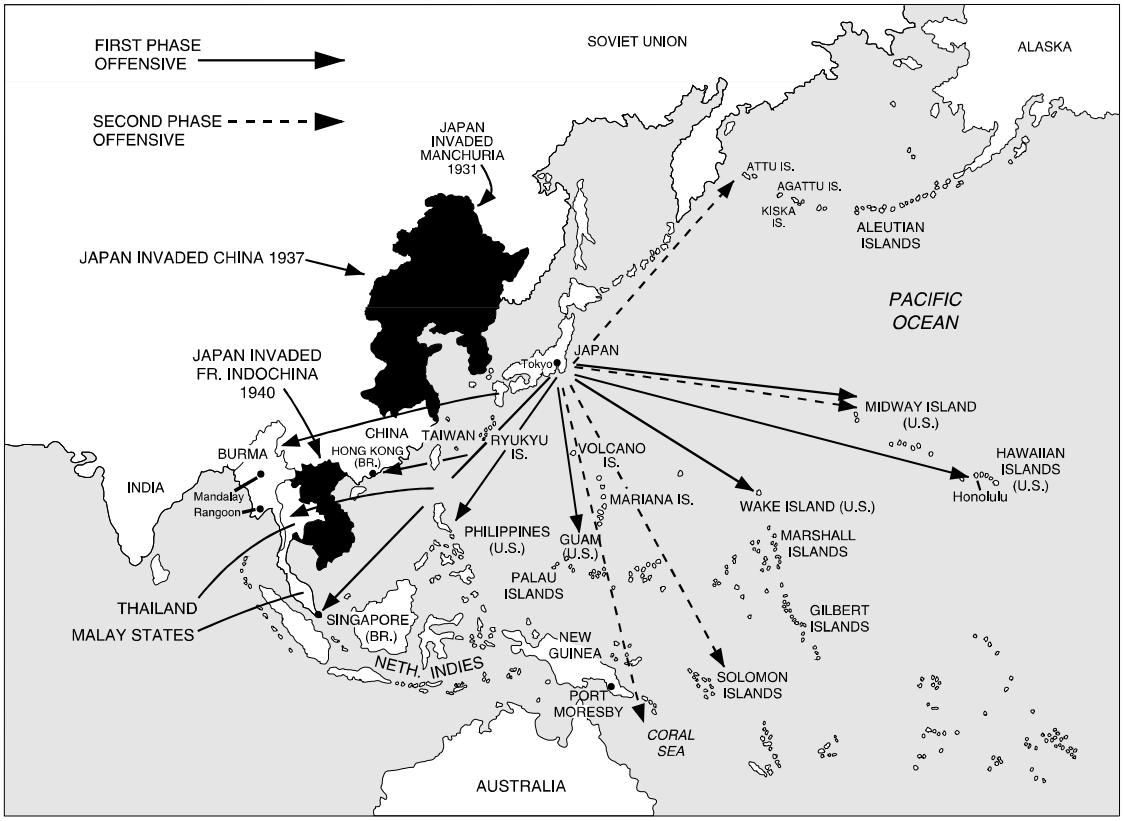
Despite the wide range of its military operations, Japan entered World War II with a simple strategy — it wished to fight a limited war. Japan's two major objectives were:

- To gain control of the resources of Southeast Asia and much of China.
- To establish a **sphere of influence** over the islands and countries of Asia and the Pacific.

In order to accomplish these objectives, the Japanese sought to strike quickly, then follow their victories with a negotiated peace. Although the Japanese military was successful in all phases of its first offensive, they misjudged the effect of their attack on Pearl Harbor. Pearl Harbor united a divided American people about the issue of war, and aroused the U.S. to wage total war rather than a limited war.

Within a few hours after attacking Pearl Harbor on 7 December 1941, Japanese bombers struck at bases on the islands of Guam, Midway, and Wake. They also bombed Manila and Singapore. As a result of Japan's first offensive:

- Guam surrendered on 10 December
- Wake Island surrendered on 23 December
- British troops at Hong Kong surrendered on 25 December
- Manila (the Philippines) fell on 2 January 1942
- Singapore surrendered on 15 February
- Japan occupied the Netherlands East Indies on 7 March



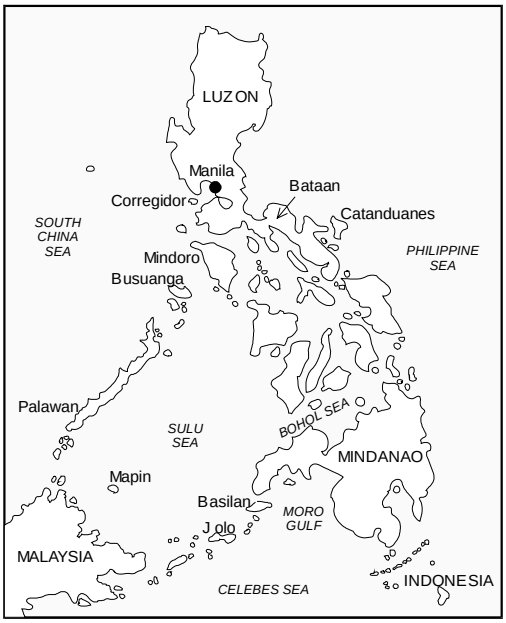
- Bataan (the Philippines) surrendered on 9 April
- Corregidor (the Philippines) surrendered on 6 May.

THE BATTLE FOR THE PHILIPPINES

Japanese ground forces landed on Luzon in the Philippines between 10 and 22 December 1941. Neither the poorly equipped Philippine Army or the 31,000 U.S. troops under the command of General Douglas MacArthur opposed their landings. Consequently, Japanese infantry, artillery, and tanks easily advanced south along jungle roads toward Manila, the capital city.

The Japanese quickly destroyed the outclassed U.S. naval and air forces on the islands. With control of the air and sea around the Philippines, Japanese troops poured ashore in large numbers. General MacArthur declared Manila an "open city" and withdrew his forces to defensive positions on the Bataan peninsula. Although Manila fell to the advancing Japanese on 2 January, an 11,000-man garrison on Corregidor, a rocky fortress in Manila Bay, held out until 6 May.

On Bataan, the U.S. forces and Filipinos beat back repeated Japanese assaults through January and February 1942. In March, General MacArthur departed the Philippines — on President Roosevelt's order, placed Lieutenant General Jonathan Wainwright in command, and promised the Filipinos: "I shall return." Despite their bravery, the Americans and Filipinos were running out of food and ammunition, and disease began to take its toll. The exhausted soldiers held out for another month living on rice, monkeys, lizard meat, water buffaloes, and finally their horses and mules. But, the shortage of food and medical supplies forced the Allies to surrender Bataan on 9 April.



Then, in what became known as the "Bataan Death March," the Japanese forced about 60,000 prisoners to march for five days to prison camps that were 70 miles away. These prisoners marched for long hours under the broiling hot sun, many of them suffering from exhaustion, starvation, and tropical diseases. The route became strewn with the bodies of about 10,000 prisoners who died from starvation or maltreatment. Of those who survived, many more died in the forced-labor of the prison camps.

THE BATTLE FOR BURMA

Japanese forces invaded Burma on 18 January 1942. Japan wanted to conquer Burma in order to close the Burma Road — the last land route open to China — and to gain its rich resources of oil and tin. However, as in the Philippines, the Japanese also met strong resistance in Burma. Although the British finally evacuated Rangoon on 7 March, Chinese troops under Lieutenant General Joseph Stilwell tried to hold Mandalay and protect the Burma Road. But, the Japanese were too strong. Stilwell and a handful of men traveled 140 miles through

mountains and jungles to India to escape the Japanese. Burma fell to Japan on 13 May.

THE ALLIES BATTLE BACK

Looking at the situation realistically, President Roosevelt and General Marshall knew that the U.S. had to go on the defensive in the Pacific until it could reinforce the naval, air, and ground forces there. However, the American public clamored for offensive action against Japan.

RAID ON TOKYO

On 18 April 1942, the U.S. military answered those demands when 16 Army bombers, flying from the naval carrier *Hornet*, conducted the "Halsey-Doolittle" hit-and-run raid on Tokyo and other cities in Japan. The raid astounded the Japanese who had believed that Allied planes could never reach their homeland. Fifteen of the planes crashed when they ran out of fuel and could not reach bases in China. Meanwhile, the Americans continued to build up men and equipment at bases in Australia, Alaska, and Hawaii for future offensive operations.

Sensing the danger to their first defensive perimeter, the Japanese launched a second phase offensive designed to cut Allied shipping lanes to Australia, to perhaps even invade Australia, and to expand their perimeter in the Pacific. The Japanese seized some of the Solomon Islands in the south Pacific and three of the Aleutian Islands (Kiska, Attu, and Agattu) in the north Pacific west of Alaska — although Japan did not have any plans to attack Alaska. However, the Japanese failed in their main effort to take Midway Island in the central Pacific. The naval battles of Coral Sea and Midway were the first major military battles involving aircraft carriers.

THE BATTLE OF THE CORAL SEA

In order to expand their boundaries, the Japanese planned to seize Port Moresby in southeastern New Guinea. However, Rear Admiral Frank Fletcher's task force intercepted a Japanese fleet in the Coral Sea headed for Port Moresby. The two forces fought a four-day battle from 4 to 8 May 1942 in which aircraft did all of the fighting. The battle was an important Allied strategic victory. It blocked Japan's push south-eastward and prevented Japan from isolating Australia.

THE BATTLE OF MIDWAY

The most important objective of Japan's resumed offensive was the capture of Midway Island. Japan hoped that by seizing Midway, it could draw the U.S. Pacific Fleet away from Hawaii and win a decisive victory with its larger force.

DID YOU KNOW?

Before Pearl Harbor, the U.S. scored one of its greatest triumphs by cracking Japan's secret codes. This feat enabled Admiral Chester Nimitz, commander-in-chief of the Pacific Fleet, to know about the attack plans on Midway in advance.

On 4 June 1942, aircraft from the Japanese fleet attacked Midway. Admiral Nimitz launched aircraft from the carriers *Enterprise*, *Hornet*, and *Yorktown*. At the end of this two-day battle, Japan had lost four carriers and a major part of its aircraft, but its submarines managed to sink the *Yorktown*. The Battle of Midway proved to be one of the most decisive victories of the war. It ended Japanese threats to Hawaii and to the United States.

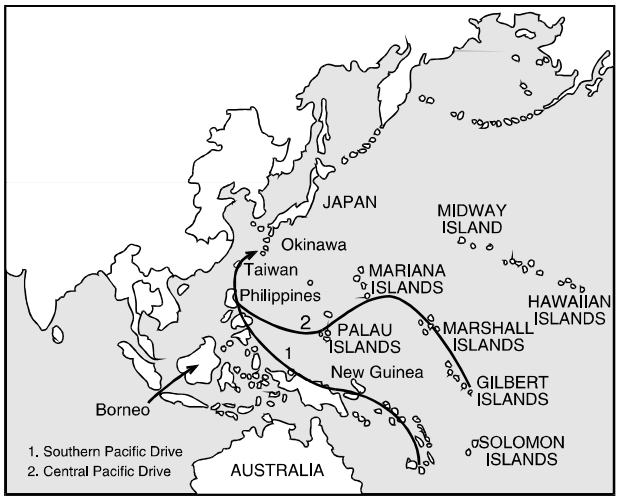
ALLIED STRATEGY IN THE PACIFIC

To defeat Japan's empire, which had reached its height in August 1942, the Allies developed a strategy to advance on two axis:

1. Southern Pacific Drive — Start at the Solomon Islands and New Guinea, then advance to Borneo and the southern Philippines.

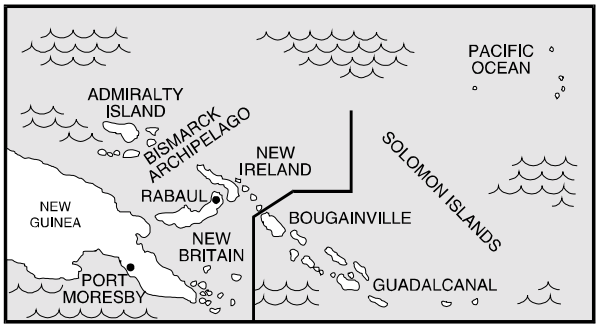
2. Central Pacific Drive — Start at the Gilbert Islands, then advance to the Marshall, Mariana, and Palau Islands, and on to the northern Philippines, Taiwan, and Okinawa.

The Allies main objectives were to cut Japan's lines of communication with its bases and to set up bases from which to attack Japan.



THE SOUTHERN PACIFIC OFFENSIVE

After Midway, deciding that the main enemy threat was still in the southern Pacific, the Allies launched that offensive first. With ground forces under the command of General MacArthur and naval forces under the command of Admiral William Halsey, the Allies began a series of operations to defeat the Japanese strongholds on Guadalcanal, New Guinea, and New Britain.



SOLOMON ISLANDS — GUADALCANAL

The offensive began on 7 August 1942, when the 1st Marine Division landed on Guadalcanal in the Solomon Islands. The fighting was bitter as both sides fought each other in naval, air, and land battles; control of the island seesawed for several months. Finally, in February 1943, after being reinforced by U.S. Army troops, the Allies cleared Guadalcanal, where they constructed air and supply bases.

NEW GUINEA

Meanwhile, on New Guinea in late 1942, MacArthur was involved in a major offensive of his own. Even with the help of Australian and Dutch forces, it took nearly four months and many casualties to dislodge the Japanese — although it actually took most of the war to totally remove them from New Guinea.

By May 1944, MacArthur's forces had conducted a series of landings up the northern coast of New Guinea, advancing almost to the western tip of that island. This campaign contributed to cutting off a Japanese base at Rabaul, New Britain, with its 100,000-man force, thereby effectively taking it out of the war.

New Britain

In December 1943, Allied troops landed on the nearby island of New Britain (part of the Bismarck Archipelago — a Trust Territory of New Guinea). After brief enemy resistance, New Britain and the Admiralty Islands fell to the Allies in March 1944.

The Allies learned a great deal from these campaigns that would aid them during the remainder of the war against Japan. The most significant lessons included the following:

- How to perfect the technique of amphibious warfare, which involved air, land, and sea forces working as a team.
- How to counter the harsh fighting techniques employed by their skillful Japanese opponents in order to defeat them.
- How to fight in the jungle, with its tropical weather, dense foliage, and diseases.

THE CENTRAL PACIFIC OFFENSIVE

THE ISLAND-HOPPING CAMPAIGN

While Allied forces in the southern Pacific followed one road toward Japan, Allied forces in the central Pacific took another route. In August 1942, the Japanese Empire controlled the Gilbert, Marshall, Mariana, and Palau Islands. These island groups stretched halfway across the Pacific and served as bases for airplanes.

Allied strategists believed that Japan's central Pacific fortress could be defeated. But, they did not intend to seize each island separately. That would be too costly and take too long. Instead, they decided on a plan of "island hopping," or seizing key strategic islands (those with large logistical elements and potential for airfields) from which to attack the next target, and bypassing strong isolated enemy defensive positions.

The Gilbert Islands

The Battle for Tarawa

Admiral Nimitz selected the Gilbert Islands as the first major objective of the island-hopping campaign. On 20 November 1943, the Allies landed U.S. Marines on Tarawa and U.S. Army troops at Makin **Atoll**.

The Marines encountered fierce opposition and an intricate system of fortifications on Tarawa. The Japanese had stubbed the island with barricades, concrete pillboxes, gun emplacements, and bombproof underground shelters. The Japanese government ordered the forces on Tarawa to resist to the bitter end.

During the Marines' amphibious landing, their landing craft and amphibious vehicles became grounded on a reef, forcing them to off-load into a hail of machine gun and artillery fire. The next three days were a blood bath. The Marines clung to a few yards of beach before they were able to advance inland, suffering heavy casualties as they went. Finally, after beating back a Japanese suicide charge, the Marines secured the island. Of the 4,800 Japanese defenders, the Marines captured only 147. The Americans suffered 3,110 casualties in one of the war's most savage battles.

The Battle for Makin Atoll

Before landing Army forces on Makin Atoll, the Navy and Air Corps blasted it with more than 4 million pounds of bombs and naval gunfire. Coconut trees along the shore were twisted and shattered. However, the Japanese defending Makin Atoll were

undaunted. They were in deep underground tunnels, pillboxes, blockhouses, and foxholes. If they were not underground, they were overhead, strapped in palm trees with machine guns. Their defensive line was about 2,500 yards long.

Since direct assault was out of the question, the infantry, supported by tanks and engineers, moved in from the beaches. They were met with heavy sniper and machine gun fire. The tanks would blast the enemy pillboxes and bunkers; then engineers would run in with a TNT charge on a pole and poke it into the enemy position. After that, the infantry, using grenades and machine guns, would clean out the Japanese positions. After three days of fighting, Makin Atoll was in American hands. The campaign in the Gilbert Islands was an indication of the intensity of combat against the Japanese.

The Marshall Islands

The Battle for Kwajalein

Next, the U.S. forces turned their attention to the Marshall Islands and assaulted Kwajalein, one of the world's largest atolls. On 31 January 1944, the troops hit the beach after bombers softened up the island. Once again, the Americans had difficulty getting off the beach.

On the first night of the battle, a large group of Japanese ambushed and trapped Privates Williard Lenz and Edward L. Rice.

Armed with only a **carbine** each, they could hold off the enemy for perhaps 10 minutes before running out of ammunition. Then, one of them shot the lock off of an abandoned tank, climbed aboard, and grabbed its machine gun. As the Japanese moved closer, both men continued to fire into them. They used rags to change the red-hot barrels, burning their hands in the process as the rags caught fire. In the morning, it was all over and Rice and Lenz were still alive.

By 21 February 1944, the Allies had secured the Marshall Islands.

The Mariana Islands

With the development of B-29 Superfortress bombers by the U.S., the Army needed bases for them in the central Pacific. The Mariana Islands were considered perfect. Since they laid within long-range bomber distance of Japan. The largest and most suitable of these islands for bases — Saipan, Tinian, and Rota — were at the southern end.

The Battle for Saipan

On 15 June 1944, U.S. Army and Marine forces landed on Saipan. By 9 July, after three weeks of hard battle, 16,500 U.S. casualties, and 28,000 enemy casualties, the Americans controlled Saipan. Not being able to face the criticism for this loss, Premier Tojo of Japan resigned on 18 July.

The Battle of the Philippine Sea

For the first time since early 1943, Japanese carriers went into action in the Battle of the Philippine Sea. However, they were soon caught between Nimitz' and Halsey's naval and air forces. As a result, the U.S. delivered a crushing defeat to the Japanese fleet. In a battle that became known as the "Great Marianas Turkey Shoot," the Japanese lost 395 carrier planes in two days of fighting (19 and 20 June 1944), which practically eliminated their carrier-based air power from the war.

The Battle for Guam

After taking Saipan, Army and Marine units landed on Guam on 21 July. Unlike earlier campaigns, Guam was not a small rocky atoll, but a larger island where tanks and artillery played a key role. Guam was a battle of wits and fighting skills as the Japanese fought to the end, avoiding capture. However, on 10 August, U.S. forces retook Guam and turned it into a huge naval base from which U.S. B-29 bombers could strike at the Japanese homeland. During this battle, the island of Tinian also fell to the Allies in late July.

The Palau Islands

The Battle for Peleliu

After securing the Mariana Islands and Guam, Allied forces were within 1,600 miles of Tokyo and Manila. In preparation for attacks on Japan and the Philippines, the central Pacific force landed Marines on Peleliu on 15 September. The amphibious assault that took place on that day had the highest casualty rate in U.S. history — nearly 2,000 men died and 8,000 were wounded. For almost one month, the Japanese resisted the Allied attacks. Finally, on 13 October, the last 400 Japanese (of 14,000) surrendered. Conquest of the Palau Islands put the Allies within 400 miles of the Philippines.

RETURN TO THE PHILIPPINES

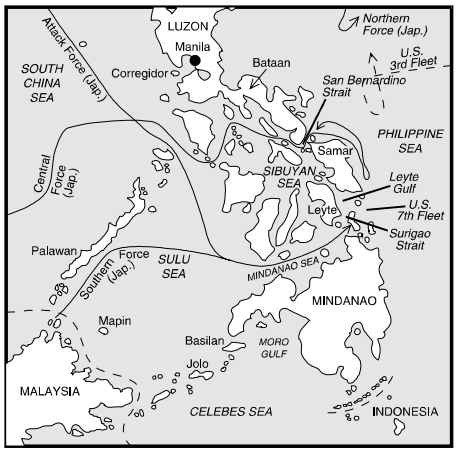
THE BATTLE FOR LEYTE ISLAND

Late in 1944, information from the Navy revealed that enemy-held Leyte in the Philippines was ripe for invasion. On 20 October 1944, U.S. Sixth Army secured two beaches on Leyte. About five hours after the first landing, General MacArthur and his staff waded ashore. He had kept his promise to return. By December, the Sixth Army occupied Leyte.

THE BATTLE FOR LEYTE GULF

After Japan's defeat at the Battle of the Philippine Sea, the Japanese navy decided to muster its remaining strength to try to drive the Allies from Leyte. The Battle for Leyte Gulf was the largest naval engagement in history from the standpoint of naval tonnage involved. It consisted of actions in three areas: the Sibuyan Sea, the Surigao Strait, and off Samar Island. The Japanese plan was to:

- Send their northern force south from Japan to lure the Third U.S. Fleet toward it and away from the Philippines.
- Have their central force sail east from Borneo through the San Bernardino Strait and head for Leyte Gulf.
- Have their southern force sail from Borneo and drive for Surigao Strait, south of Leyte.
- Have an attack force proceed from the Pescadores Islands (Taiwan) and join with the southern force to attack Leyte beachheads.



Sibuyan Sea

The Battle for Leyte Gulf began on 23 October 1944 when U.S. submarines torpedoed two cruisers in the central force. The following morning, fliers from Halsey's Third U.S. Fleet spotted the central force near the Sibuyan Sea and the southern force near the Mindanao Sea. They attacked the central force and sank the giant battleship *Musashi*. They then sighted carriers from the northern force heading south. Halsey decided to attack the northern force. This left the San Bernardino Strait unguarded. He believed that his fleet could dash back to the strait if the central force tried to go through it. The Japanese succeeded in drawing him north.

Surigao Strait

The central force then turned eastward, slipped through the San Bernardino Strait, and headed toward Leyte Gulf where Vice Admiral Thomas Kinkaid's Seventh U.S. Fleet stood guard. However, when Kinkaid learned that the southern force was also approaching the gulf through Surigao Strait to the south, he formed a task force to block the strait. As the southern force sailed up the strait, warships from the U.S. task force sank two enemy battleships and four destroyers.

Samar

As the central force moved southward along the Samar coast, it came upon a Seventh U.S. Fleet escort carrier task group. The Japanese force got to within three hours' sail from Leyte Gulf and sank an Allied escort carrier and two destroyers, but then moved northward.

As the Seventh U.S. Fleet battled off Samar, Halsey's Third U.S. Fleet pursued the northern force, which had swung north. Although Halsey's battleships came within 45 miles of the enemy, an appeal for help by Kinkaid resulted in Halsey ordering some fast battleships and carriers to turn south. By doing this, Halsey lost all chances of destroying the northern force. These ships from the Third U.S. Fleet raced back to San Bernardino Strait; however, they arrived too late to destroy the remainder of the central force.

The Battle for Leyte Gulf was a decisive victory for the U.S. At the end of the battle on 26 October, Japan had lost three battleships, four carriers, 10 cruisers, and nine destroyers. The Allies lost one light and two escort carriers, two destroyers, and a destroyer escort. In desperation, the Japanese began on 25 October to strike with *kamikazes*, or suicide planes, by flying their planes directly into Allied warships.

RETAKING MANILA

After the U.S. Eighth Army replaced the Sixth Army on Leyte to perform "mop-up" operations, Sixth Army attacked the northern coast of Luzon Island on 9 January 1945. The Japanese army fiercely resisted the Allied advance toward Manila by using mountainous strongholds to wage a long, defensive campaign. In addition, the Japanese positioned naval and marine forces in and around Manila to defend it. This time, the capital city was not spared massive destruction as the Allied forces blasted and burned the Japanese from their defenses in brutal house-to-house fighting.

In the most daring airborne operation in the Pacific, the 503rd Regiment dropped into the island fortress of Corregidor. The paratroopers had to land on the summit of the great fortress, but the drop was a success. The next day, an infantry regiment landed on

the beach and together the troops avenged the 1942 loss of Corregidor.

By the end of February, the Allies had largely cleared Manila and Luzon of enemy forces; however, scattered Japanese resistance continued in the Philippines, especially in the mountains, until the end of the war.

THE CHINA, BURMA, INDIA EFFORT

Control of the Philippines gave the Allies another base from which they could invade the Japanese-held Chinese mainland. However, since the occupation of China pinned down thousands of Japanese troops, some Allied strategists favored keeping China in the war.

BURMA-INDIA

Burma played a vital role in the Allied plan of keeping China in the war. After Japan seized Burma and cut off the Burma Road in 1942, the Allies had to devise another way to send war materials and restore land communications with China. The Allies hoped to drive through northern Burma and build a road that would connect the railway in northeast India to the Chinese end of the old Burma Road.

British, Chinese, Indian and U.S. troops in northern Burma hacked their way through thick jungles and climbed steep mountains to build this road. Their progress was often halted by heavy rains and tropical diseases. They organized guerilla groups, including Merrill's Marauders and Wingate's Raiders, in order to help provide protection for the workers. Finally, in January 1945, the Allies completed the road. Although at first it became known as the Ledo Road, it later became the Stilwell Road.

The Japanese tried on numerous occasions to prevent the road from being built. Early in 1944, they began a drive to capture Allied airfields in northeast India. Once again, heavy rains and diseases, plus a shortage of supplies, hindered the Japanese effort and halted their advances. On 4 February 1945, the first Allied convoy rolled into China over the Stilwell Road. Then, British forces recaptured Mandalay on 20 March and forced the Japanese to evacuate Rangoon on 3 May.

CHINA

China had been isolated from most of the world when the Japanese cut the Burma Road in 1943. Supplies could come only through the air. The U.S. Air Transport Command flew the dangerous 500-mile route over the Himalayan Mountains between India and western China.

In the early 1940s, the U.S. began building air bases in southwest China. The American Volunteer Group, known as the "Flying Tigers," became a full-fledged air force during the war and operated from those bases to strike at Japanese positions. The Japanese, determined to put an end to the raids, began a drive in 1944 to capture those air bases. They initially drove south then turned southwest and seized most of the major airfields in that area, including two bases that were key to Allied operations in China and the Far East.

At one point, the Japanese got to within 200 miles of the Chinese wartime capital of Chungking. But, they pushed ahead faster than their supply lines could move, and they had to retreat. By early 1945, after the opening of the Stilwell Road — which brought in much needed supplies and reinforcements, Chinese and Allied forces regained most of the lost territory.

THE COLLAPSE OF JAPAN

AIR AND SEA ATTACKS ON JAPAN

The Allies began weekly air attacks on Japan on 15 June 1944 using long-range B-29 bombers from bases in China. Then, beginning on 24 November, B-29s from the Mariana Islands joined the bombing missions on Tokyo. In March 1945, the B-29s began incendiary bombing at night from a low altitude of about 7,000 feet. This allowed the bombers to carry a heavier bomb load because they did not need so much gasoline. Three of these incendiary attacks wiped out the heart of Tokyo, and one attack destroyed most of Yokohama. Overall, the Army air forces flew more than 15,000 missions against 66 Japanese cities.

In addition to naval aircraft joining in the raids on Japanese cities and transportation centers, the Third U.S. Fleet and the British Pacific Fleet moved to within a short distance of Japan to bombard its cities. Plus, Allied submarines increased their activity in Japan's coastal waters, accounting for over half of its losses in merchant ships. Then, in April 1945, carrier planes operating in the East China Sea sank the Japanese battleship *Yamoto*.

DID YOU KNOW?

The *Yamoto* and the *Musashi*, which the Allies sunk in 1944 during the Battle for Leyte Gulf, were the largest battleships ever built.

THE BATTLE FOR IWO JIMA

Iwo Jima lay halfway between Guam and Japan; therefore, its capture would place the Allies within 750 miles of Tokyo. For seven months before the invasion, the Army air forces and Navy bombed or shelled this tiny island almost daily. But, the Japanese built a system of concrete fortifications and underground defenses on it.

On 19 February 1945, the Fifth Marine Amphibious Corps landed on Iwo Jima. The 60,000 Marines met savage opposition from the Japanese. On 23 February, Marines scaled the steep cliffs of Mount Suribachi and hoisted the American flag. The heavy fighting lasted for 26 days before Iwo Jima fell to the Allies on 16 March at a cost of more than 6,000 lives.

THE BATTLE FOR OKINAWA

Okinawa was the next stop on the road to Japan. It was only 350 miles from the southern tip of the Japanese homeland.

On Easter Sunday, 1 April 1945, two Army corps and Marine units under Lieutenant General Simon Buckner, Jr., invaded Okinawa. The 120,000 Japanese on the island fought desperately and defended every inch of ground. During the campaign, *kamikazes* (suicide planes) and missiles sunk 36 vessels and damaged 332 others.

For almost three months the Americans fought the Japanese on Okinawa. By day, the Americans went forward with flame-throwers, some mounted on tanks. At

night, the artillery hammered the enemy. All attempts to bring back the wounded lying between the lines met Japanese charges and machine gun fire. Skillful infantry tactics, combined with heavy naval, air, and artillery bombardment, turned the tide on Okinawa.

* * *

During the many hard fought battles in the Pacific, "uncommon valor was a common virtue." In this battle for Okinawa, there was one man who performed almost unbelievable feats of bravery in battle: PFC Clarence Craft of the 96th Division.

The Americans had been trying to take a hill for 12 days. It was honeycombed with enemy trenches from which the Japanese poured fire down on the Americans. Suddenly, PFC Craft stood up in the open and charged the hill alone. Loaded with grenades and firing his carbine from the hip, he ran up the hill with bullets hitting all around him. When he reached the top of the hill, he was there for 30 minutes in the open, throwing grenades and firing into the Japanese trenches.

Then he jumped down into a trench and charged the Japanese, trapping many of them in a cave, which he sealed by throwing an explosive into it. When Craft's company reached the top of the hill, they found the bodies of 70 Japanese. Later, when they told him he was getting the Medal of Honor, somebody asked why he had done it. He said, "You see guys getting killed all around you. You get mad. So you go ahead."

* * *

Organized Japanese resistance ended on 21 June. The Allies suffered 49,000 casualties, including Lieutenant General Buckner who was killed during the ground fighting. More than 109,000 Japanese perished in the battle. Hundreds of them staggered back and committed **hara-kiri**; others threw themselves from cliffs into the sea. The fighting on Okinawa proved to be the last major land battle of the war.

PLANS TO INVADE JAPAN

While MacArthur and Nimitz reorganized their forces and received more supplies and men from the States and Europe to prepare for an invasion of Japan, American leaders were preparing for the worst. Even the new president, Harry Truman, realized that the two million Japanese soldiers stationed on Japan would use their planes, submarines, and other weapons to fight to the death. An invasion of Japan would take many months, cost thousands of more American and Japanese lives, and result in the destruction of much of Japan.

At first, the Allies planned to invade the Japanese island of Kyushu in November 1945. The Allies would then follow this invasion with an assault on Tokyo (on the island of Honshu). However, in July 1945, when the heads of government of Britain, Russia, and the U.S. met in Potsdam, Germany, Stalin reported that he had received a message indicating Japan's willingness to negotiate a peace, but an unwillingness to accept an unconditional surrender. On 26 July, the heads of state of Britain, China, and the U.S. issued an ultimatum calling for an unconditional surrender and a just peace. Japan ignored the ultimatum.

THE ATOMIC BOMB

In August 1945, President Truman made a fateful decision. After being briefed on the costs of the conquest of Japan, President Truman decided to use a new weapon that would make an invasion of Japan

unnecessary. On 6 August, a lone B-29 bomber from the Mariana Islands called the "Enola Gay" dropped the first atomic bomb used in warfare on Hiroshima. More than 92,000 persons were killed or missing. Three days later, on 9 August, the U.S. dropped a second atomic bomb on Nagasaki killing at least 40,000 people.

VICTORY IN THE PACIFIC

On 10 August, the Japanese government asked the Allies if unconditional surrender meant that Emperor Hirohito would have to give up his throne. The Allies replied that the Japanese people would decide his fate. Then, on 14 August, Japan accepted the Potsdam terms of surrender. On 2 September, aboard the battleship *Missouri*, the Allies and Japan signed the surrender agreement. President Truman proclaimed 2 September as V-J (Victory over Japan) Day. Three years, eight months, and 22 days after Japan bombed Pearl Harbor, War World II ended.

THE AFTERMATH OF WAR

When the Japanese surrendered, the greatest struggle in the history of mankind was over. The United States had played a major role in the Allied victory. America had provided military power, industrial might, and military and political leadership that helped lead the Allies to victory in both Europe and the Pacific. World War II had the following results for the United States:

- The U.S. emerged as one of the world's two superpowers; Russia was the other.
- The U.S. was the only nation in the world with atomic power.
- The U.S. could not drift back to isolation. As a superpower and leader of the Western democracies, the U.S. had to assume a position of leadership in world affairs, if for nothing else than to counter Communist expansion.
- 405,399 Americans died and another 670,846 were wounded during the war.
- The U.S. did not reduce its military forces as much as in the aftermath of past wars.
- The U.S. gained the former Japanese islands of the Carolines, Marshalls, Marianas, and Palaus as trust territories.
- The national debt in the U.S. rose from almost $43 billion in 1940 to over $269 billion in 1946 to pay for the war.

Historians find it difficult to measure the cost of World War II. They can only estimate because no one can count the individual cost of personal property lost, or of the cost of human suffering and loss of life.

The war did solve some problems: dictators no longer ruled Germany and Italy, and militarists no longer dominated Japan. But, the war also created as many problems as it solved.

- Russia moved quickly to replace Germany as the most powerful country in Europe and sought to take Japan's place as the dominant power in Asia.
- Communists took over mainland China.
- Russia and China sought to set up satellite nations.
- The war left millions of people without adequate food, shelter, clothing, fuel, machinery, raw materials, and money. Damage to cities, key industries, and

transportation was far greater and covered much wider areas than in any other war. Some cities as well as farms lay devastated.

- Infant mortality and disease were high.
- The war caused vast population shifts. In some countries, whole groups had been uprooted.
- Many countries would continue to repay loans or repay its citizens for years to come.

THE UNITED NATIONS (UN)

Immediately after World War II, the countries fighting against the Axis pledged to continue their joint war effort and not to make peace separately. Thus, they established the UN to maintain world peace and security and to achieve cooperation in solving economic, social, cultural, and humanitarian problems. In 1945, there were 51 member nations who signed the charter that formed the UN, which replaced the League of Nations.

THE AMERICAN CULTURE

Although there were two major wars during the first half of the century and America experienced the Great Depression, many exciting things happened in the United States during this period. Life became more modernized and with success in both world wars, American nationalism continued to grow.

THE GREAT DEPRESSION

In the 1930s, the Great Depression befell the United States, during which many factories, banks, and businesses closed. By 1932, there were 16 million Americans out of work. The United States was in the worst depression it had ever experienced.

The Great Depression lasted about 10 years. During that time, Americans had no choice but to turn to the federal government for help. Under a plan called the New Deal, created by President Roosevelt, the government offered assistance to many Americans by setting up huge public work projects in an effort to create jobs. The policies of the New Deal relieved the economic situation somewhat, but complete recovery came only with the heavy defense spending of the early 1940s in preparation for World War II. Finally, businesses and industries began to operate effectively again.

SCIENCE AND TECHNOLOGY

Radios became commonplace, and although the TV was not an everyday item, Vladimir Zworykin patented it in 1924. It would not be long before the TV would overshadow the radio by becoming America's favorite pastime.

CONCLUSION/SUMMARY

The origins for World War II lay in two different conflicts: Hitler's desire for European expansion, especially considering his unwillingness to accept the frontiers established by the Treaty of Versailles, and Japan's struggle against China and its ambitions in the Pacific.

After Japan's attack on Pearl Harbor and other British and U.S. bases on 7 December 1941, the U.S. declared war against Japan the next day. In reply, Japan's allies — Germany and Italy — declared war on the U.S. on 11 December. Within four months, Japan controlled Southeast Asia and Burma.

The first Allied victories in the Pacific did not come until May and June 1942, with the Battles of the Coral Sea and Midway, where aircraft carriers were used for the first time in naval warfare. From that point on, the Allies used a two axis approach (the south Pacific drive and the central Pacific drive) and an "island hopping" campaign to recapture Japanese-help territory one by one. The Japanese troops defended their positions grimly and the bitter fighting continued until 1945.

With Japan on the retreat, defeated by the British in southeast Asia and the U.S. in the Pacific, and having disregarded Allied demands for unconditional surrender, the U.S. did not want to prolong the war with a costly invasion of Japan. On 6 August 1945, the U.S. dropped an atomic bomb on Hiroshima and dropped a second atomic bomb on Nagasaki three days later. On 14 August, Japan surrendered unconditionally to the Allies.

Casualty figures are not easy to obtain accurately for World War II, but historians estimate that civilian and military dead totaled 55 million. Eastern Europe and east Asia suffered the heaviest losses. Germany and Russia may have lost as much as a tenth of their populations. The following estimates illustrate the number of casualties for the major countries of the war:

- *Russia* had about three million killed in action, three million died as prisoners of war, eight million died in occupied Russia, and three million died in unoccupied Russia.

- *Germany* lost three and one-fourth million military casualties, around six million total casualties, and one million prisoners of war.

- *Japan* suffered over 2,390,000 total casualties — of which over 2,140,000 died — and just over one-quarter million civilian deaths (mostly from the two atomic bombs).

- *France* lost over one-half million total casualties (with just over 200,000 dead).

- *Great Britain* lost just over 610,000 total casualties (with over 270,000 dead).

- The *U.S.* suffered just over 300,000 total casualties (with about 145,000 dead).

One figure not included above is that during the German occupation of Europe, it is estimated that about six million Jews were murdered in extermination and labor camps.

LESSON 4: THE COLD WAR (1946–1959)

amphibious
armistice
cold war
communism
confrontation
containment
conventional forces
counterguerilla warfare
coup d'etat
demobilization
exiles
flexible response
infiltrated
marshall plan
massive retaliation
perimeter
puppet governments
refugees
satellite countries
satellites (2 different meanings)
skirmishes
strafed
tactical nuclear weapons

INTRODUCTION

After World War II, the United States became one of the world's two most powerful nations. The Soviet Union was the other world power. During this period, America entered into an economic and political conflict with the Soviet Union that greatly affected the American people and the rest of the world. The conflict became known as the **Cold War**.

The Cold War was a result of the Soviet Union's desire to spread **communism**. The United States resolved not to let this happen. Although the United States and the Soviet Union never had direct military conflict during this period, they battled with each other politically and technologically. The Cold War extended into the 1960s. The results of it still affect the world today.

TRUMAN POLICIES AND DOCTRINE

DEMOBILIZATION

Within one year after the end of World War II, American military forces went through a massive program of **demobilization** — discharging more than 7 million service members. Demobilization occurred because the United States no longer needed a large military once the war ended.

Just prior to the end of World War II, the strength of the U.S. Army was over 8 million men and women. However, by 30 June 1945, it had a little less than 1.9 million members, of which the Army kept nearly 600,000 personnel stationed overseas, mostly serving as occupation forces in Germany and Japan. The purpose of those occupation forces was to maintain order and help those countries transition to a democratic form of government.

The United States emerged from World War II as the most powerful economic and military power in the free world. Many nations turned to the United States to help rebuild their countries and shattered economies. Also, the Truman administration was determined to keep communism limited to the Soviet Union and to Eastern Europe. Therefore, the United States assumed a very active role in world affairs.

In the four years following World War II, the United States took on the responsibility of being the world's police officer for peace and democracy. The Soviet Union, led by Josef Stalin, sought to secure its borders by surrounding itself with the **satellite countries**. of Bulgaria, Rumania, Poland, Hungary, and East Germany. The U.S. government viewed the Soviet Union and the spread of communism as the primary threat to America and world security.

At a time when the United States reduced military manpower by large numbers, the Soviet Union maintained a large army. By the end of 1946, the U.S. Congress had reduced the total strength of the military to a little more than 1 million personnel, with only 220,000 stationed in Europe. In contrast, the Soviet Union still had over 3 million in uniform — the vast majority stationed in Eastern Europe and Western Russia. Therefore, the impact of demobilization on U.S. military policy during this period was to rely on its small stockpile of atomic weapons to back up its **conventional forces** in Europe. Also, the U.S. government made it clear that the U.S. would halt any Russian military advances by all means available. Although the United States never specifically mentioned the use of atomic weapons, it was implied.

A STRENGTHENING OF COMMUNISM

However, when it became apparent to the Soviet Union that the U.S. would not resort to using the atomic bomb — primarily because the American public was opposed to involvement in another war, especially an atomic war — the Soviet Union:

- Took back promises it made at post World War II conferences.

- Tightened its grip on the satellite nations of Eastern Europe by (1) refusing to allow free elections, (2) creating communist **puppet governments** in East Germany and North Korea, and (3) supporting a communist **coup d'etat** in Czechoslovakia in 1948.

- Refused to allow its satellite countries to receive American economic aid through a program known as the **Marshall Plan**.

- Threatened to impose communism on the governments of Greece and Turkey. However, the Truman administration took action to stop the communism by sending economic and military aid to those countries.

- Began a blockade of West Berlin in April 1948, preventing that area from receiving supplies by rail or highway. The Soviet Union took this action to force the western powers out of Berlin in order to further tighten its hold on East Germany.

When Russia first started the blockade, the U.S. government faced a dilemma — how could the military react to this Soviet aggression without resorting to full-scale war and without using the atomic bomb? Fortunately, General Lucius Clay found a peaceful solution when he began the Berlin airlift in June 1948. The airlift continued for more than

a year until a conference of foreign ministers brought an end to the blockade. During this period, U.S. Army engineers constructed and repaired airport facilities in West Berlin and the Army Air Corps flew in over 5,500 tons of supplies daily.

DID YOU KNOW?

In early 1948, President Truman, while recognizing the contribution of black servicemen in World War II, urged Congress and the Secretary of Defense to take measures to end the segregation in the armed forces. Unfortunately, there was some resistance, especially among many southern congressmen and some military officers. The southern congressmen believed that desegregated military bases would disrupt society, while the military officers believed that blacks served most effectively and had higher morale when assigned with other blacks. The newly created U.S. Air Force took the lead in carrying out Truman's order when, in early 1949, it began disbanding all-black units and assigning the men to nonsegregated units. By 1955, all branches of the military had eliminated segregated units.

CONTAINMENT

In September 1949, the Soviet Union exploded its first atomic bomb. About the same time, the communists completed their takeover of China. These two events profoundly impacted American military strategy in the 1950s. At this point in our history, the government and military leaders believed that Moscow controlled all communist movements throughout the world. Therefore, the Truman administration established a policy of **containment**, which involved limiting the spread of communism and Soviet expansion by the following measures:

- Providing economic and military aid to governments resisting communism.
- Forming a series of alliances designed to maintain security against communist expansion (the most well-known of these alliances still exists in Europe — the North Atlantic Treaty Organization (NATO)).
- Rebuilding America's conventional military forces.

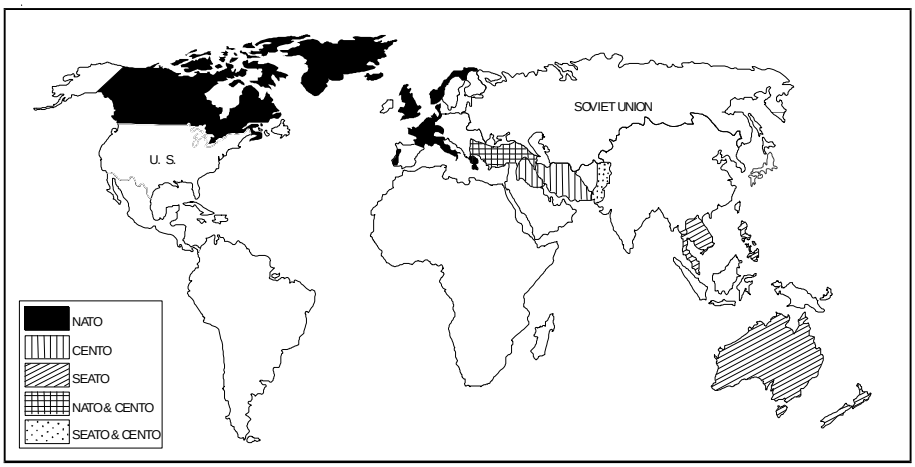
NORTH ATLANTIC TREATY ORGANIZATION (NATO)

In order to resist the Soviet Union and the spread of communism, 15 nations began an alliance called the North Atlantic Treaty Organization (NATO) in 1949. Each member of NATO promised to come to each other's aid if they were threatened by the spread of communism.

The original members of NATO included the following nations: France, Luxembourg, Italy, West Germany, Belgium, Netherlands, Denmark, Norway, Great Britain, Portugal, Greece, Turkey, Iceland, Canada, and the United States.

After the formation of NATO, the communist countries met in Warsaw, Poland. Their answer to NATO was the Warsaw Pact. Like NATO, the communist nations of the Warsaw Pact agreed to come to each other's aid if threatened by war.

In addition to joining NATO, another important political move for the United States was to promote friendship, peace, and protection among the American countries of the Western Hemisphere. Therefore, in 1948, the U.S. and the countries of Latin America formed the Organization of American States.



U.S. Military Alliances to contain Communism
CENTO - Central Treaty Organization
NATO - North Atlantic Treaty Organization
SEATO - Southeast Asia Treaty Organization

All members agreed to meet and act if any dangerous situations occurred.

CARRYING OUT CONTAINMENT

However, America faced a problem in carrying out the strategy of containment because Congress was not willing to spend vast amounts of money on defense. Thus, the United States did not have the resources to fully back up the policy of containment.

During this time, many government officials proposed a program to unify the U.S. military under one structure. Congress and administration officials believed it would be the best way to stretch the peacetime defense budget. After much debate, Congress passed the National Security Act in July 1947, although the military had until 1949 to execute its provisions. This law provided for the creation of:

- The Department of Defense with separate departments of the Army, Navy, and Air Force
- The Joint Chiefs of Staff
- The President's National Security Council
- The Central Intelligence Agency (CIA)
- The U.S. Air Force (formerly the Army Air Corps) as a separate service with control of strategic bombing and air support of ground forces.

THE KOREAN CONFLICT (1950-1953)

The Korean Conflict was America's first experience with "limited war." America entered the conflict knowing that it could not fight to achieve total victory, because the Truman administration believed that the Soviets would not allow total annihilation of the Communist North Korean forces. Therefore, any attempt by the United Nations (U.N.) forces to do so could trigger another world war. Furthermore, the United States was not willing to gamble with an atomic confrontation at that time.

After Japan surrendered in 1945, Soviet armies occupied North Korea and American forces occupied South Korea. The 38th Parallel of latitude was the dividing line between the two countries. When the Soviet Union evacuated North Korea in 1948, they left behind a Communist puppet government

that did not allow free elections to unify Korea.

In 1949, the Americans withdrew from South Korea and left a democratic government led by Syngman Rhee. Since American military and government officials did not think that Korea had any strategic importance, they did not include the defense of Korea in their military planning. As a result, the North Korean communists did not expect any resistance from the United States when they decided to launch an attack to unify all of Korea under communist control.

NORTH KOREA ATTACKS

On 25 June 1950, the North Korean Army, supported by Soviet-made tanks and aircraft, struck suddenly and unexpectedly across the 38th Parallel. Caught by surprise and unprepared for combat against heavily armed and organized forces, the North Korean Army easily pushed the South Korean forces back with heavy losses. Seoul, the South Korean capital, fell in only three days, and the invaders continued pushing south to achieve their objective.

The U.N. Security Council went into an emergency session and issued a demand that the North Koreans withdraw their forces from South Korea. They refused! Then, in an unexpected turn of events that came about because the Soviet delegates were boycotting the Security Council, the international body adopted a U.S. resolution to support South Korea. The U.N. established a military force to do what was necessary to halt the aggression and to restore peace and security in the area. The U.N. named General Douglas MacArthur, commander of the U.S. occupation forces in Japan, as the Commander in Chief of the U.N. forces.

U.S. TROOPS JOIN THE FIGHT

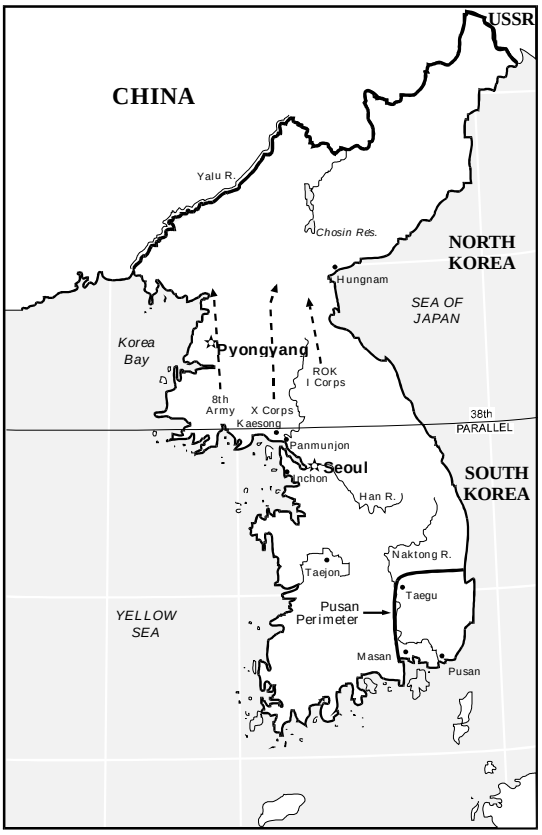
The U.S. armed forces entered the Korean Conflict unprepared. Although the Army kept its units stationed in Germany in a combat ready state (they had higher strength levels and were better trained and equipped), most of its stateside Army divisions and the regiments within those divisions:

- Were down in strength by about one-third.
- Did not maintain their equipment properly or keep the required amount of equipment.
- Did not keep their soldiers in good physical condition or give them adequate individual or unit training. This condition occurred because those units had been performing occupation and administration duties for the past five years.

In fact, many American soldiers became literally worn out and collapsed from the long marches early in the war. As a result, the U.S. Army implemented a physical fitness training program in the mid 1950s emphasizing that all personnel must continuously maintain the highest standards of physical fitness. This program remains in effect today.

The first American ground force to enter the Korean Conflict was a 500 man combat team from Japan given the code name “Task Force Smith” for its commander, Lieutenant Colonel Charles B. Smith. The task force landed at Pusan, on the southern coast, and worked its way northward until it entered the fighting. Although outgunned and heavily outnumbered by the North Koreans, the members of Task Force Smith fought bravely. For seven hours, they slowed the communist advance, destroying five Soviet-made tanks in the process. Finally, the North Koreans forced the Americans back to

Taejon, where they joined the rest of the 24th Infantry Division that had just taken up defensive positions upon their arrival from Japan.



When the U.S. soldier entered the conflict in Korea, he entered a new kind of war fought in a new environment and with new tactics. In the early weeks of the war, the U.S. soldier found himself in a bitter fight on rough mountainous terrain, sloshing through calf-deep mud and rice patties in heavy rain, running out of ammunition in undefendable gullies, and marching in retreat after days without sleep through a hostile countryside. To Americans, fighting this defensive war, which involved a delaying action until the Allies could build up enough forces for a counterattack, was a new concept.

Furthermore, the North Koreans also employed small guerrilla units of about 15 men to find gaps in the American lines and attack U.S. units behind those lines. These aspects, combined with the widespread use of massed armor attacks, resulted in heavy casualties for the U.S. ground forces early in the war.

Finally, the U.S. and South Korean lines stabilized along a line in the shape of an arc extending from 30 to 60 miles from the port city of Pusan. The U.N. forces used the port at Pusan to bring in supplies and reinforcements. This area became known as the "Pusan **Perimeter**." American and South Korean forces held the line against repeated attacks by North Korean forces from the beginning of August 1950 until their breakout on 15 September 1950. In one action, U.N. forces repelled a major attack by North Koreans against Masan in the Southwest corner of the perimeter. Another such action by U.S. troops is described below.

* * *

On 31 August, Sergeant Ernest R. Kouma, Company A, 72nd Tank Battalion, commanded a tank covering the movement of Allied troops forced to withdraw in the face of an enemy attack. Five-hundred of the enemy had just crossed the Naktong River. The hostile force overran two of the tanks in his unit, destroyed one, and forced another to withdraw.

This left Sergeant Kouma's tank the only obstacle in the path of the enemy. Remaining in position, he continued to fight off enemy attacks throughout the night. Finally, when the enemy surrounded his tank, Sergeant Kouma leaped from the turret and, exposing himself to a hail of small arms fire, manned a .50 caliber machine-gun on the rear deck and delivered point-blank fire into the enemy. Although wounded and his machine-gun empty, Sergeant Kouma fought with his pistol and grenades. After nine hours of

constant combat and close-in fighting, he withdrew his tank. Before reaching friendly lines, he destroyed three hostile machine-gun positions. As a result of his bravery in combat and devotion to duty, Sergeant Kouma was awarded the Medal of Honor.

* * *

The tide of the war turned on 15 September 1950 when U.N. soldiers landed at the west coast port of Inchon in a daring **amphibious** landing. U.S. Army and Marine divisions came ashore and quickly defeated the North Korean forces at Inchon. General MacArthur's battle plan called for the force landing at Inchon (X Corps) to advance to Seoul and cut the North Korean supply lines.

At the same time, the U.S. 8th Army in the "Pusan Perimeter" launched an attack that broke through the North Korean lines. On 26 September 1950, 8th Army forces linked up with X Corps, trapping the North Korean forces south of Seoul. Then, on the next day, U.S. forces liberated Seoul from communist control. The offensive succeeded in isolating large numbers of North Korean troops in southwestern Korea that U.N. forces either killed or captured as they tried to escape to the north or into the mountains to conduct guerrilla warfare.

After the liberation of Seoul, General MacArthur received permission from President Truman to advance into North Korea and eliminate the communist forces from the Korean peninsula in order to unite all of Korea under a democratic government. The U.N. forces advanced into North Korea in a three-pronged attack:

- The U.S. 8th Army advanced along the northwest side of Korea.
- The U.S. X Corps advanced north in the center of the peninsula.
- The South Korean I Corps advanced north along the east coast.

By this time, the war had literally become a U.N. effort. Battalions and brigades from Europe, Canada, Australia, Turkey, Thailand, the Philippines, Greece, Colombia, Ethiopia, and South Africa reinforced the Americans and South Koreans. The U.N. forces advanced well into North Korea against little resistance by the disorganized and demoralized North Korean Army. Then, on 19 October, 8th Army took Pyongyang, the North Korean capital. By 1 November, U.S. troops advanced to within 60 miles of the Yalu River, the border between China (Manchuria) and North Korea.

In the previous weeks and unknown to U.N. military leaders, small units of Chinese soldiers **infiltrated** across the Yalu River and entered the fighting. By 1 November, large numbers of Chinese troops had massed in staging areas near the Yalu River. These forces were responsible for defeating two South Korean divisions from I Corps. Despite these encounters, General MacArthur's staff dismissed the Chinese involvement in the fighting as simply small bands of Chinese "volunteers" supporting their communist allies in North Korea.

THE EXPANSION AND END OF THE CONFLICT

On 24 November 1950, an estimated 200,000 Chinese Communist troops unexpectedly launched a massive offensive against the U.N. forces south of the Yalu River. Wave after wave of Chinese soldiers threw themselves at the U.N. lines. Although the Chinese suffered heavy casualties, they forced the U.N. forces to withdraw to the south. The Chinese attempted many times to encircle and annihilate the U.N. forces, but

they could not. The U.N. forces conducted the withdrawal in a rapid, yet orderly, manner.

During the height of this Chinese offensive, General MacArthur made two public statements that were contrary to American foreign policy and military strategy in Asia. First, he wanted to allow U.S. Air Force and Navy planes to bomb Chinese bases north of the Yalu River. Second, MacArthur recommended that the United States provide military aid to Chiang Kai-shek, the leader of Taiwan, for an invasion of mainland China.

At the same time that the Truman administration faced serious foreign policy repercussions by China and the Soviet Union regarding General MacArthur's recommendations, the U.N. forces in Korea were trying to stabilize their positions. By mid-December, 8th Army occupied strong defensive positions just south of the 38th Parallel. As a result of a successful withdrawal, 8th Army casualties were much lighter than the first few days of the Chinese attack.

Unfortunately, X Corps was not as lucky — its forces in the northeast had to fight every step of the way in temperatures well below zero. In fact, the Chinese nearly trapped U.S. troops, mostly Marines, at the Chosin Reservoir. In a heroic effort, the Americans fought their way out while the Air Force evacuated wounded troops, vehicles, and cargo to South Korean bases. By 23 December, X Corps had reached the port city of Hungnam and, within two days, the Air Force had evacuated 20,000 men to Pusan. During the hard-fought withdrawal to the coast, X Corps suffered 5,500 casualties in killed, wounded, and missing.

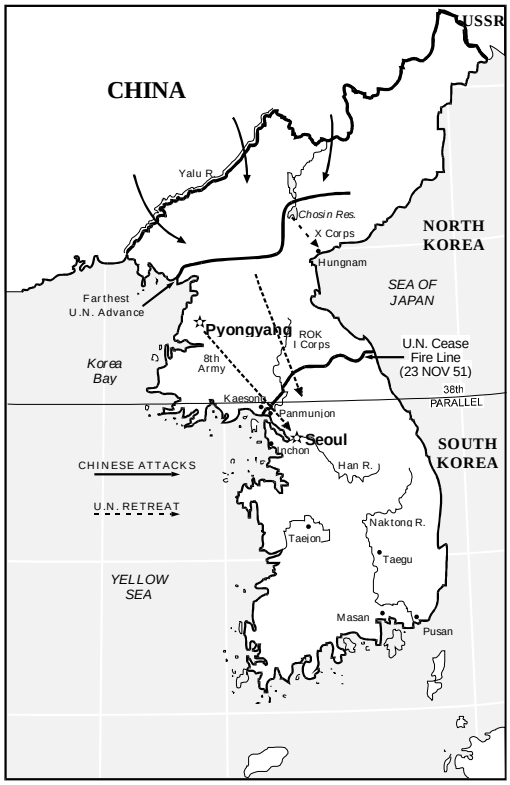
By the end of 1950, U.N. forces had established a defensive line running roughly along the 38th Parallel. The 8th Army anchored the defensive line in an area between Seoul and the center of the peninsula. General MacArthur reorganized X Corps and placed it under the command of 8th Army.

On 1 January 1951, a communist force of 500,000 troops, mostly Chinese, started their second major offensive. Once again, the communists drove back U.N. forces and Seoul fell for the second time on 4 January. Two actions hindered an orderly withdrawal of 8th Army and South Korean government officials from Seoul:

- Thousands of refugees streamed south, many carrying all their worldly belongings in wooden frames on their backs. To make matters worse, many North Korean soldiers in civilian clothing mixed themselves in with the refugees.

- North Korean guerrilla bands stepped up their attacks behind U.S. lines. Again, many of those North Koreans traveled with the refugees to hide their movements.

By the middle of January, the communist advance lost its momentum as the U.N. forces established a solid defensive line 50 miles south of the 38th Parallel. General MacArthur was now in command of all land, sea, and air forces in Korea. In a well-planned offensive, U.N. ground forces led by General Matthew Ridgway attacked along a wide front forcing the communists to retreat. Then, on 14 March 1951, Seoul changed hands for the fourth time as South Korean troops entered the city. By the end of the month, 8th Army had pushed beyond the 38th Parallel and was prepared to advance to strategic locations in North Korea.



However, back in the U.S., President Truman continued to battle problems that surfaced from General MacArthur's recommendations to escalate the war into China. Truman earnestly believed that MacArthur's comments could lead to a decision by the Soviet Union to enter the conflict.

Therefore, to prevent an atomic **confrontation** in Asia or a Soviet invasion of Western Europe, President Truman exercised his authority as the U.S. Commander-in-Chief and he relieved MacArthur of his command on 11 April 1951. This action was significant because it demonstrated the civilian control of the U.S. military. Truman placed General Ridgway in command of the U.N. forces in Korea.

Shortly after General Ridgway took command, the communists began a spring offensive with the main attack in the west. They were able to push the U.N. forces back about 35 miles with South Korean forces absorbing most of the casualties. During this offensive, the Chinese attempted to cross the Han River to retake Seoul and to outflank the U.N. forces; however, the attempt failed when U.N. planes **strafed** a force of 6,000 Chinese as they crossed the Han River in small boats. As a result of this setback, the 8th Army counterattacked and regained almost half of the territory that U.N. forces just lost.

By mid-May, the communists launched another massive offensive. Once again, the Chinese poured into the U.N. lines, but this time their gains were minimal. This offensive stalled five days later because the communists spread their forces too far apart, they exausted most of their supplies, and they suffered 90,000 casualties. Taking advantage of this situation, General Ridgway ordered a counterattack by the 8th Army. For the first time in months, U.N. forces advanced beyond the 38th Parallel.

The success of the U.N. counter-offensive persuaded the communists to request an **armistice** at the end of June 1951. The first peace talks between the U.N. and communist forces began at Kaesong in early July. Since both sides agreed to allow the fighting to continue during these negotiations, U.N. and communist forces continued to jockey for key terrain to improve their negotiating position at the peace talks. At times, the fighting became very similar to the trench warfare in World War I. Names such as Bloody Ridge, Noname Ridge, Pork Chop Hill, and Heartbreak Ridge indicate the intensity of the fighting and the terrain encountered by our troops in Korea.

DID YOU KNOW?

The movie and television series M*A*S*H were set during the Korean Conflict. MASH stands for Mobile Army Surgical Hospital. MASH units treated many wounded soldiers and Marines in Korea.

By mid-November 1951, the communists began to negotiate more seriously when both sides agreed to move the talks to Panmunjon. Then, on 23 November, U.N. and communist forces agreed to a cease-fire along a line that ran just north of the 38th Parallel. However, soldiers continued to fight and die in **skirmishes** at various points along the front lines during the next two years of peace negotiations. Some of these actions were severe in nature, and both sides suffered considerable casualties.

* * *

One such action was that of Private First Class Ernest West of Company L, 14th Infantry, whom the Army awarded the Medal of Honor for bravery. When the Chinese ambushed his platoon — inflicting numerous casualties and forcing the unit to withdraw, PFC West attempted to rescue the platoon leader, who lay wounded in an exposed position. Braving intense enemy fire, he reached the officer.

While evacuating the platoon leader, three enemy soldiers attacked him employing grenades and small arms fire. Shifting his body in front of the officer, he was able to carry the officer to safety. Although critically wounded and with one eye shot out, PFC West returned to assist more wounded personnel. While evacuating two more men, he was again attacked by three enemy soldiers. Leaving the wounded men, he closed on the enemy and, in a short but furious struggle, defeated them. He then helped both wounded men to safety.

* * *

The peace negotiations finally came to an end on 27 July 1953 when both sides signed an armistice agreement stopping all hostilities. Although the United States and United Nations were successful at halting open communist aggression, they were not successful at defeating the communist forces or changing the political situation that existed before the conflict.

DID YOU KNOW?

The Korean Conflict brought about some interesting technological changes in combat. These included the first dogfights by jet fighter aircraft, the introduction of body armor (flak jackets) for individual soldiers, and the widespread use of helicopters for airlifting troops (especially wounded personnel) and cargo around the battlefield.

THE EISENHOWER DOCTRINE

When Dwight D. Eisenhower, former Supreme Allied Commander in Europe in World War II, became president in 1952, military policy gradually shifted. Eisenhower wanted to continue the policy of defending the nation and its allies while keeping a low defense budget. Therefore, until the early 1960s, the emphasis was on the Air Force because of its ability to deliver the atomic bomb.

The explosion of the first hydrogen bomb by the United States in October 1952 played a key role in the shift of military

policy during the Eisenhower years. As a result of this development, the Eisenhower administration adopted the doctrine of "**massive retaliation**." Massive retaliation meant that the United States would respond to Soviet or communist aggression immediately, through whatever means available, including nuclear weapons. In other words, government officials wanted a "bigger bang for the buck" and tasked the military to develop weapons and organize units to support this doctrine. It was during this time that the Army developed its **tactical nuclear weapons**.

DID YOU KNOW?

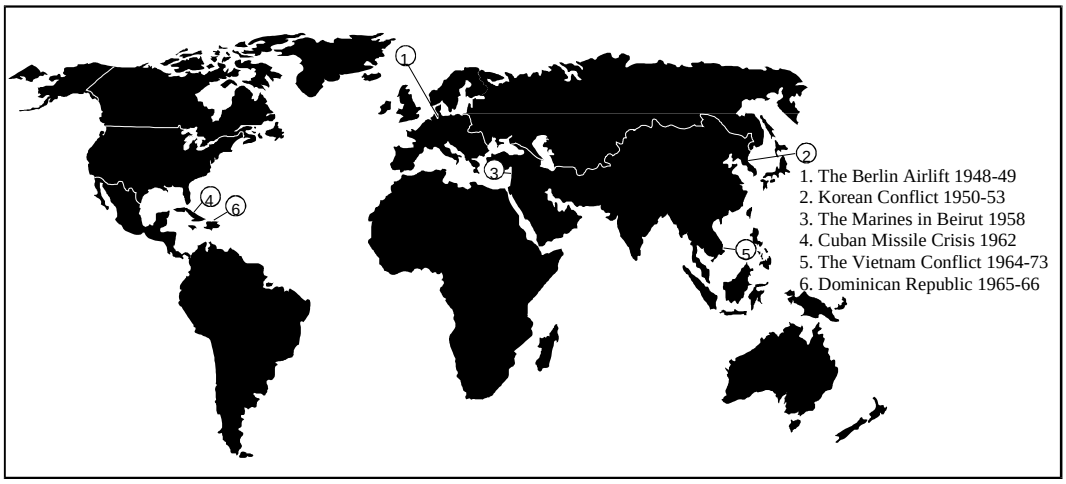
One of the earliest tactical nuclear weapon systems developed by the Army was the Davy Crockett (named for the hero of the Alamo). It was a jeep-mounted weapon system designed to give the infantry platoon heavy firepower on targets as close as two to five miles away.

The Eisenhower Doctrine of "massive retaliation" was tested numerous times in the middle and late 1950s. For example, the Soviets ruthlessly crushed an anti-Communist revolt in Hungary in November 1956. The United States did not respond with military action, but only with a military airlift of supplies to **refugees**. Apparently, President Eisenhower decided that U.S. military action in an area under Soviet control was not worth the risk of nuclear war. In July 1958, fearing a pro-Communist Arab coup d'etat in Jordan and Lebanon, Eisenhower sent the Marines to Lebanon. In a scene that would be repeated 24 years later, a battalion of Marines landed at a Beirut beach, took up positions in and near Beirut, and occupied the airport. The U.S. peacefully withdrew the troops three months later.

THE KENNEDY/JOHNSON DOCTRINE

With the 1960s came a new president and another shift in military policy. The strategy of the administration of President John F. Kennedy was called "**flexible response**." Under this strategy, the U.S. would maintain and improve its nuclear defenses while maintaining all types of military forces in a state of constant readiness to respond to any level of hostile military action. Unlike "massive retaliation," the U.S. would not use nuclear weapons in cases of limited aggression with "flexible response." This doctrine also led to an increase in the size of the Army and an emphasis on using air mobility (Army helicopters or Air Force transports) to move troops more rapidly around the battlefield.

Also during this period, the Army's Special Forces grew rapidly. Under the watchful eye of President Kennedy, the Army expanded the Special Warfare School at Fort Bragg, North Carolina, and the size of the Special Forces (Green Berets) grew from 1,500 to 9,000 men within one year. Therefore, "flexible response" meant that the United States would respond to aggression against friends and allies by choosing from a variety of options including **counterguerilla warfare**, deploying conventional forces, using tactical nuclear weapons, and showing that the United States would use strategic nuclear weapons if forced to do so.



U.S. Military Actions 1946- 1965

Two events of the early 1960s demonstrate very different examples of how the Kennedy and Johnson administrations applied the doctrine of "flexible response." The first of these events was the Cuban Missile Crisis. In mid 1962, Cuban dictator Fidel Castro made a request to the Soviet Union that it base medium-range nuclear missiles in Cuba. Castro made this request because the U.S. government had sponsored the ill-fated Bay of Pigs invasion by Cuban **exiles** wanting to overthrow Castro's communist government in 1961, and he feared that President Kennedy planned a direct military invasion of Cuba.

In October 1962, aerial photographs revealed construction of anti-aircraft sites, air bases for Soviet MiG fighters, and equipment for Soviet medium-range ballistic missiles on Cuba. President Kennedy responded immediately and with a cool head. He announced a worldwide alert of U.S. military forces, mobilized Air Force Reserve units, and began a U.S. naval blockade around Cuba to prevent any ships carrying military cargoes from entering Cuba. The world held its breath as the two superpowers were on the brink of nuclear war. Finally, the Soviets agreed to remove the nuclear missiles and the crisis ended a month later.

The second event occurred in April 1965 during the Johnson administration, who was continuing Kennedy's policies after his assassination in 1963. When a revolt broke out in the Dominican Republic, its government requested U.S. assistance. Fearing that pro-Communist rebels supplied by Castro might overthrow the Dominican government, President Johnson sent in the Marines and the Army's 82nd Airborne Division. The Americans remained in the Dominican Republic for a year, acting as a peace-keeping force until the political situation settled down.

THE AMERICAN CULTURE

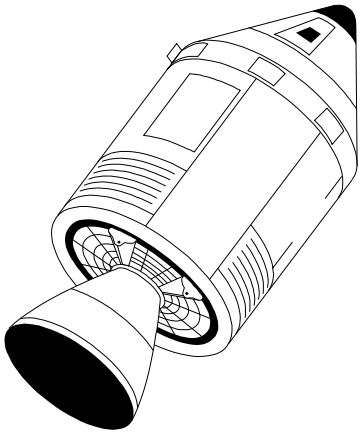
THE NEW CHALLENGE OF SPACE

In 1957, the Soviet Union sent the first earth **satellite**, Sputnik I, into orbit. This was a great scientific advancement and a victory for the Soviets in the Cold War.

With the launching of its first space satellite in 1958, the United States formally began its race into space. In the 1960s, under President Kennedy's administration, America's space program flourished. The 1960s became the decade that the U.S. put a man in space and on the moon (1969).

DID YOU KNOW?

The United States formed The National Aeronautics and Space Administration (NASA) after the Soviet Union launched Sputnik I.



THE HYDROGEN BOMB

In the late 1940s, the United States was building the world's first hydrogen bomb. The first time the United States exploded this bomb was on 1 November 1952. It was brighter than 10 suns, and the flame — which was two miles long and a thousand feet high — completely burned away the island where it was detonated. The hydrogen bomb is capable of much greater destruction than the atomic bomb, which the United States used on Japan in 1945 to end the war in the Pacific.

CONCLUSION

With the tragedy of both world wars not forgotten and the spread of communism on the rise, the United States continued to participate in world affairs during the Cold War period. America's foreign policy became one of containment. That is, the United States decided it was necessary to take steps to protect the world from communist rule. As a major world power, the United States was also under constant pressure from its Allies to be innovative and powerful. With these expectations, it became obvious that the United States could no longer act alone — its actions would affect the rest of the world.

LESSON 5: TIMES OF TURMOIL (1960–1976)

close-air support
demilitarized
deployment
hamlets
insurgency
mortars
nationalists
posthumous
resistance
sabotage
sanctuary(-ies)
segregation
search and destroy
viet cong
vietnam-ization

INTRODUCTION

WAR

THE COLD WAR CONTINUES

Between 1959 and 1962, Fidel Castro organized a small army and eventually took control of Cuba. Americans hoped that Castro would establish a democratic government, but he did not. Instead, he became a communist dictator and trade between Cuba and the United States stopped. As a result, the Soviet Union aided Cuba by buying most of its sugar crops.

The United States watched Cuba very closely during Cuba's transition to communism. In 1962, aerial cameras took pictures of Cuban workers building missile sites in forests, and Soviet Union ships carrying missiles to Cuba.

President John Kennedy immediately prepared the U.S. for war. He sent a letter to Nikita Khrushchev, the leader of the Soviet Union, demanding that Cuba return the missiles to the Soviet Union. President Kennedy also stated that the U.S. would search all Soviet ships bound for Cuba. Six days later, Khrushchev replied to Kennedy's letter. The Soviet Union agreed to pull the missiles out of Cuba and the countries avoided war.

THE VIETNAM WAR

INTRODUCTION

The turmoil in Vietnam had its roots in the overall communist program for expanding its influence in Southeast Asia. The communist movement in Southeast Asia grew out of the political unrest created in the region at the end of World War II. The involvement of the United States in Vietnam began in the early 1940s during World War II. As time lapsed, the U.S. involvement gradually increased; however, no single event in American history prompted a president to ask Congress for a declaration of war or aroused the nation's anger more than this involvement. Although the U.S. military involvement ended in 1973, its impact on American politics and society is still felt today.

VIETNAM BEFORE ACTIVE U.S. INVOLVEMENT

During World War II, the United States provided a small amount of military assistance to a Vietnamese **resistance** group that was fighting the Japanese. This resistance group was led by Ho Chi Minh and was called the Viet Minh (League for the Independence of Vietnam). After the United States defeated Japan, the French moved back into Vietnam

— which had been a French colony before World War II.

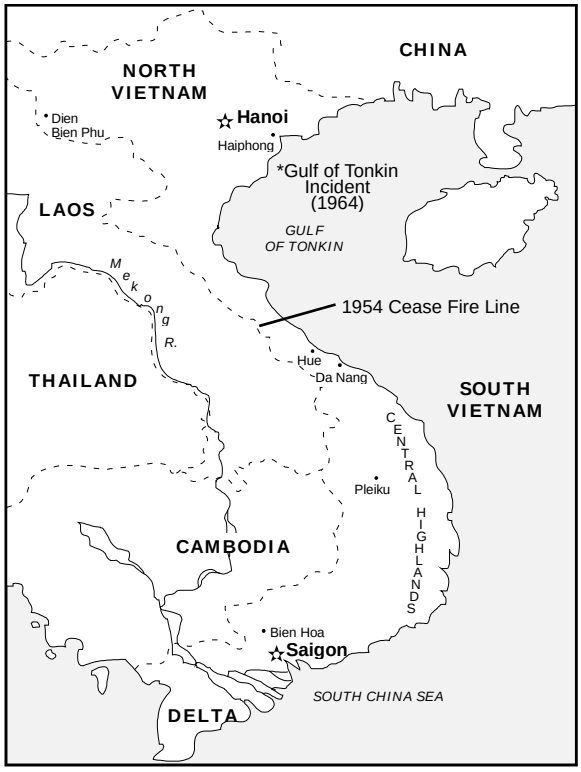
By 1950, Ho Chi Minh had formed an official communist government in northern Vietnam and was already receiving aid from the Soviet Union and communist China. Now, the Viet Minh had two major goals — force the French out of Vietnam and unify the country under a communist government. The Viet Minh encouraged local communist factions throughout the country to seize control of their governments using political unrest and **insurgency.**

However, since France was a U.S. ally during World War II, the U.S. government rejected Ho Chi Minh's proposal for an independent Vietnam. As the Viet Minh increased its attacks on the French and its insurgency activities in South Vietnam, the U.S. shifted its involvement by providing the French with military and financial assistance and technical advisors during the period from 1946 to 1954.

Because France opposed granting Vietnam its full independence, the French received little support from the Vietnamese people. Furthermore, since the French forces had neither the air power or the ground strength to defeat the Viet Minh **nationalists**, they fought each other for eight years — known as the Indo-Chinese War. The Viet Minh finally defeated the French at the Battle of Dien Bien Phu in May 1954. Two months later, the French agreed to a peace conference in Geneva. The conference resulted in the Geneva Accords.

GENEVA ACCORDS

In general terms, these accords directed a cease-fire based on a temporary line dividing Vietnam at the 17th Parallel. The accords granted control of all the territory north of the line to the Viet Minh and all the territory south of the line to the democratic "State of Vietnam." Ho Chi Minh became the recognized leader of the North, whereas in the South, Ngo Dinh Diem emerged as the head of the government with American support. Citizens on both sides of the line were free to choose the territory in which they preferred to live. This situation was to last for two years, then the accords stated that the country was to hold a general election in order to reunite Vietnam.



However, after four years, the country still had not held the election. The **Viet Cong** (South Vietnamese communists) were assassinating village political leaders who were loyal to Diem and conducting guerrilla warfare against the South Vietnamese Army. Aware of Ho Chi Minh's popularity throughout the country, and the fact that Diem believed Ho Chi Minh would win the election if it was held, Diem's followers carried out a reign of terror in the villages almost as widespread as the Viet Cong's. Thus, though

unintentional, the Geneva Accords brought about the creation of the two Vietnams.

Though the United States did not sign the Geneva Accords, the Eisenhower administration pledged that if North Vietnam continued to interfere with the internal affairs of South Vietnam, the U.S. would respond with immediate financial and military assistance to the South. With the discovery of numerous Viet Cong hideouts in South Vietnam between 1956 and 1958 — stocked with large supplies of communist weapons, ammunition, and equipment — the stage was set for U.S. involvement in Vietnam.

AMERICAN INVOLVEMENT BEGINS

By 1958, the conflict in Vietnam entered a new phase. North Vietnam openly reinforced the Viet Cong with arms and personnel. What had started as a local insurgency was growing into a full-scale war. Northern military forces infiltrated the South and assassinations, **sabotage**, and attacks on local defense units, including U.S. facilities, increased. These attacks were designed to topple Diem's government and break down local support. The United States responded by increasing its technical, administrative, and military aid to South Vietnam and by introducing better agricultural methods for rice production.

Although the Eisenhower administration sent the first military advisors to South Vietnam, the Kennedy administration stepped up the American commitment significantly. President Kennedy sent a number of Special Forces teams (Green Berets) to advise and train the South Vietnamese Army. Additionally, the Kennedy administration sent 300 American helicopter pilots to transport South Vietnamese troops, then a communications battalion, and by May 1962, there were approximately 5,000 U.S. service members stationed in Vietnam.

AMERICAN COMBAT FORCES ARE COMMITTED

The event that marked the turning point in the American policy in Vietnam was the Gulf of Tonkin incident in August 1964. Two U.S. destroyers were conducting routine intelligence-gathering patrols in international waters when North Vietnamese patrol boats attacked them. After a brief exchange of gunfire, the North Vietnamese patrol boats withdrew. In an immediate response, U.S. Navy planes bombed oil and port facilities just north of the 17th Parallel.

Meanwhile, in the United States, President Johnson explained the Gulf of Tonkin incident to Congress and emphasized that the U.S. should initiate a major **deployment** of Air Force units to Southeast Asia. Congress responded by passing the so-called "Gulf of Tonkin Resolution" by an overwhelming margin.

This resolution gave President Johnson the power to "take all necessary measures to repel any armed attack against forces of the United States ... and to take all necessary steps, including the use of armed force," to assist South Vietnam or any member of the Southeast Asia Treaty Organization (SEATO). The U.S. was now directly involved in the conflict and took command of all forces. Many members of Congress expressed the belief that the North Vietnamese would back down rather than face the wrath of the American military.

One of President Johnson's first acts was to send General William Westmoreland to Vietnam to assume command of all U.S. military forces there. Instead of merely acting

as advisors or becoming involved in combat only when fired upon, American troops now took an active role in the fighting. During the first six months of 1965, four battalions of Marines arrived in Vietnam, followed by one brigade of the 101st Airborne Division.

By July 1965, the U.S. commitment had grown to 125,000 military personnel. As other countries contributed troops to the U.S. effort in Vietnam, such as South Korea, Thailand, the Philippines, Australia, and New Zealand, the United States took operational command of those forces as well.

AMERICAN INVOLVEMENT GROWS

THE CONDITIONS OF WAR

Once again, the American military was committed to a conflict overseas where the rules of war were vastly different from any previous military operation. This situation was due mostly to the physical aspects of the country and the tactics of the enemy. There were poor roads, thick jungles that hid enemy movements, and a hot, humid climate that caused supplies to deteriorate rapidly. Another complication was the fact that the South Vietnamese civilians and the Viet Cong were so alike in appearance, speech, and dress that it was often impossible to tell friend from foe — particularly considering that enemy forces in civilian clothes had infiltrated many friendly areas.

The American soldiers, along with their South Vietnamese allies (the Army of the Republic of Vietnam or ARVN), used different tactics depending on the type of enemy soldier encountered — the Viet Cong or the North Vietnamese Army. The Viet Cong, or VC, were local civilians by day and guerrilla fighters at night, usually in squad to battalion-size units. They were armed mostly with Soviet and Chinese-made weapons such as AK-47 assault rifles and rocket-propelled grenade launchers. The North Vietnamese Army (NVA) units typically ranged from battalion to division in size and were equipped with small arms, **mortars**, tanks, and heavy artillery.

Against the VC, the American forces fought a deadly game of hide-and-seek with a guerrilla enemy that seemed invisible. The NVA troops, on the other hand, did not usually blend into the local population, and they usually operated near the borders of Cambodia and Laos, which provided safety when chased by American troops. A major difference from the U.S. military conflict in Korea (or World War II) was the lack of massed armies facing each other along a wide, easily identified front. Therefore, U.S. military commanders had to develop a strategy to cope with the new enemy and its tactics.

EARLY U.S. MILITARY STRATEGIES

From 1965 through 1968, the U.S. military effort in Vietnam was based on a four-point strategy described as follows:

1. Increase effectiveness of ground forces in South Vietnam to meet the communist threat. This strategy involved increasing the strength of U.S. ground forces and the military's **close-air-support** capabilities.

2. Initiate an air power campaign against North Vietnam.

3. Initiate a program to "win the hearts and minds" of the South Vietnamese people in the countryside and to restore government control. This strategy involved defeating VC forces and eliminating their influence. Once the U.S. accomplished those tasks, U.S. and South Vietnamese government officials would bring economic, medical,

administrative, and agricultural assistance to the people.

4. Continue to initiate peace negotiations with the communists.

As in Korea, the U.S. government imposed certain restrictions on military operations in Vietnam by limiting the U.S. military's ability to respond to enemy aggression with equal size and intensity. In addition, the Air Force had to carry out its bombing raids of the North under a policy of "gradualism" (that is, as the enemy activity increased, U.S. government leaders lifted restrictions on targets and methods of bombing). Thus, the Kennedy/Johnson administration was applying its doctrine of "flexible response" to Vietnam.

RESTRICTIONS ON U.S. OPERATIONS

Major political restrictions on U.S. military operations fell into three categories:

1. The U.S. military could not invade North Vietnam because this could allow communist China to intervene under the terms of its treaty with North Vietnam.

2. The U.S. military could not mine the port of Haiphong (the main entry for Soviet supplies to North Vietnam) for fear of hitting a Soviet ship, an act that could bring Soviet retaliation against the United States.

3. U.S. forces could not pursue the enemy into its hideouts in Cambodia and Laos because this could spread the war without producing any real advantage for the United States.

Air operations suffered the most under these restrictions. For most of the conflict, Air Force commanders had to operate under limitations that kept them from using the full potential of their air power. Nevertheless, the Air Force did what it could to increase its pressure on the enemy.

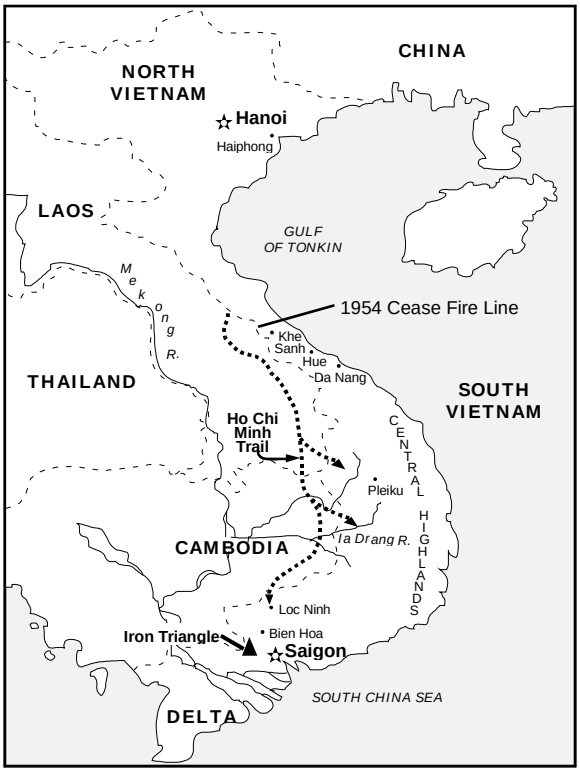
BOMBING THE NORTH: OPERATION "ROLLING THUNDER"

Before the United States could deploy a large number of ground forces to Vietnam, the Viet Cong launched a series of attacks on South Vietnamese villages. They dealt a major defeat to ARVN forces under the guidance of U.S. advisors and conducted mortar attacks on U.S. military installations at Bien Hoa and Pleiku, killing and wounding a number of Americans and destroying American aircraft. In retaliation, President Johnson authorized a number of bombing raids on selected military and logistical targets in North Vietnam. The North Vietnamese realized that they were no longer secure in their homeland while attacking the South.

The early bombing raids on the North led to the first large-scale air campaign against the North. Called operation "Rolling Thunder," which began in March 1965, its intent was to pound the North Vietnamese until they took actions to halt the aggression in the South and agree to peace talks. Although the goal of "Rolling Thunder" was to cut off North Vietnam's source of supplies, this was an impossible task since almost all of those supplies came from communist China and the Soviet Union. In the first two years of "Rolling Thunder," the only supply targets the Air Force could reach were the enemy's supply lines to the South. The North's main supply complex, centered around Hanoi and Haiphong, was still free to operate without fear of attack.

As the fighting became more widespread, the U.S. strategy of gradualism

allowed the Air Force to extend its operations to include vital targets in North Vietnam, such as the transportation network and the Hanoi-Haiphong industrial/supply complex. Although these strikes effectively reduced the North's war-making capabilities, gradualism resulted in increased U.S. pilot and aircraft losses, and it gave the communists time to understand the U.S. plan of operation and to improve their anti-aircraft defenses. Additionally, China and the Soviet Union continued to assist in North Vietnam's build-up by providing a steady stream of supplies.



THE MILITARY CAMPAIGN

While operation "Rolling Thunder" was striking at the North, the U.S. strengthened its ground forces in South Vietnam to deal with the growing menace of the Viet Cong. Within three years, U.S. military strength grew from 25,000 service members to 543,000 at the peak of the U.S. involvement.

In late 1965 in the Ia Drang River valley, the 1st Calvary Division (Air) participated in the first large-scale operation involving U.S. ground forces. The American troops fought off a series of attacks by the VC and then counterattacked, forcing the VC to withdraw. Throughout 1966, General Westmoreland decided to keep the enemy off balance by building base camps and logistical centers and conducting **search and destroy** operations. In one such operation, U.S. Marines and soldiers from the Army's 1st Cavalry Division trapped and annihilated two communist regiments.

To control tactical operations, the U.S. military divided South Vietnam into four tactical zones:

- I Corps located in the north adjacent to the 1954 cease-fire line (**demilitarized** zone).
- II Corps located in the Central Highlands; it was the largest, but least populated area.
- III Corps centered around South Vietnam's capital (Saigon); it was the most populated.
- IV Corps located at the country's southern tip which included the Mekong River Delta.

Command centers in each of those zones were responsible for planning and executing the operations within their tactical areas. For example, in the II Corps zone, U.S. operations had two basic objectives:

- Remove main force communist units from the rice-rich river bottoms along the coast. This tactic would deny the enemy the main source of food and provide a protective shield for local villagers.

- Maintain mobile forces in the sparsely populated Central Highlands. By moving

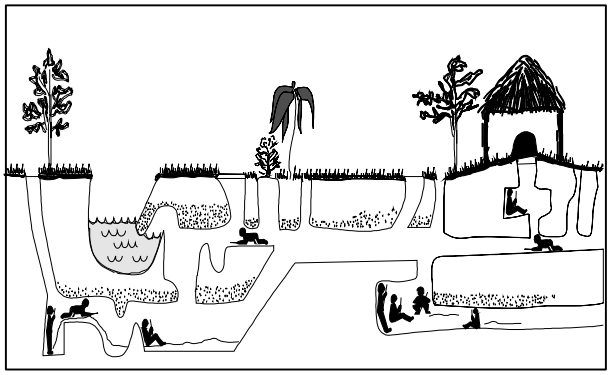
from place to place, U.S. forces could prevent the enemy from establishing a base for operations against the northern provinces and the coastal plain.

The troops in the highlands also provided reactionary forces to oppose the enemy's raids against Special Forces camps and other outposts along the frontier. This area was the point from which the South Vietnamese harassed North Vietnamese infiltration routes into the country.

As additional U.S. forces arrived in Vietnam, the 4th Infantry Division constructed a base camp, centrally located in the highlands near Pleiku, and built a road deep into the western highlands to within a few miles of the Cambodian border. Although these actions provoked a sharp enemy response, primarily against the 4th Division's fire support bases, the enemy avoided prolonged contact and fell back behind the border whenever U.S. forces seriously threatened them.

With the 4th Division present in the highlands, the 1st Cavalry Division and a brigade of the 101st Airborne Division were free to concentrate on sustained operations in the coastal provinces. By late fall of 1966, they had broken the enemy's hold on this agriculturally rich region. One operation of the 1st Cavalry Division, in conjunction with South Korean and ARVN units, ended in a classic encirclement maneuver where the Allies defeated more than 2,000 communist soldiers. Shattered remnants of a North Vietnamese division fled into the mountains to the northwest.

Also during this period, the U.S. increased its strength in the provinces near Saigon in the III Corps zone. The U.S. military aimed its operations at clearing **hamlets** and villages from VC influence and driving them away from Saigon. The first of these operations began in January 1966. The 1st Infantry Division struck to eliminate a VC regional headquarters about 25 miles northwest of Saigon in an area known as the Iron Triangle. As was so often the case, the enemy escaped, in this instance through an elaborate underground tunnel system.



Possibly, in retaliation or in an effort to open infiltration routes, the enemy massed to attack a Special Forces camp at Loc Ninh — located near the Cambodian border 75 miles north of Saigon. By reacting quickly, the 1st Infantry Division prevented the VC attack and overran a regiment in well-fortified positions in a nearby rubber plantation.

Another sweep by U.S. forces in the III Corps area provoked a counterattack by a large concentration of Viet Cong. This enemy action led to a quick commitment of elements from three U.S. divisions, an airborne brigade, and an armored cavalry regiment. Although this was the first U.S. operation of the war controlled directly by a corps headquarters and despite the large number of troops involved, fighting remained at the squad and platoon level. The U.S. forces defeated the VC in this campaign, but the VC's ability to fade away when confronted by U.S. strength and firepower made operations against them a frustrating process.

Through 1966 and 1967, the Viet Cong and North Vietnamese were reeling from a string of defeats inflicted upon them by U.S. and South Vietnamese forces. In fact, the U.S. scored a major victory by capturing thousands of documents that outlined the command structure and battle plans of the North Vietnamese armies and Viet Cong forces.

TET OFFENSIVE OF 1968

On 30 January 1968, communist forces launched what became known as the "Tet Offensive" throughout South Vietnam. They began this offensive at the beginning of what was supposed to be a truce period marking the "Tet" holidays (the Vietnamese New Year that Vietnam observed for three days beginning at the first new moon after 20 January). This offensive had three main objectives:

- Promote terrorist attacks in principal cities.
- Besiege the American base at Khe Sanh, which was vital to the U.S. defense because it controlled a strategic highway.
- Start a general uprising that would climax in the fall of the Saigon government and a withdrawal of U.S. forces; this was still the communists' ultimate objective.

During Tet, the Viet Cong attacks on cities and villages included terrorist attacks in Saigon, where they tried to seize the U.S. Embassy and main government centers. This effort ended in defeat for the communists. In other areas of South Vietnam, the NVA overran the city of Hue and held it until the end of February when U.S. Marines and ARVN forces finally regained control of it. Meanwhile, the battle for Khe Sanh lasted two months. The U.S. Marines held out until U.S. Army cavalry forces linked up with them and drove the NVA back.

The Tet Offensive was a significant event in the Vietnam Conflict for a number of reasons. The VC and the NVA suffered a military defeat, but they won a psychological victory. The Viet Cong also proved that their guerrilla organization was still in good working order. Although the people of South Vietnam supported their government against the VC, after Tet, they were afraid to show their support because they were shocked and frightened by the VC's widespread terrorist attacks.

AMERICAN PUBLIC'S OPPOSITION

One strange result of Tet was not in Vietnam, but back in the United States where many Americans strongly opposed the U.S. involvement in Vietnam. Many people felt that if a major military victory over the enemy could not force them to ask for peace, how and when could the war end? Also at that time, General Westmoreland requested that Congress authorize and send an additional 200,000 troops to Vietnam. But, Congress and the American people had little enthusiasm for sending any more. The conflict was growing increasingly unpopular in the United States, and Americans commonly expressed this attitude in violent demonstrations across the country.

As a result of General Westmoreland's request, President Johnson instructed his Secretary of State to set up a task force to study the situation in Vietnam and to

recommend possible courses of action, including troop increases. The task force concluded that sending additional forces would not guarantee a victory over the communists. Therefore, the task force recommended that the U.S. reduce its operations in Vietnam and begin a gradual troop withdrawal.

Realizing that America would no longer support the massive build-up of military personnel in Vietnam, President Johnson accepted the task force's recommendations. He set the ceiling for the troop strength at less than 550,000. Then on 31 March 1968, he ordered a near total halt to the bombing of North Vietnam.

While it was impossible for U.S. military personnel serving in Vietnam to ignore the demonstrations against the war as well as the racial, social, and economic problems at home, the Vietnam Conflict was like no other in America's history. Medical care was better and faster than in any past conflict, and the services fed their soldiers more and better quality hot meals. Service members also received mail from home almost as quickly as it took the mail to go from New York to Los Angeles, and Americans at home could see the actions in Vietnam on televised news reports. However, what these reports did not often portray was how Americans distinguished themselves in combat. Here are two examples.

* * *

Private First Class Milton L. Olive became the first of many black Americans to receive the nation's highest honor in Vietnam. During a search and destroy mission in October 1965, PFC Olive's platoon was pursuing a group of VC when one VC threw a grenade into their midst. With complete disregard for his own safety, PFC Olive saved the lives of his fellow soldiers by falling on the grenade and absorbing the blast with his body. As a result of PFC Olive's extraordinary heroism and gallantry at the cost of his own life, the Army recognized him with the **posthumous** award of the Medal of Honor to his family.

* * *

Captain Euripides Rubio of the 1st Infantry Division was one of the first Hispanic-Americans to receive the Medal of Honor. His extraordinary gallantry in combat at the risk of his own life resulted in a posthumous award of the nation's highest honor. Captain Rubio, Infantry, was serving as battalion communications officer in November 1966 when a large enemy force attacked. As he distributed ammunition, re-established positions, and provided aid to the wounded, he exposed himself to intense machine-gun and mortar fire, becoming seriously wounded.

Despite his wounds and without hesitation, he assumed command of an infantry company after its commander was medically evacuated. While assisting the wounded, he noticed that a smoke grenade — designed to mark enemy positions for an air strike — fell too close to friendly lines. In a hail of gunfire and despite being wounded several more times, Captain Rubio scooped up the grenade, ran to within 20 yards of the Viet Cong position, and threw the grenade into the enemy position before falling for the final time. Using the smoke grenade for a marker, U.S. personnel directed air strikes to destroy the enemy position. Captain Rubio's actions had turned the tide of that battle, and his outstanding leadership and valor provided an inspiration to his soldiers.

* * *

AMERICAN INVOLVEMENT WINDS DOWN

PEACE NEGOTIATIONS BEGIN

In May 1968, the North Vietnamese agreed to begin peace negotiations in Paris; however, the talks started out poorly. Negotiations centered around the North's refusal to let South Vietnam participate. Also, petty issues dominated the talks (such as the shape of the conference table and who should be seated where). Meanwhile, American and Vietnamese casualties mounted as the fighting continued.

The military leadership in Vietnam changed in June 1968 when President Johnson appointed General Creighton Abrams as commander of the U.S. forces in Vietnam.

Then, in October 1968, Hanoi agreed that a representative of Saigon could participate as long as the U.S. agreed that a representative of the Viet Cong could participate. In return, Hanoi promised to halt the widespread shelling of South Vietnamese cities and violations of the demilitarized zone that endangered U.S. personnel. By the end of the month, President Johnson ordered a complete halt to the bombing of targets in the North. This diplomatic move opened the way for further peace talks and a gradual withdrawal of U.S. forces.

THE NIXON DOCTRINE

In November 1968, Richard M. Nixon won the presidential election. The Nixon administration marked the end of the gradualism policy that had restricted U.S. military operations in Vietnam. Speaking at Guam in July 1969, President Nixon announced a new national strategy. Known as the Nixon Doctrine, the Nixon administration based this strategy on three central points:

- Maintaining U.S. military strength
- Entering into partnerships with U.S. allies
- Being willing to negotiate.

The Nixon Doctrine supported the **Vietnamization** program, which was to return the responsibility for the defense of South Vietnam back to its government. To encourage the Vietnamization program, the U.S. began the withdrawal of ground forces from South Vietnam and depended on air power to protect the remaining troops and prevent a communist takeover. The Nixon administration designed the pace of the withdrawal to give the South as much time as possible to strengthen its forces.

Although the peace talks continued in Paris, they were not producing any positive results. The major roadblock to a peaceful settlement was the basic differences between the objectives of the opposing parties. The North Vietnamese still insisted on their goal of unifying all Vietnam under communist rule. They refused to negotiate until the United States withdrew its troops and replaced the Saigon government with one acceptable to Hanoi.

These demands, of course, were unacceptable to the United States and Saigon. The United States had committed itself to helping South Vietnam preserve its independence as a separate country, free of communist domination. Furthermore, the terms of the SEATO treaty bound the United States to defend South Vietnam against aggression.

North Vietnam, however, would accept nothing less than the terms it had stated. Furthermore, because of the growing opposition in the United States to continuing the conflict, the North Vietnamese negotiators

felt they had a good chance to pressure the United States into accepting their terms. Thus, the peace talks continued, but without progress.

THE U.S. EFFORT: LATE 1968 AND 1969

Through the rest of 1968 and 1969, the war raged on. The North Vietnamese Army and the Viet Cong took advantage of the U.S. bombing halt to infiltrate more men and supplies across the demilitarized zone and the border adjoining Cambodia and Laos. The communist forces did not mount another offensive like Tet during this period, but they continued guerrilla activity against the U.S. and ARVN forces, mostly in the Mekong River Delta. One noteworthy engagement during this period was the largest tank battle to be fought during the war. American armor proved its superiority over the Soviet-made armor as it destroyed two NVA tanks and one armored personnel carrier.

In an effort to break the deadlock in the Paris peace talks, the United States resorted to private negotiations and diplomatic contacts with the Soviet Union and later communist China. In August 1969, Henry Kissinger, President Nixon's National Security Advisor, began private talks with Le Duc Tho, a special negotiator from Hanoi.

While U.S. relations with the two super powers continued to improve, the United States had no success in stopping the flow of supplies to Hanoi or in resuming peace negotiations. The only encouraging note was that neither of Hanoi's communist allies involved themselves directly in the war. The lack of direct Soviet and Chinese involvement would become important to the United States as this country took risks to expand the war in an effort to bring it to an end. These risks included the beginning of U.S. raids into Cambodia and Laos to strike at communist **sanctuaries** and an extensive bombing campaign against North Vietnam.

OPERATIONS IN CAMBODIA & LAOS

Until this point in the conflict, the communist forces in Vietnam freely used the borders of Cambodia and Laos for what became known as the Ho Chi Minh Trail. In these border areas, the communists built up a maze of infiltration trails, staging areas, and supply centers. They also used the area as a **sanctuary** from which to launch attacks against South Vietnam. All along these trails, they hid supply bases and administrative facilities. If the U.S. allowed those areas to remain undisturbed, the communists would be able to keep large numbers of units there until the U.S. was completely out of South Vietnam. Then, they could attack South Vietnam in a mass effort.

Under the terms of the Geneva Accords, both Cambodia and Laos were neutral countries. The U.S. did not have any bases in them, and it could not send ground forces into border areas to pursue the enemy. However, when Hanoi refused a demand from Cambodia to stop using that country as a sanctuary, the Cambodian government requested U.S. and South Vietnamese military assistance. At first, only ARVN ground forces entered Cambodia supported by the U.S. Air Force making air strikes on the Ho Chi Minh Trail in both Cambodia and Laos, which had also requested military assistance from the U.S.

Then, in April 1970, the communists retaliated by attacking Cambodian forces. As a result, South Vietnamese troops, supported by U.S. air power, attacked communist supply bases in Cambodia. The U.S. military also temporarily lifted its restrictions on using ground forces in Cambodia and some U.S.

troops entered Cambodia. Immediately, the Allied forces encountered a large, well dug-in communist force. After a fierce battle, the communist force withdrew and the Allies captured tons of ammunitions, weapons, and supplies.

President Nixon ordered the U.S. troops to remain in Cambodia for eight weeks unless Congress approved a longer stay, but Congress refused and the U.S. military completed the operation by 30 June 1970. The operation was successful because the Allied forces disrupted the entire communist logistic network in Cambodia. As the operation ended, President Nixon announced that by 15 October the U.S. would withdraw 50,000 more troops from Vietnam.

Despite the fact that the Cambodian operation was a military victory, it resulted in increased — and more intense — protests in the United States. President Nixon initially kept the entire Cambodian operation a secret, notifying only his cabinet and the Joint Chiefs of Staff, in order to make it possible for friendly forces to surprise the communist forces. However, since President Nixon did not notify either the United Nations or Congress of his intentions, Congress passed several laws restricting the president's use of the armed forces.

First, Congress passed a series of amendments that forbade the use of U.S. ground forces in Cambodia, Laos, or Thailand. Then, in October 1973, Congress passed the War Powers Act which specified that the president must inform Congress within 48 hours of sending troops abroad or into combat, the circumstances, and the scope of the action. The act also set a 60-day limit on presidential commitment of the U.S. armed forces without specific authorization from Congress. Although the Cambodian military operation ended in June 1970, its political consequences in the United States would be felt over the next two decades.

Because of the destruction to their logistics network in Cambodia, the communists increased their use of the infiltration trails in Laos. They were successful at using these trails until the summer of 1971 when, as part of the Vietnamization program, South Vietnamese ground forces entered the Laotian border areas with the assistance of U.S. air power and disrupted the communist supply system in Laos.

Although the operations in Cambodia and Laos were successful campaigns, the South Vietnamese Army paid a very high price. They suffered heavy losses among their best units, and in their absence, the Viet Cong increased their attacks in the South and the North Vietnamese rebuilt their forces in preparation for another major offensive.

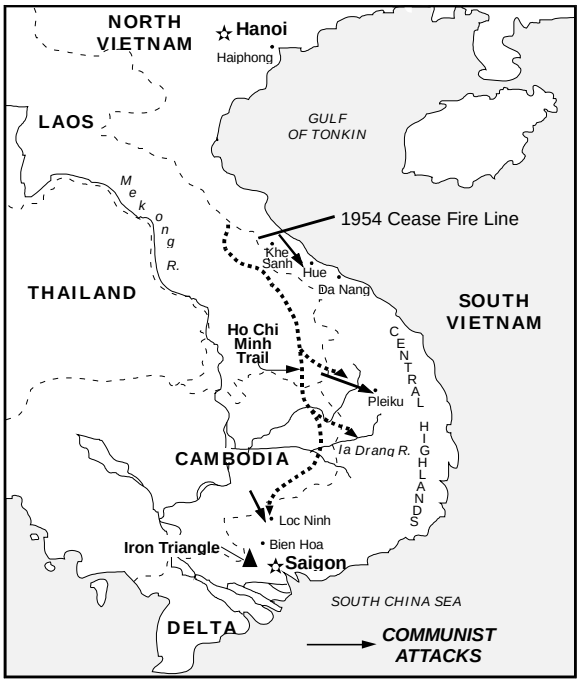
THE COMMUNIST EASTER OFFENSIVE OF 1972

As the year 1972 began, both U.S. and South Vietnamese commanders were aware that the North Vietnamese were massing for another offensive. This development was unusual for two reasons: the U.S. military inflicted heavy damage to the communist forces' logistics system and the South Vietnamese had gained military, political, and economic strength in the wake of U.S. troop withdrawals. The U.S. troop strength was at 95,000 personnel, of which less than 9,000 were combat soldiers.

The NVA kicked off the Easter Offensive on 1 April 1972 with a massive attack across the demilitarized zone supported

by trucks, artillery, and tanks supplied by the Soviet Union. The Easter Offensive had three objectives:

- Attack across the demilitarized zone to take over the northern highlands.
- Drive into the central highlands and divide South Vietnam.
- Use VC guerrilla raids against the population.



To achieve their objectives, the North Vietnamese used almost their entire army. As they advanced into South Vietnam, they attempted to capture provincial capitals and reduce principal cities to rubble.

Since there were no major concentrations of U.S. ground forces in the area of the offensive, the South Vietnamese Army, assisted by U.S. air power, met the communist attack. Once again, the air power made the difference as U.S. Air Force and Navy jets and B-52 bombers pounded NVA troop concentrations. The ARVN forces recaptured almost all of the territory that the communist forces occupied. Also, the communists failed to take Hue, the old imperial capital, which appeared to be one of their main objectives.

Additionally, the people of South Vietnam refused to rally to the communists' call. Instead, they "voted with their feet," moving into areas occupied by ARVN forces. The performance of the South Vietnamese military and the actions of the people proved that Vietnamization was apparently working. Therefore, U.S. troop withdrawals continued as planned.

Just before the communists launched the Easter Offensive, U.S. officials made every effort possible to resume secret peace negotiations in Paris. Even while the offensive was underway, these efforts continued. With the failure of the Easter Offensive, U.S. officials hoped that the North Vietnamese would abandon their strategy to win a military victory and would negotiate. When these hopes faded, the United States announced a second major air campaign against the North.

THE U.S. RENEWS ITS AIR WAR ON NORTH VIETNAM

As a response to the communist Easter Offensive, President Nixon ordered the U.S. Air Force to resume the bombing of military targets in North Vietnam. The bombing campaign, called Operation LINEBACKER, involved massive B-52 strikes against the Hanoi-Haiphong complex, bombing the rail lines into China, and mining the harbor at Haiphong. The U.S. government notified the Soviet Union before arming the mines to allow Soviet ships to leave the port without

being damaged. This act of diplomacy avoided possible confrontation with the Soviet Union.

However, these actions, like Tet and the Cambodian operation, resulted in a storm of protests throughout the United States.

Although the U.S. used less aircraft and dropped less bombs during Operation LINEBACKER than during 1968, it was more successful. Also, despite the improved air defense system installed by the North Vietnamese consisting of Soviet surface-to-air missiles, U.S. planes inflicted more damage on key enemy installations than in previous air operations. The North Vietnamese began to feel the effects as the U.S. Air Force severely damaged their oil facilities, supply bases, and supply lines. The communist effort in the South began to bog down as the supplies began to dwindle.

From October to December 1972, there was a lull in the bombing because the North Vietnamese made serious proposals at the Paris peace talks. However, North Vietnam took advantage of the bombing lull to rebuild their supply network and air defenses. In a final effort to bring the communists to terms at the peace table, the U.S. resumed its bombing of North Vietnamese targets under Operation LINEBACKER II — the hardest hitting air campaign of the war. This time, B-52 bombers pounded military and logistical targets in the heart of Hanoi, severely damaging or destroying almost all military facilities in the Hanoi-Haiphong area, as well as supply facilities and the surface-to-air missile sites.

The main reason that Operations LINEBACKER and LINEBACKER II were so successful was because of the use of “smart bombs” by the U.S. Air Force. These bombs allowed crew members to accurately guide the bombs to their targets by a laser beam or a television guidance system located in the nose of the bomb. One positive result of those operations was that North Vietnamese officials finally concluded that a military victory was not possible, and they made substantial progress at the peace negotiations in Paris. A negative result of these operations was that North Vietnam shot down more U.S. planes than at any other time in the conflict.

THE PEACE TREATY AND FINAL U.S.TROOP WITHDRAWAL

Once the North Vietnamese removed their demand that the South Vietnamese government be replaced by a communist government, they agreed to discuss the political and military issues of the conflict separately. For the very first time, the North Vietnamese created an atmosphere in Paris that could bring about an end to the fighting and deal with the political future of South Vietnam.

Then, in January 1973, the secret talks between Kissinger and Le Duc Tho paid off — the United States and North Vietnam signed a peace treaty on 23 January 1973. The terms of the Paris peace treaty were as follows:

- A cease-fire was to take effect on 27 January ending all fighting.
- Within 60 days, the U.S. and North Vietnam had to withdraw all of their troops from South Vietnam.
- Within 60 days, the communist forces had to release all American prisoners of war, and the United States wanted all persons missing in action accounted for.
- All nations had to recognize the independence and integrity of both North

and South Vietnam; the border between them would be the demilitarized zone at the 17th Parallel.

- All nations had to guarantee the independence and neutrality of Cambodia and Laos, although fighting between government and communist troops continued within both of those countries.

Despite the cease-fire agreement, the fighting continued. There was no real peace and doubts arose about being able to account for the large number of Americans reported as missing in action. Finally, there was tremendous relief and rejoicing in the United States when the communist forces returned the prisoners of war. Although most of these prisoners suffered great hardships, especially those held by the Viet Cong, their morale was very high.

During the two years following the signing of the Paris peace agreement, the North Vietnamese underwent a massive military build-up to recover from their losses suffered from the Easter Offensive and Operation LINEBACKER.

Meanwhile, the United States continued to send weapons and military supplies to the South Vietnamese forces. However, the U.S. failed to provide the economic and logistic support needed to maintain these sophisticated weapons. The South Vietnamese seemed to lack the knowledge or will to use the equipment. As a result, the ammunition, supplies, and will to fight of the South Vietnamese Army dwindled as the communists increased their attacks.

North Vietnam, on the other hand, continued to receive large amounts of economic and military aid from its communist allies and was well-prepared to start a major offensive against South Vietnam.

THE FINAL COMMUNIST OFFENSIVE

In March 1975, the North Vietnamese launched a final massive offensive called the Ho Chi Minh Campaign. This time, the communists successfully crushed the South Vietnamese Army — achieving their long-sought goal of unifying Vietnam under a communist government. Saigon surrendered on 30 April 1975 and the communists later renamed it Ho Chi Minh City.

The long and bitter conflict in Vietnam which ended in defeat for the South, left a long-term impact on the United States that is still evident today. Beginning with the 1968 Tet Offensive, the American people became deeply concerned about the mounting costs in human lives and resources, and in the devastation the conflict produced.

DID YOU KNOW?

Although the direct U.S. military involvement in Vietnam ended in 1973, the U.S. once again committed troops in a military action in Southeast Asia in May 1975. The U.S. merchant ship Mayaguez was sailing in local shipping lanes when gunboats from the new communist government of Cambodia stopped it, boarded the ship, removed the crew, and took them to an island off the Cambodian coast. President Gerald Ford decided to use military force to rescue the crew. U.S. aircraft and Marines assaulted the island against a well dug-in force, but the Cambodian government had just released the crew before the attack began. As the crew sailed to safety, the well dug-in forces pinned the Marines down on the beach, requiring the U.S. military to conduct a night rescue operation to recover them.

Although the war in Vietnam was the most highly publicized in history, the American people found it confusing. They could not understand why the United States was involved in a conflict in such a small country 10,000 miles away that posed no immediate threat to the nation. The violent differences of opinion and the violent demonstrations that shook this country as the war continued were a real threat to national unity.

CONCLUSION

When the United States withdrew its remaining troops from Vietnam in 1973, the longest war in U.S. history was over. This country had been directly involved in Vietnam for nine years and indirectly involved for an additional 15 years — almost a quarter of a century of commitment.

Once again the United States had assumed the responsibility for being the world's police officer for democracy. However, it became evident that when the American people do not support a long-term commitment of American military forces, the outcome will most likely be one that will not serve the long-term interests of the United States.

THE AMERICAN CULTURE

SOCIAL REVOLUTION

In the 1960s, America experienced a social revolution. While many Americans were fighting in Vietnam, many others were using their basic rights to express their beliefs about war and peace. Many Americans in the United States expressed these ideas by protesting the war, holding peace movements and civil rights demonstrations, and taking an interest in the condition of the environment.

AMERICA'S SPACE PROGRAM

The space race continued in the 1960s with many successful flights. The United States sent its first astronaut, Alan Shepard, into space in 1961. In 1962, President Kennedy stressed America's determination to lead the world in space exploration:

"Those who came before us made certain that this country rode the first waves of the Industrial Revolution, and the first wave of nuclear power. And this generation does not intend to flounder in the backwash of the coming age of space. We mean to be part of it. We mean to lead it, for the eyes of the world now look into space, to the moon and the planets beyond; and we have vowed that we shall not see it governed by a hostile flag of conquest, but by a banner of freedom and peace ... We sail on this new sea because there is new knowledge to be gained, and new rights to be won and used for the progress of all people."

In 1969, Neil Armstrong placed the American flag on the moon. Although this was one of the greatest accomplishments of the space race, America achieved a variety of other successful accomplishments as well. Two such accomplishments include: satellites that circle the earth sending scientific information back to earth and satellites that send back a continuous picture of the earth's cloud coverage (thus aiding in the prediction of weather patterns).

Perhaps one of the greatest accomplishments that occurred during the space race of the 1960s was an agreement signed by the Soviet Union and the United States. This agreement stated that neither nation could build military bases in space or claim sole right to space.

PERSONAL ACHIEVEMENTS

The 1960s were a time of civil rights demonstrations. During this decade, black Americans made progress toward achieving equal opportunity and equal rights through organizations such as the National Association for the Advancement of Colored People (NAACP) and people like Dr. Martin Luther King, Jr.

Dr. King was a leading force in the civil rights movement. He staged many peaceful demonstrations against the injustice of **segregation**. For example, he led a year-long boycott against the segregated bus lines in Montgomery, Alabama. He also set up the Southern Christian Leadership Conference as a base for nonviolent marches, protests, or demonstrations for black rights, such as the 1963 march on Washington, D.C. For his efforts, he received the Nobel Peace Prize in 1964. While planning an antipoverty march in 1968 in Memphis, Tennessee, James Earl Ray assassinated him.

CONCLUSION

The 1960s and early 1970s were a time of turmoil for many Americans and for the United States. This period was noted for an unpopular war in Vietnam, the assassination of a key civil rights leader, the resignation of a president, and the fall of Vietnam to communism. Almost over-shadowed by those events were successes in the civil rights movement, conservation, and the space program. As a result of the many political, military, and social changes that took place, many Americans had to evaluate their values and change their lifestyles to prepare for the coming decades.

DID YOU KNOW?

During the Vietnam Conflict, the U.S. military suffered more than 200,000 casualties with more than 58,000 personnel killed or missing. Efforts are still underway today to account for the whereabouts of all service members still listed as “missing in action” or believed to have been a “prisoner of war.” The Vietnam Memorial in Washington, D.C., depicts the names of all service members who died from this conflict.

LESSON 6: AMERICA'S CHALLENGE TO CHANGE (1977–PRESENT)

air superiority
breached
coalition
contra
détente
deterrent
elite
embargo
ethnic cleansing
"friendly fire" internet
leftist
maneuvers
marxist
MX missile
multinational
notion
oppression, paramilitary
sanctions
"smart weapons"
sorties
stealth
warheads

INTRODUCTION

America's present is a representation of its past. The United States continues to participate militarily in world affairs (when necessary) and continues to advance in space exploration, new technology, and personal achievements.

A PERIOD OF MILITARY REDUCTIONS

When Gerald Ford became president in 1974 after Nixon resigned, widespread negative public attitudes caused by the unpopular war in Vietnam affected military policy. For example, the U.S. military fell prey to major spending and manpower cuts during most of the 1970s.

Immediately after the U.S. involvement in Vietnam ended, the entire U.S. armed forces underwent a massive reduction in manpower. Between 1968 and 1975, Congress reduced the size of the armed forces by more than one-third, from 3.4 million to 2.1 million personnel. As a result, the Air Force and Army dramatically cut their aviation units; the Navy reduced its size by nearly half the number of ships; and the Army reduced its size by more than a dozen divisions.

Two developments accounted for the decline in military manpower: the end of the draft in 1973 and several reductions in force. With the end of the draft, the services had to fill the enlisted ranks of the armed forces with "volunteers" — a difficult undertaking especially since the military was recovering from an unpopular war. Secondly, with the decline of enlistments, the ratio of officer to enlisted personnel had swollen to unacceptable levels. Therefore, the services, especially the Army, implemented reductions in force to significantly reduce the number of officers and senior noncommissioned officers on active duty.

U.S. Military Actions 1966-1990

The services faced a major challenge in trying to implement the "all volunteer force." After nearly a decade of protests, social upheaval, and negative attitudes toward the U.S. military, there was a distinct decline in the quantity and quality of people enlisting in the nation's armed forces.

After 1973, the percentage of recruits not possessing a high school diploma increased while scores on armed forces entry-level tests decreased. Furthermore, the number of unauthorized absences, incomplete enlistments, disciplinary actions, drug use, and drug- or race-related violence increased. Budget cuts compounded these problems, impacting the heaviest on training and equipment maintenance. As a result, military aircraft flew less hours, naval warships spent fewer days at sea, soldiers shot fewer bullets and artillery rounds, and all services reduced the number of field exercises or **maneuvers**. Despite the technical superiority of the U.S. military, it faced serious problems during the remainder of the 1970s.

THE CARTER YEARS (1977 - 1981)

DETERRENCE AND DÉTENTE

When the nation elected President Carter in November 1976, he brought with him a new attitude toward the military and a group of advisors to implement his programs. President Carter stated that his policy would be to maintain a strong military as a **deterrent** to war, but without spending too much money on expensive, unnecessary weapon systems.

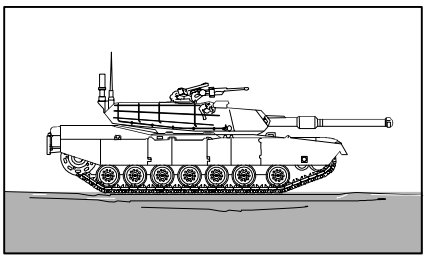
Furthermore, the Carter administration, a champion of human rights, would not support nations with a history of political **oppression**. This policy meant that those nations receiving American aid, especially military assistance, had to eliminate human rights' abuses or face the possibility that the U.S. would terminate its assistance. At the same time, President Carter pursued **détente** with the Soviet Union, and he negotiated with the Soviets to stop the spread of nuclear weapons.

Almost immediately after taking office, President Carter took a number of actions that reflected a change in military

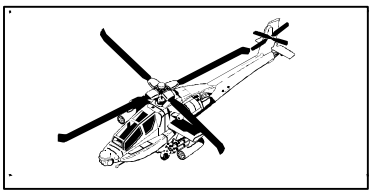
policy from the Ford administration. President Carter granted pardons to nearly all draft evaders during the Vietnam Conflict, canceled the B-1 bomber program, postponed production of a new atomic weapon — the neutron bomb, and canceled observation flights over Cuba.

President Carter did, however, approve limited production of the **MX missile**, create a military task force to handle situations in the Caribbean Sea, and establish the Rapid Deployment Force (RDF), a specially equipped military organization with 200,000 personnel from all branches of the military.

The Army benefited the most from President Carter's modernization plans because Army programs were the least expensive. Some of the new weapon systems that the Army acquired were the M-1 "Abrams" main battle tank, the M-2/M-3 "Bradley" fighting vehicle, mechanized air defense vehicles, attack (AH-64 Apache) and transport (UH-60) helicopters, and an artillery rocket system.



M-1 "Abrams" Main Battle Tank



AH-64 Apache Helicopter

STRATEGIC ARMS LIMITATION TALKS

During the Nixon administration, President Nixon opened negotiations with the Soviet Union on limiting the number of strategic nuclear weapons. These negotiations resulted in the Strategic Arms Limitation Treaty (SALT) signed in May 1972. The negotiations and first treaty brought about a thaw in the Cold War and the beginning of détente with the Soviet Union. The Ford administration continued these negotiations with the Soviet Union for further nuclear weapon limitations, but after two years, both sides were unable to reach any major agreements.

In 1977, the Carter administration opened the SALT II negotiations with the Soviet Union in an attempt to again reduce the number of nuclear weapons. President Carter and his Soviet counterpart signed the treaty in June 1979; however, the Senate refused to ratify it. Then, after the Soviet Union invaded Afghanistan in December 1979, the Senate "shelved" the SALT II treaty — although the U.S. did abide by terms of that treaty until it expired.

Despite the SALT II negotiations, the continued build-up of Soviet conventional forces in Europe convinced President Carter that he still needed a military strategy for deterrence. In 1980, the Carter administration announced its military strategy with regard to nuclear weapons. The announcement proclaimed that the United States would maintain the capability to wage nuclear war at all levels and would not make a pledge against first use of nuclear weapons.

A SUCCESS AND FAILURE OF THE CARTER ADMINISTRATION

Four events tested the Carter administration's approach to military policy. They were:

- The protests of European peace groups against the deployment of new U.S. nuclear missiles to Europe.
- The Iran hostage crisis. This event had the most profound impact on the Carter administration.
- The conflict between Israel and Egypt.
- The Soviet invasion of Afghanistan.

The two Middle East developments marked both the biggest success and the downfall of the Carter administration. In 1978, President Carter arranged for peace talks between Egypt and Israel, enemies for 30 years, that resulted in the Camp David Accords. The accords were a personal diplomatic triumph for President Carter because they led to a series of agreements between Egypt and Israel.

The event that probably brought about the downfall of the Carter administration was the Iran hostage crisis. In November 1979, a large group of armed Iranian protesters stormed the American embassy in Teheran and held about 50 Americans hostage for over a year. Throughout the ordeal, the American military developed a number of plans to rescue the hostages and take whatever military action necessary against Iran. Then, in April 1980, the U.S. conducted a raid to rescue the hostages. Unfortunately, the mission encountered problems, forcing President Carter to cancel it.

THE REAGAN ERA (1981 - 1989)

REBUILDING THE MILITARY

When Ronald Reagan became President in January 1981, his administration set out on a massive program to rebuild the military and improve the public attitude toward the armed forces. During his first two years in office, he was very successful at accomplishing these objectives. The Reagan administration sought to fulfill the ambitious defense programs mostly by spending more money from the federal budget.

President Reagan proposed spending an additional $60 billion per year above the projections made by the Carter administration for the defense budget. Although the increases had an impact in all areas and branches of the military, the two areas that received most of the emphasis were in the acquisition of new weapon systems and improved pay and benefits for members of the armed forces.

As a result of this advanced technology in the military and better pay for their personnel, the armed forces were able to attract many high quality recruits and retain career people. In fact, by the late 1980s, the percentage of recruits possessing a high school diploma and the average educational level of career military personnel were at their highest levels in history.

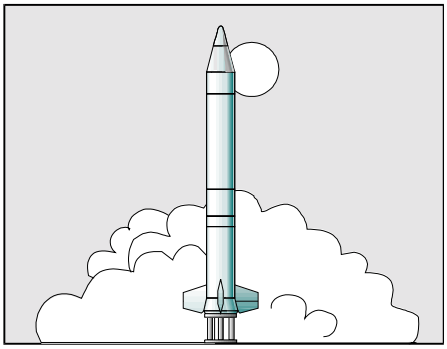
Many Americans, especially members of Congress, questioned the need for an increase in the military. President Reagan answered the critics by pointing out that while the United States was cutting back on military spending and the size of the military, the Soviet Union had undergone a massive military build-up and was beginning to take a more active role in world affairs.

The military programs of the Reagan administration included plans to add over 400 ships to the Navy, restore the B-1 bomber program that President Carter canceled, and add 7,000 new M-1 tanks to the Army. Realizing that an all-out nuclear war was unlikely, the Reagan administration emphasized conventional warfare.

The Reagan approach also sought to return the U.S. to a position where it could project its diplomatic influence or military power to any area of the world that was vital to its interests. President Reagan demonstrated his willingness to project U.S. military power at a number of key locations in Europe, the Middle East, and Central America.

Europe

In Europe, President Reagan proceeded with plans to deploy new tactical nuclear missiles, despite increased protests from anti-nuclear groups. President Reagan stated that more advanced, accurate missiles were necessary to offset the large Soviet advantage in conventional forces. The U.S. military installed most of those new missiles in Britain and West Germany so that they could reach targets well within the Soviet Union.



The deployment of the missiles began in December 1983. However, negotiations between President Reagan and Soviet President Mikhail Gorbachev in 1986 and 1987 resulted in an agreement that reduced the number of strategic nuclear missiles on both sides. The reduction of U.S. and Soviet strategic nuclear missiles was one of Reagan's main policy goals.

Middle East

The U.S. took a keen interest in the Middle East during the Reagan administration. This interest was because of three events:

- Constant tensions in the region (especially between Israel and its Arab neighbors).
- Increased Soviet involvement in the region.
- The negative impact of the Iran hostage crisis on U.S. foreign policy.

In late 1981, the U.S. Army airlifted its 82nd Airborne Division to Egypt in a test of the Rapid Deployment Force. While in Egypt, U.S. soldiers conducted a number of successful joint maneuvers with Egyptian troops.

Events in Lebanon during the summer of 1982 severely tested American policy in the Middle East. After the Israeli Army had invaded Lebanon with the purpose of destroying the Palestine Liberation Organization (PLO), the PLO launched terrorist attacks against Israeli citizens and shelled Israeli settlements from positions in southern Lebanon. The Reagan administration made a number of attempts to convince both sides to agree to a cease-fire, but the fighting continued.

Then, in July 1982, President Reagan announced that the United States would send troops to Beirut as part of a **multinational** peace-keeping force. A month later, two

companies of U.S. Marines landed on the beach at Beirut. (Recall that a similar scene occurred 24 years earlier.) The size of the Marine force in Beirut grew to 1,600 as Marines occupied positions at the Beirut Airport to keep it open and patrolled the streets of Beirut.

On 23 October 1983, the Marine headquarters in Beirut was the target of a terrorist suicide attack. A truck loaded with explosives crashed into the four-story barracks, reducing it to a pile of rubble and killing 241 U.S. servicemen. In February 1984, President Reagan withdrew the Marines from Lebanon.

In El Salvador, the Reagan administration provided economic and military assistance to help prevent **leftist** rebels from overthrowing the democratically elected government. Cuba and the **Marxist** government in Nicaragua were supplying the rebels with large amounts of arms.

Central America

Central America is a region that all U.S. presidents since James Madison have viewed as being crucial to U.S. interests. The Reagan administration was no exception, taking particular interest in the countries of El Salvador, Honduras, and Nicaragua.

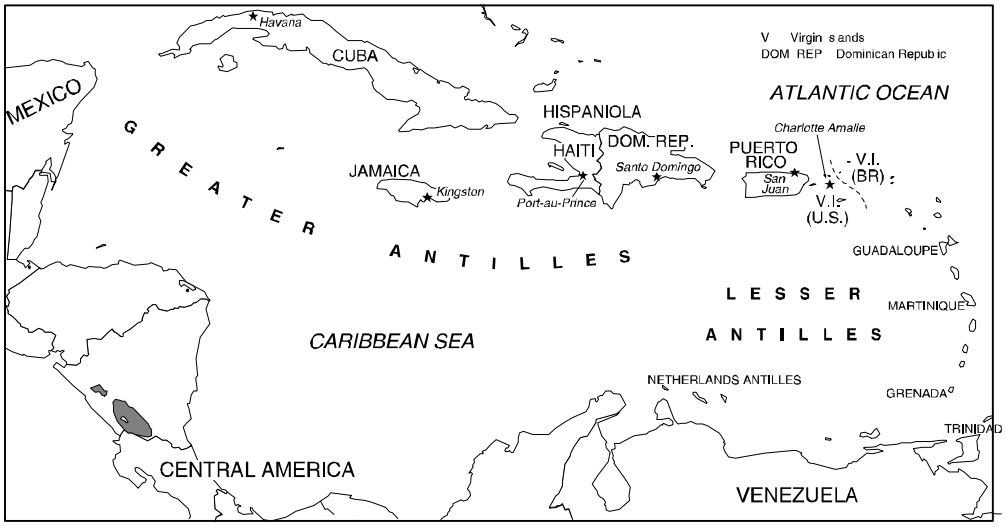
Meanwhile in 1982, Honduras began to voice two concerns. The first was the threat by the rebels in El Salvador (who sometimes made border raids into Honduras) and the second was the military build-up by Nicaragua on its southern border. As a result, the Reagan administration sent U.S. military advisors to Honduras to help train the Honduran Army. Furthermore, between February 1983 and March 1987, the U.S. military sent troops to Honduras on a number of occasions to participate in maneuvers with Honduran soldiers. While stationed in Honduras, Army engineers built a number of roads, bridges, and airfields, and provided medical assistance to local villagers.

In Nicaragua, President Reagan was concerned about the growing threat caused by the military build-up and increased Cuban and Soviet influence in the region. One of Reagan's most visible actions was to provide support to the **contra** forces fighting against the Marxist government in Nicaragua. This support included humanitarian, military, and financial aid. However, this aid became the cause of much debate in Congress, especially after the news broke of the Iran-Contra arms deal, which involved a number of Reagan's security advisors.

GRENADA: OPERATION URGENT FURY (1983)

Despite the increased involvement by U.S. military personnel throughout the world during the Reagan presidency, American forces did not become involved in a full-scale combat operation until October 1983, when the U.S. sent forces to Grenada.

Grenada is a tiny island located in the Caribbean Sea just north of Venezuela. In 1974 a dangerous Marxist government took control of Grenada. However, when the U.S. discovered in October 1983 that Cuba was trying to turn the island into a communist supply base and was in the process of



West Indies (Shows Grenada)

building airstrips there, the Reagan administration believed that the lives of 800 American students were possibly in danger.

After talking with friendly nations in the Caribbean, President Reagan ordered a combined military task force to Grenada to rescue the American students and to restore order. Naval aircraft from two aircraft carriers, a Marine amphibious group, and two battalions each of Army Rangers and the 82nd Airborne Division participated in the operation called URGENT FURY. The operation lasted about three weeks as U.S. forces initially met with some stiff resistance from armed Cuban combat engineers and Grenada's militia. However, the U.S. military soon defeated or captured the enemy forces.

Although the U.S. military experienced some minor problems in Grenada and the operation received some public criticism, overall it was a success. The U.S. forces rescued the American students unharmed, captured large supplies of hidden communist-made weapons, and received grateful appreciation from most of Grenada's population for the American action.

TERRORISM AND THE U.S. MILITARY

Throughout the last two decades, international terrorism has had a major impact on American foreign and military policy. American citizens working or living overseas are frequently the target of terrorist attacks. Terrorist groups have held Americans hostage for months at a time, made them victims of terrorist hijackings, and killed them in airplane bombings or machine gun attacks. These terrorist groups have forced all U.S. presidents since President Nixon to face the growing problem of having to deal with the horror of terrorism.

As a result of the increase in terrorist activity, President Reagan emphasized organizing, maintaining, and training special operations forces to fight terrorism. The mission of these special operations forces is to assist and train friendly military forces in resisting terrorist and guerrilla attacks, conduct reconnaissance and rescue operations, and make quick military raids or strikes against terrorist camps and headquarters. Although all branches of the military contribute personnel and equipment to those forces, the Army's Special Forces (Green Berets) and Ranger units make up the backbone of them. One well-known example

of an Army special operations force is the Delta Force. Specially modified helicopters and airplanes also play an important role in the mission of those forces.

During President Reagan's second term (1985 - 1989), the U.S. finally experienced some victories over terrorism. In October 1985, the U.S. retaliated for the hijacking of an Italian cruise ship and for the murder of an elderly American passenger on board. After surrendering to Egyptian authorities, the hijackers boarded a plane for the Palestine Liberation Organization headquarters in Tunisia. U.S. Navy jets intercepted the plane over the Mediterranean Sea and forced it to land in Sicily, where Italian authorities arrested the hijackers. In April 1986, U.S. aircraft conducted a successful air raid against airfields, military headquarters, and terrorist training camps in Libya in retaliation for its involvement in the terrorist attacks.

THE BUSH YEARS (1989–1993)

After being President Reagan's vice president for eight years, the foreign and military policies of President Bush — who won the presidential election in November 1988, were very similar to that of the Reagan administration. The first major test of the Bush administration was in Panama in 1989.

PANAMA: OPERATION JUST CAUSE (1989–1990)

On 20 December 1989, the U.S. invaded the Central American country of Panama. A vast majority of the American public, most of its allies, and the majority of the Panamanian people supported this military operation. There were a number of reasons why President Bush decided to send U.S. forces into Panama. They included:

- The political leader of Panama, General Manuel Noriega, threw out the results of a May 1989 election and declared himself dictator of Panama.
- The U.S. wanted Noriega on drug-related charges.
- The incidents caused by Panamanian Defense Force soldiers attacking unarmed U.S. military personnel and their dependents.
- Noriega issued a public declaration that a "state of war" existed with the U.S.

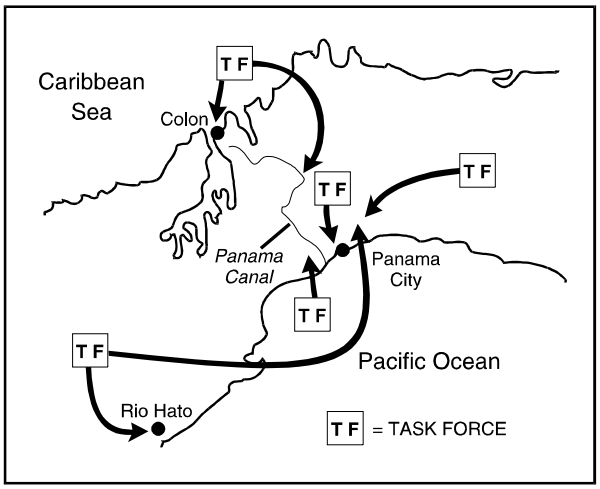
These actions led President Bush and his staff to conclude that Noriega's government was a threat to American interests, military bases, and possibly the Panama Canal. As a result of these actions, the U.S. military invaded Panama on 20 December 1989. President Bush stated that the invasion of Panama, or Operation JUST CAUSE, had three goals:

1. To quickly defeat the Panamanian military and **paramilitary** forces.
2. To capture the dictator Noriega and bring him to the United States to stand trial for drug-related charges.
3. To install the legitimate government that won the May 1989 elections.

Approximately 24,000 U.S. military personnel took part in Operation JUST CAUSE, although 13,000 of those were already stationed in or training in Panama. Unlike Grenada that was a joint military campaign, Panama was mostly a U.S. Army operation. The Chairman of the Joint Chiefs of Staff, General Colin Powell, and the

Commander of U.S. forces in Panama, General Maxwell Thurman, designed the invasion plan.

The plan had four task forces striking the Panamanian Defense Force strongholds on both coasts of Panama in unison. Another task force, including light tanks and other armored vehicles, advanced on the Panamanian Defense Force complex in downtown Panama City.



Special operations forces from all branches of the military, including the Army Delta Force, Navy Seals, and Air Force AC-130 gunships kicked-off the operation. During the darkness of the early morning hours on 20 December, the fighting was often furious. One example was the house-to-house fighting encountered by the 75th Rangers at a place called Rio Hato.

By the end of the first day, the U.S. military had met most of its objectives. However, shooting continued for a few days, especially in Panama City where American forces continued to receive sniper fire and looting took place until U.S. troops could restore order nearly a week later.

THE PERSIAN GULF BUILD-UP AND WAR (1990 - 1991)

INTRODUCTION

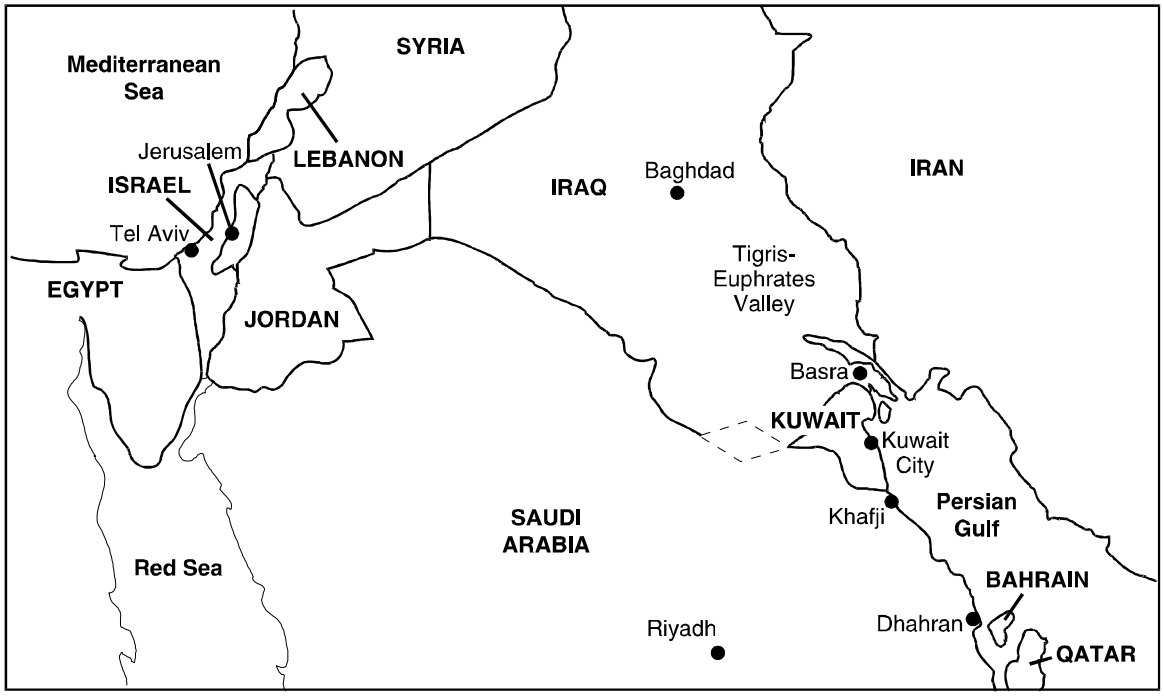
On 16 January 1991, while many Americans sat down to dinner and the evening news, the U.S. and Allied aircraft launched a major air campaign against Iraq. The Persian Gulf War, or Operation DESERT STORM, had officially begun. Although this war was just entering its first stage, we can trace its beginning back to 2 August 1990, when Iraqi military forces invaded and conquered the tiny country of Kuwait.

WHY WE WERE THERE

On 5 August 1990, advisors to President Bush, including Secretary of Defense Richard Cheney, provided information showing that Iraq was stationing forces along the border with Saudi Arabia. Within a matter of days, Saudi Arabia requested U.S. military assistance. On 8 August, President Bush ordered the deployment of the first U.S. forces to Saudi Arabia and the Persian Gulf area, including the 82nd Airborne Division, Air Force fighter wings, and a Navy task force. President Bush told the nation that "a line in the sand has been drawn."

Even before President Bush ordered the first American military units to the Persian Gulf, he took steps to isolate Iraq economically and diplomatically.

- First, he imposed harsh economic **sanctions** on Iraq.



Persian Gulf

- Second, he asked the United Nations (U.N.) to bring about a unified diplomatic, economic, and military response to Iraq's occupation of Kuwait. The U.N. had already condemned Iraq's invasion of Kuwait and also demanded its withdrawal from that country. On 6 August, the U.N. announced a total **embargo** against Iraq.

- Third, while the U.N. would not officially form a multinational military force under American leadership, President Bush and his advisors, especially Secretary of State James Baker, built a **coalition** of nations against Iraq. The coalition included Kuwait, Saudi Arabia, Great Britain, France, Italy, Egypt, Syria, Canada, as well as a number of others that joined forces against Iraq.

However, Saddam Hussein, the President of Iraq, did not back down in the face of U.S. military, economic, and political pressure. On the same day that elements of the 82nd Airborne Division were enroute to Saudi Arabia, Saddam announced that Kuwait was part of Iraq. Furthermore, Iraqi forces continued to dig in and reinforce their positions in Kuwait. Finally, Saddam announced that all foreigners would be held hostage as "human shields" to protect Iraqi installations against coalition military strikes. Saddam eventually released the hostages.

As the weeks passed and turned into months, Saddam Hussein sought to negotiate a settlement with the coalition on his terms. Other nations such as Iran and France attempted to negotiate peace settlements with Iraq, but President Bush demanded that the "world" only settle for a "complete and unconditional" withdrawal of Iraq from Kuwait.

BUILD-UP OF U.S. FORCES

Following the deployment of the 82nd Airborne Division to Saudi Arabia, the Department of Defense identified a list of additional units that the U.S. would consider deploying to the Persian Gulf and named the operation DESERT SHIELD. General H.

Norman Schwarzkopf was placed as the operation commander and eventually assumed command of all coalition forces in the region.

Shortly thereafter, the U.S. deployed more combat units to the Persian Gulf. They included the 24th Mechanized Infantry Division, 101st Airborne Division (Air Assault), 1st Marine Division, 1st Marine Expeditionary Force, and a number of aircraft carrier task forces and battleships. Air Force units arriving in Saudi Arabia included fighters, tankers, reconnaissance aircraft, and A-10 ground attack planes.

As August 1990 stretched into September and October, more U.S. military personnel and equipment arrived in Saudi Arabia. The Army continued to send more infantry, armor, and artillery units from military posts in the U.S. as well as from Germany. Additionally, the Army sent a number of aviation (including the AH-64 Apache helicopter), engineer, supply, administration, and transportation units, and an Air Defense Artillery Brigade (equipped with the soon-to-be famous Patriot missiles).

Secretary Cheney and General Powell soon realized that Active duty support units were facing a heavy burden so they recommended calling up certain Reserve units. On 22 August, President Bush ordered the call-up of 40,000 Reserve and National Guard personnel. Initially, all those personnel belonged to support, transportation, and medical units. Eventually, Department of Army also activated reserve component combat units.

Reserve component personnel from all branches of the military played an important role in the Persian Gulf War. It was Reservists that processed most of the equipment and soldiers that arrived in Saudi Arabia and departed when the war ended. Additionally, a number of reserve component combat units distinguished themselves including two Army National Guard field artillery brigades and a number of Air National Guard fighter units.

The build-up of U.S. forces in the Persian Gulf could not have been a success without the support of the other coalition members.

- Saudi Arabia and other smaller Arab states in the region opened old military bases and made more space for the military units pouring into the region.

- Some of the major Allies and trading partners of the U.S. (including Saudi Arabia, Kuwait, Japan, and Germany) pledged economic support to the military build-up.

- Great Britain, France, Egypt, and Syria sent sizable military forces to the Persian Gulf and Saudi Arabia. A total of 29 nations sent military units to the region from as near as Qatar and as far as Canada. (These forces included air and naval units from Germany and Japan in their first overseas deployment since the end of World War II.)

DID YOU KNOW?

Czechoslovakia sent a chemical warfare defense company of 200 personnel to Saudi Arabia. This unit had trained with Warsaw Pact forces to fight against U.S. and Western European forces, but in an ironic twist of fate, it was now training beside some of the very troops it would have faced in a war in Europe.

Finally, President Bush convinced the United Nations that the only way to get results was to get tough with Saddam. On 29 November, the U.N. Security Council authorized the use of force if Iraq did not withdraw its troops from Kuwait by 15 January 1991.

THE AIR WAR

The Persian Gulf War began in the early morning hours of 17 January 1991 with a massive air attack against Iraq. U.S. Naval warships launched cruise missiles, and dozens of attack planes from aircraft carriers sped toward targets in Iraq and Kuwait. Hundreds of U.S. Air Force jets, including F-111 bombers, F-15 and F-16 fighters, A-10 ground attack aircraft, and F-117 **stealth** fighters struck key targets in Iraq and Kuwait.

Many Air Force aircraft concentrated on targets in Baghdad and, by using "**smart weapons**," they were able to hit them with pinpoint accuracy. In fact, nearly every night, Americans saw televised reports describing the accuracy of the bombing strikes on Iraqi communications, military, and government centers.

DID YOU KNOW?

The U.S. Army can accept some of the credit for the surprise and effectiveness of the first air strikes of the war. Before the waves of coalition aircraft crossed into Iraqi airspace, eight AH-64 Apache helicopters flew one of the most critical missions of the war. The Apaches crossed into Iraq at high speed and very low altitude to destroy two Iraqi radar stations.

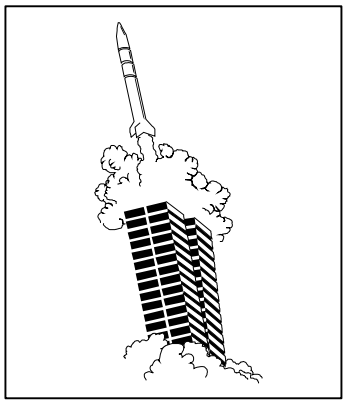
The Apache would continue to be a valuable weapon system throughout the war, especially in its primary mission as a tank killer. American helicopter pilots proved their skill by flying in some of the most difficult conditions ever faced in combat. These conditions included violent sandstorms, heavy rain with low clouds, and low visibility caused by the thick smoke from oil well fires.

Within the first few days of the air war, coalition aircraft were able to achieve **air superiority**, which they kept for the rest of the war. The few Iraqi aircraft that ventured into the sky were easy prey for coalition fighters. Soon, the Iraqis completely avoided air combat. They either kept their aircraft hidden in concrete shelters or flew them to neighboring Iran, where over 100 Iraqi warplanes found refuge.

On 17 January 1991, Saddam Hussein met with his generals to decide on a response to the Allied air attacks. Instead of striking back with some form of counterattack, he chose to use a weapon of terror — the Scud missile. That night, as Americans watched the news on the Persian Gulf War, they witnessed Saddam's response; Iraq launched Scud missiles at Israel. Saddam chose to attack Israel in hopes that it would respond with a military strike against Iraq. Saddam believed, and probably correctly, that military involvement by the Jewish nation of Israel would drive the Arab members out of the coalition with the United States.

That same night, Iraq fired a number of Scud missiles at targets in Saudi Arabia. However, another American weapon system rose to the occasion to become a star player — the Patriot missile. In fact, a Patriot missile section commanded by a young black officer, First Lieutenant Phoebe Jeter, shot down one of the first Scud missiles fired at Dhahran, Saudi Arabia. Within days, the U.S. military also deployed Patriot missiles to Israel, where

they were equally successful in stopping the Scuds and in keeping Israel out of the war.



Patriot Missile

During the war, Saddam fired a total of 86 Scuds at Israel and Saudi Arabia. Patriot missiles blew up most of them or they fell harmlessly into unpopulated areas or the sea. Unfortunately, one Scud attack near the end of the war struck a U.S. Army barracks in Dhahran. The explosion and fire killed 28 soldiers and wounded 80 more from a Pennsylvania Reserve unit.

Initially, the Allies feared that the Scuds carried chemical warheads because in the 1980s, Saddam had used chemical weapons in the war against Iran and even against his own people. However, none of the Scud missiles fired by Iraq in the Persian Gulf War carried chemical warheads. In fact, Iraq did not use any chemical weapons at all in that war.

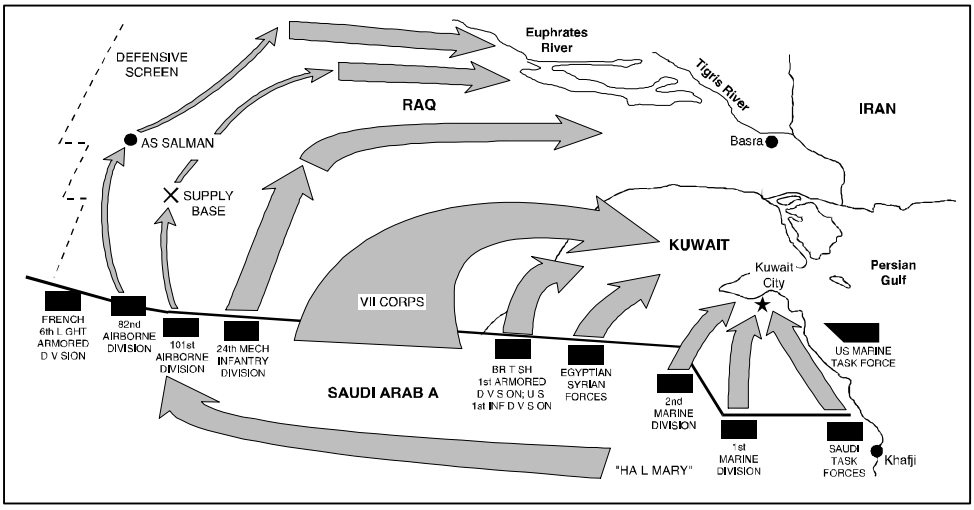
In another response to the Allied air campaign, Iraq again struck back vengefully by pumping thousands of gallons of crude oil into the Persian Gulf. (Also, near the end of the war as Iraqi troops fled Kuwait, they set fire to more than 600 oil wells. Each day, some five million gallons of oil went up in flames. The oil fires caused a thick black smoke that made breathing difficult and turned day into night.)

By the end of the first two weeks of the war, the coalition air campaign had taken a heavy toll on Iraq's military (both personnel and equipment, especially tanks) and its command and control system. On 29 and 30 January 1991, four Iraqi armored battalions launched attacks against coalition forces in Saudi Arabia. The largest Iraqi attack was against the town of Khafji. Despite attacks by U.S. aircraft, one Iraqi column fought through the thin line of Saudi troops to capture the town.

The Iraqi battalion held Khafji for one day until Saudi infantry with tanks from Qatar, supported by U.S. attack aircraft and Marine artillery, recaptured the town. The Allied forces killed 60 and captured more than 400 Iraqis during the fighting. Coalition loses totaled 30 killed and a like number wounded — 11 of those killed were U.S. Marines (seven by "**friendly fire**)." If the battle for Khafji was any sign, the ground war could prove to be a struggle.

100 HOURS: THE GROUND WAR

For over a month, U.S. and coalition aircraft destroyed command and communication centers and supply routes into Iraq and Kuwait. The air campaign also took a heavy toll on Iraqi forces in Kuwait and southern Iraq. However, General Powell and Secretary Cheney realized that only ground forces could attack, seize, and hold the ground held by the Iraqi forces. Therefore, they turned to General Schwarzkopf for a plan to defeat Iraq's ground forces. The result was one of the most brilliantly planned and executed military operations in history.



Ground Campaign of the Persian Gulf War

On 20 February 1991, President Bush announced that unless Saddam took steps to unconditionally withdraw his forces from Kuwait, the coalition forces would launch a massive ground attack. Saddam responded on one hand with tough talk, threatening "the Mother of All Battles" if a ground war broke out. On the other hand, Saddam had agreed to a Soviet peace proposal for Iraq's withdrawal from Kuwait with conditions to be met after the withdrawal. On 22 February, President Bush rejected the Soviet-Iraq peace plan as "falling well short" of U.N. terms and gave Iraq until noon the next day to begin withdrawing its forces.

DAY ONE — 24 FEBRUARY

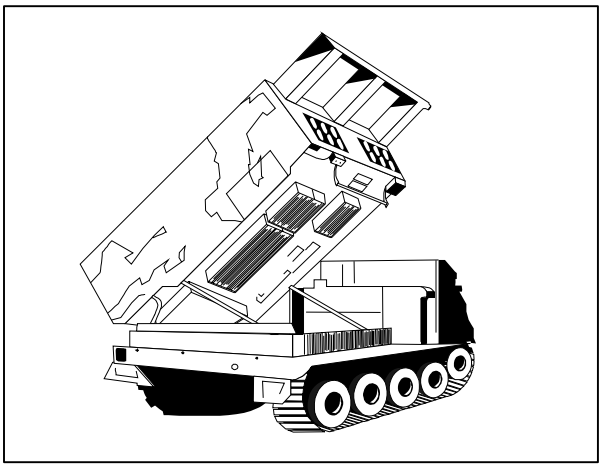
At 4 a.m. Saudi time on 24 February (8 p.m. the previous day Eastern Time), the final phase — Operation DESERT STORM — began. General Schwarzkopf and the coalition generals initially tricked the Iraqi forces in Kuwait. Expecting amphibious landings by a Marine task force, the Iraqis massed their forces near the coast facing the Persian Gulf. Instead, a large Allied force (an entire corps) made a sweeping move inside Saudi Arabia over 100 miles to the west. General Schwarzkopf called this shift of coalition forces a "Hail Mary" (a well-known pass play in football). Iraq did not detect it.

When the offensive began at 4 a.m., the 1st and 2nd Marine Divisions **breached** the Iraqi minefields and barrier system on the Kuwait border. Meanwhile, to the east, two Saudi task forces moved north from Khafji toward Kuwait City. Far to the west along the Saudi-Iraqi border, the 82nd Airborne Division and the French 6th Light Armored Division advanced 50 miles into Iraq to capture the As Salman Airfield. All along the front, Iraqi resistance was much lighter than expected and many Iraqis surrendered without a fight. Thus, the U.S. and coalition forces advanced well ahead of schedule.

At 8 a.m., the 101st Air Assault Division launched the largest helicopter assault in military history. First, they established a forward supply base 90 miles inside Iraq. The next day they continued north another 60 miles stopping at the Euphrates River, only 150 miles from Baghdad. Their mission was to prevent Iraqi reinforcements from entering the war from the northwest and to block the Iraqi retreat from the east. As the first wave of helicopters landed and the troops climbed off, they became bogged down in

ankle-deep mud. Fortunately, Iraqi resistance was even lighter at this location.

On the afternoon of 24 February, the rest of the coalition forces went into action. Egyptian, Syrian, Saudi, and other Arab units attacked into southwestern Kuwait. The 24th Mechanized Infantry Division, just to the east of the 101st Airborne Division, made a wide sweep to the northeast advancing toward the Tigris-Euphrates Valley and a collision with Iraqi armored forces. The U.S. VII Corps, which consisted of two armored divisions and an armored cavalry regiment, moved north to the right of the 24th Division. These units advanced so rapidly that they went beyond the range of cannon artillery support. However, the Multiple Launch Rocket System (MLRS) was able to strike Iraqi forces over 20 miles away.



Multiple Launch Rocket System (MLRS)

To the right of VII Corps, the U.S. 1st Infantry Division and the British 1st Armored Division crossed through Iraqi minefields and earthwork barriers into Iraq with light resistance. Here, as in all locations across the area of operations, thousands of Iraqi soldiers surrendered to the advancing coalition forces. In fact, all across the front, coalition forces advanced so fast that they bypassed large pockets of Iraqi troops, who rushed to surrender to the follow-on and support units.

DAY TWO — 25 FEBRUARY

By the second day of the ground war, it became apparent that the "Mother of All Battles" had become the "mother of all routs." Iraqi soldiers were surrendering in such large numbers that the coalition forces did not have enough vehicles to transport them. However, as U.S. Marines and Saudi forces on the coast neared Kuwait City, Iraqi resistance stiffened a little. Tanks of the 1st Marine Division engaged Iraqi armor in the first major tank battle of the war at Kuwait International Airport. U.S. Navy ships supported the Marines with very accurate and deadly naval gunfire. In a battle that lasted throughout the night, the U.S. military annihilated the Iraqi armored force.

DAY THREE — 26 FEBRUARY

On 26 February, the Saudis and other Arab forces continued to press toward Kuwait City. News of Iraqi soldiers torturing and executing civilians in Kuwait City caused the Allies to speed up their advance. The British 1st Armored Division continued its attack toward the north and the armored units of the U.S. VII Corps swept toward a clash with Iraq's "**elite**" Republican Guard along the northern Kuwait border. Republican Guard units usually had the best equipment, to include Soviet-made T-72 tanks and other armored vehicles.

Meanwhile, the U.S. 24th Mechanized Infantry Division moved into the Tigris-Euphrates Valley and blocked the only open escape route for retreating Iraqi forces. Farther to the west, the French 6th Light Armored Division set up a defensive screen to block any Iraqi reinforcements from the west.

DAY FOUR — 27 FEBRUARY

By 27 February, the war was nearly over. The U.S. Marines and Saudis stepped aside to let the Kuwait military enter and liberate Kuwait City. The Iraqi troops that did not surrender attempted to escape in military and stolen Kuwaiti vehicles. However, U.S. aircraft bombed and strafed the long column of vehicles on the highway heading west toward Basra until it became littered with destroyed vehicles and Iraqi dead. As a result, this highway became known as the "highway of death."

All along the front, coalition forces advanced and closed the vice on Iraqi troops in Kuwait and southeastern Iraq. The two U.S. airborne divisions formed a solid wall across the north, attacking toward Basra in the east. To the south, the U.S. VII Corps attacked a Republican Guard Division in what would be the largest tank battle of the war. The "elite" Iraqis turned out to be no match for the American M1A1 tanks and their crews.

On the night of 27 February, President Bush announced that at 8 a.m. on 28 February (Saudi time) the United States and coalition forces would cease all offensive combat operations. The coalition had achieved all major U.N. objectives. The 100 hour war was over.

However, on 1 March, while the 1st Brigade of the U.S. 24 Mechanized Infantry Division was stationary in defensive positions, it clashed with a Republican Guard Division trying to escape to Baghdad through coalition lines. The entire 24th Division artillery (over 200 howitzers), an Apache helicopter battalion, and the 1st Brigade's tanks and Bradley fighting vehicles worked as a combined arms team to totally crush the Iraqi division. This was the last major battle of the war. In both battles between the Republican Guard and U.S. forces, the U.S. military soundly defeated Republican Guard units with very light American losses.

RESULTS OF THE WAR

General Schwarzkopf and other coalition leaders met with Iraqi generals on 3 March to sign the official cease-fire document. On 11 April, the U.N. Security Council announced that the war with Iraq was officially over. Iraq agreed to pay war damages and to destroy their chemical weapons and nuclear weapon material. The Persian Gulf War produced the following positive and negative results.

POSITIVE RESULTS

- U.N. forces liberated Kuwait from Iraq.
- U.N. forces greatly reduced Iraq's military as an effective fighting force.
- The vast majority of America's "high-tech" weapons proved very successful.
- There was close cooperation between all coalition members, which has since led to significant peace talks in that region.
- America's Allies financed most of the costs of the war, especially Saudi Arabia, Kuwait, Japan, and Germany.
- Women played an important role in the war.
- Civilian casualties were very light considering the large number of aircraft **sorties** flown.
- The success of Operation DESERT STORM greatly increased public appreciation and support for the U.S. military.

NEGATIVE RESULTS

- Saddam Hussein remained in power even after the crushing defeat of his military.

- Environmental damage to the Persian Gulf region may never be corrected. It took nine months to put out the oil fires in Kuwait.
- Approximately 370 U.S. service personnel died during Operation DESERT STORM. Exact Iraqi losses are unknown and may never be published; however, initial estimates were 80,000 to 100,000 Iraqi soldiers killed, 75,000 to 85,000 surrendered, and well over 100,000 deserted.

THE CLINTON YEARS (1989 - 1993)

On January 20, 1993, William Jefferson Clinton was inaugurated as the 42nd President of the United States. Once in office, President Clinton announced he would stimulate the economy, cut the deficit, reform the welfare system, fight crime, and establish a national service program for young Americans.

SOMALIA

One of the largest post-Cold War humanitarian operations began on 9 December 1992, when Marines of a Special MAGTF landed in Somalia, beginning Operation Restore Hope. Famine, caused by political chaos, threatened the lives of thousands of Somalis and the mission of Restore Hope was to secure major air and sea ports, key installations and food distribution points in order to facilitate the free passage of relief supplies threatened by a multitude of armed warlords.

Despite the limited infrastructure and primitive conditions in Somalia, Marines successfully secured all major port and airfields and for the first 50 days, provided all logistical support for U.S. forces ashore. With the arrival of the Army's 10th Mountain Division and forces from over 23 countries, General Johnston commanded over 38, 000 troops including 12,000 Marines. U.S. troops fanned out across the famine belt in and around the capitol of Mogadishu safeguarding the humanitarian relief operations.

In addition to weapons sweeps, and convoy escorts, UNITAF forces pursued extensive civic action programs including repairing more than 1200 miles of roads, drilling wells, and rebuilding hospitals and schools. Coalition force medical personnel treated thousands of Somalis for everything from bullet wounds to typhoid. By the end of February 1993, the crisis had largely passed and U.S. forces were slowly withdrawn.

While efforts to rebuild the central government by The United Nations ultimately failed, Restore Hope succeeded in saving countless lives threatened by immediate starvation.

FORMER YUGOSLAVIA

Before the Clinton administration, the country of Yugoslavia was divided into several independent republics. In the early 1990s, these republics began to fight wars between each other. One of those wars occurred in Bosnia-Herzegovina, which was determined to be an independent and sovereign country within its historical borders.

However, on April 5, 1992, the president of the republic of Serbia sent the Yugoslav National Army along with Serb nationalist forces across the Drina River into eastern Bosnia. They were to aid Bosnian Serbs in a civil war against Bosnian Muslims and Croats. Hundreds of thousands were killed or wounded in a campaign of "**ethnic cleansing**". The Serbs shelled homes, hospitals, and schools, killed thousands of civilians, and drove others into camps that reminded some observers of Nazi concentration camps in World War II. As

Serbian "ethnic cleansing" continued, Croat nationalists began their own "ethnic cleansing" campaign of Bosnian Muslims in an effort to carve an all-Croat homeland out of Herzegovina.

In March 1993, the United States arranged an end to the war between Muslim and Croat forces; however Serb forces continued to fight. Following a Serb attack against Gorazde, NATO launched the first of many air strikes against Serbian rebels that forced Serbia to begin peace talks. Held in Dayton, Ohio, the peace talks produced an agreement to a cease-fire and an international peacekeeping agreement mission for Bosnia, in which the United States participated.

While an uneasy peace settled in Bosnia, new problems began in another part of the former Yugoslavia: Kosovo. Although Kosovo was part of Serbia, the majority of its people were ethnically Albanian and they were demanding a more representation. This led to violence between the Kosovars and the Serbian military. The United States and other nations attempted to find a peaceful solution to the crisis but failed. Finally, in 1999 the United States and other NATO warplanes began bombing Serbia to force the Serbs to withdraw their forces from Kosovo and permit an international peacekeeping force to enter the province. Eventually, the Serbs agreed and the Kosovo Albanian refugees were able to return to their homes.

DID YOU KNOW?

A Soldier's Soldier

Lieutenant General Timothy J. Maude, was one of the many victims of the September 11th attack on the Pentagon. He was born in Indianapolis, Indiana on November 18, 1947. He entered the Army as an enlisted solider and was commissioned as a Second Lieutenant in the Adjutant General's Corps. During his army career of over 35 years, he served in a variety command and staff positions. In his last assignment as the Deputy Chief of Staff for Personnel, some of his many responsibilities dealt with manpower, personnel policies, and plans and programs from all components of the Army, including the Reserve Officers' Corps.

At his memorial service, a close friend, Larry Daly said:

"Tim Maude, a soldier's soldier, will be remembered for taking care of the Army soldiers, for his innovation in the personnel field, for his creativity and cheerfulness as he performed his duties and led his life."

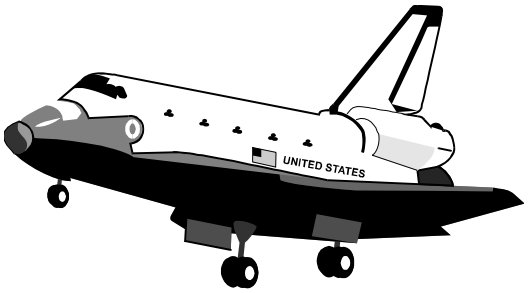
He was our General.

THE AMERICAN CULTURE

THE SPACE TRAGEDY

During the 1980s, the space program continued to grow. The United States began its manned space shuttle program in 1982. However, in 1986, the U.S. tried to launch the space shuttle "Challenger." The launch was

unsuccessful and seven astronauts died in the accident. It was time for America to reevaluate its space program. Finally, in 1988, the United States launched the manned space shuttle "Discovery." The launch was successful and America was once again a main force in the race to space. Within months after the Discovery mission, the Soviet Union launched its first unmanned space shuttle.



LIFESTYLES

In the 1970s and 1980s, Americans became more aware of their health. More than ever before, they dieted and exercised regularly. In conjunction with medical advancements, people were living farther into their 70s and 80s. In fact, statistics showed that the life expectancy for a woman was projected to increase from 78.3 years in 1981 to 81.3 years in 2005; and in men, from 70.7 years to 73.3 years.

THE ENVIRONMENT

In the 1970s, Americans joined the world in the fight for the environment. They initiated efforts to protect the wilderness and limit the pollution of air, water, and land. Events such as Earth Day, celebrated every April 22nd, were established to promote public awareness of the environment.

President Nixon signed one of the most important pieces of environment legislation, the National Environment Policy Act (NEPA), which initiated a "now-or-never" fight on pollution. In December of that same year, the U.S. Environmental Protection Agency (EPA) was established to monitor, set standards and enforce laws to ensure environmental protection.

Since 1970, much of the basic legislation needed to protect the environment has been enacted into law:

- the Clean Air Act,
- the Water Quality Improvement Act,
- the Water Pollution and Control Act Amendments,
- the Resource Recovery Act,
- the Resource Conservation and Recovery Act,
- the Toxic Substances Control Act,
- the Occupational Safety and Health Act,
- the Federal Environmental Pesticide Control Act,
- the Endangered Species Act, the Safe Drinking Water Act,
- the Federal Land Policy and Management Act, and
- the Surface Mining Control and Reclamation Act.

THE COMPUTER GENERATION

The 1980s also became the age of computers. Americans used the computer in many ways. For example, they were able to predict weather, regulate transportation, test new appliances, and store information. Computers also aided the U.S. space program — NASA could not have launched the space satellites or shuttles without the precise and prompt information that only a computer could provide. Computers were also responsible for military and scientific advancements. Using computer simulations, the military could reduce the number of training accidents and deaths and could save

money on upkeep and repair of equipment. Scientists could test new theories more quickly and accurately with computers.

THE INTERNET

In 1969, the **Internet** began with the Department of Defense Advanced Research Projects Agency (ARPA), which created an experimental network called ARPANET. The ARPANET enabled university scientists to share information and resources across long distances.

The ARPANET was introduced to the public in 1972. It included about 50 universities and research organizations with defense contracts, and eventually some international connections with networks in England and Norway.

When the personal computer entered the American home in the 1990s, along with it came the age of information. The World Wide Web gave businesses, the stock exchange and many others a new means of communicating with the public. Americans could write letters, purchase items, research information, and conduct business without leaving their home.

However, with the introduction of the Internet, came new concerns for the security. Criminals, called Hackers, used the Internet as a passageway for corrupting data and obtaining confidential information.

THE FUTURE

With future technology, computers will be able to talk, hear, and think. Additionally, they will become more productive in the work force, performing many jobs that are unimaginable now.

The future should be an exciting time for the United States and for the rest of the world. Many aspects of life will change as a result of future technology. For example, we will learn to live and work by relying on computers to do much of it; we will make new life-saving discoveries in medicine that will allow us to live even longer; and we will explore far off into the regions of space. In fact, the **notion** of everyday space travel may only be a few years away. In time, people may be able to live in, and receive communication signals from, space.

CONCLUSION

America has a short, but rich history. Americans are very patriotic and proud of their past. It seems as if this feeling of nationalism just continues to grow. As an American, you have the right — and responsibility — to help shape the future of this country. It is important to receive an education and become an informed citizen. As an informed citizen, you will be able to make responsible decisions that will not only have an impact on you, but also on your country. Remember, as an American citizen, you represent your country and its future.

LESSON 7: TOURING HISTORICAL SITES

cadet ride
primary source
secondary source
terrain walk

INTRODUCTION

A JROTC historic learning activity can involve a field trip to a museum or historic monument, or it can be a bus tour, walking tour, or detailed **terrain walk** over a historic battlefield. Plus, you may have the opportunity to conduct it in conjunction with a similar event sponsored by your host Senior ROTC (SROTC) battalion.

An important aspect in the study of a historical event, military campaign, or battle is an analysis of the significant actions that took place. If the event is a specific campaign or battle, equally important is a study of the effects of terrain on those actions. A good map is essential for such an analysis, but the best map cannot compare to a first-hand knowledge of the actual terrain. Additionally, such a visit can reinforce the lessons that you learned in the classroom when your class studied the event.

The combination of a detailed historical study and a visit to the site are the essential elements of a historic learning activity. Follow the procedures listed below and your cadet battalion will be able to experience history first hand.

PREPARATION AND COORDINATION

The first step in preparing to conduct a historic learning activity is to select an appropriate event and/or site. One option available to your cadet battalion staff is to find out if, when, and where your host SROTC battalion will conduct a **cadet ride**. When selecting a historic event/site, your staff will need to consider the following factors:

LOCATION

Distance and cost factors are a prime consideration in planning any field trip.

POINTS OF INTEREST

There are hundreds of interesting historic locations available in the United States.

The National Park Service and local/ state historical societies maintain information on the monuments, battlefields, or other historic events/sites in your area as well as across the country. Your instructors and/or the Cadet Battalion S-3 will probably handle

most of the coordination. However, if you are part of a committee detailed to select the event/site, the following books and Web sites will start you looking in the right direction.

- *Boston and the American Revolution.* National Park Service, Division of Publications, 1998.
- *Civil War Battlefields and Landmarks: A Guide to the National Park Sites.* Michael Golay. Random House, 1996.
- *Civil War Related Sites in the National Park Service*.
- *Exploring Military America.* Gladys and Marcello Thum. MacMillan Publishing Company, 1982.
- *Fodor's 96: The South with Music Festivals, Plantations, Civil War Sites, and a Midnight in the Garden Tour.* Melissa Rivers, Steven Amsterdam, and Janet Clark, editors. 1996.
- *Forts of the West: Military Forts and Presidios and Posts Commonly Called Forts West of the Mississippi River to 1898.* Robert W. Frazer. University of Oklahoma Press, 1977.
- *ParkNet — The National Park Service.*

If the location your staff selects is a battlefield, keep in mind that most battle sites — both famous or obscure — are not in the same condition as when past armies fought on them. Some are now in built-up areas, some are parks, and some are just a solitary marker. All of these sites require more imagination and a constant comparison between current and historical maps. However, other sites (like Yorktown, Gettysburg, Antietam, or the Little Big Horn) have not changed much over the years. They are practically made-to-order open air classrooms. When studying the significance of a battle, it is important to bear in mind the difference between a "first battle," such as Bull Run or Lexington/ Bunker Hill, and later operations or campaigns of veteran units.

HISTORICAL SIGNIFICANCE

Motivation is a key element to any class activity. If a famous or decisive event or battle site is available within your area, the National Park Service has preserved it, and your class has already studied it, a visit to that site would serve to reinforce learning and to stimulate class interest in its historical significance. Planners should give high consideration to this type of location over one that is not so famous or well preserved.

LOGISTICAL SUPPORT

The cadets who are responsible for selecting the location and planning this trip must take into consideration factors such as transportation, food, and billeting requirements (if required). Once your unit arrives at the site, your instructors will want every cadet's attention completely focused on the activity, and not distracted by the concern for logistical support.

CLASS COMPOSITION

Planners should expound upon the varied interests of all individuals in the class by considering their ideas during the preparation phase. Taking advantage of the cultural mix of your class can be a valuable tool in determining where and how your unit conducts this activity while enhancing the desired learning outcomes.

PRELIMINARY STUDY PHASE

With an event and location selected, the next step is to conduct the preliminary study phase. This step is necessary to familiarize you with the event, campaign, or battle. It includes obtaining the equipment your class will need to conduct this phase as well as equipment needed for the actual tour.

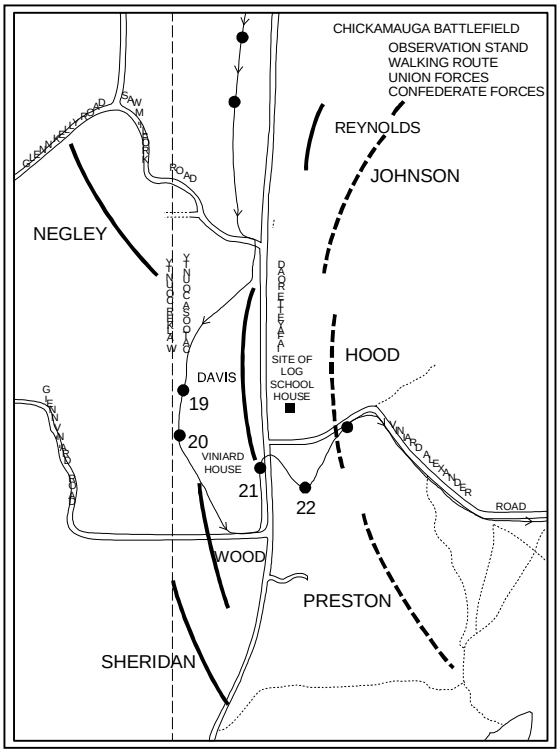
PRE-BRIEF THE CLASS

Selected individuals on the cadet battalion staff and/or the instructors will brief you on the purpose and requirements of the historic learning activity. This pre-briefing will also include your expected conduct during the field trip. They will attempt to instill a general perception about the event, which you can either reinforce or change when you are on location.

During the preliminary study phase, you should receive a historical map illustrating the specific points of interest. Photographs or pictomaps can also be very helpful in depicting the lifestyles of that period, such as the various types of uniforms and equipment, and portraying the key personnel.

STUDY THE SCENARIO

This phase may take the form of classroom instruction, individual study, or a combination of them. As a minimum, everyone who plans to participate in the historic learning activity should have a general idea of the course of events, names of key personnel and locations, and the significant actions that took place during the event. One way to obtain this knowledge is by reading **secondary source** material. Then, when conducting the tour, the use of **primary source** materials will add a sense of realism. The best primary sources are accounts by narrators describing the actions of the event. Finally, review films or videotapes, if available. In addition to being very useful in learning about the event, these films or videos can help stimulate interest.



Another way to generate interest is to make a terrain board. Although they are difficult to research accurately and very time-consuming to construct, they visually illustrate the general nature of the terrain. For example, if your class is planning to visit a battlefield, a terrain board can show the ground over which the armies had to maneuver and how they fought the campaign/battle.

PREPARE FOR INCLEMENT WEATHER

Be prepared for inclement weather on the day of the historic learning activity. Pre-plan several courses of action that will concentrate your efforts indoors in a museum, information center, or other facility (if available) until the weather improves,

permitting the outside tour. Then, be prepared to execute an abbreviated tour that makes the most of the remaining time. In addition to these measures, ensure everyone takes seasonal protective clothing to deter some of the effects of the bad weather.

CONDUCTING THE HISTORIC LEARNING ACTIVITY

If your battalion carefully and deliberately follows every step of the preliminary study phase, your class will have the information, knowledge, and equipment necessary to conduct a rewarding field trip. The actual trip should then serve to reinforce what you studied during the preliminary phase.

Conduct the historic learning activity according to the following guidelines:

1. Begin the tour by visiting the information center or museum, if one is available.

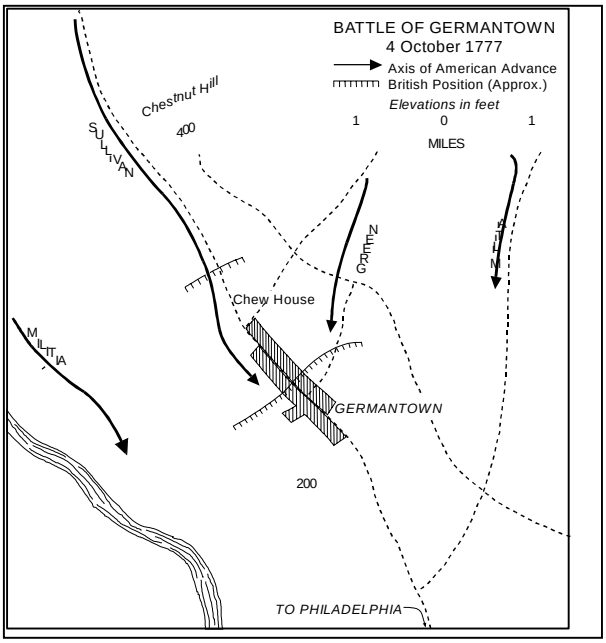
2. Next, arrange to have a member of the park staff give the class a brief overview.

3. Conduct the tour so that everyone in the class has enough time to visit all of the significant sites (points) associated with the event.

4. Visit the significant sites in chronological order. This will help to ensure that everyone remains oriented to both the correct order and their actual position on the ground.

5. Have the person in charge of the tour stop often to brief on the historical significance of each position, give short personal accounts, enable the class to orient themselves on the map, or permit short breaks.

6. Take notes and make appropriate marks on your map. These notations will help you better understand the situation and provide a point of reference for future discussions of the field trip during the follow-up phase.



7. Ask questions during the tour. If a knowledgeable guide is available, that person can answer your questions, brief the class on points of interest, or develop human interest topics — such as how the event affected the way people lived during that period.

8. As previously discussed in the preliminary study phase, use route modifications and other contingency plans in case of inclement weather to see as much of the event as possible in the available time.

FOLLOW-UP/REVIEW

When the historic learning activity is over, schedule at least one class period to discuss the effectiveness of it. Some possible discussion topics are:

- Did the planning and preliminary study phases adequately prepare the class for this field trip?

- Did any administrative or logistical problems interfere with a smooth and successful execution phase?

- During the actual tour, did everyone in the class fully understand:

  - The historical significance of the event/place (such as for a monument, museum, etc.)?

  - The specific locations and historical significance for the key events/ activities (such as for a battlefield)?

  - How the terrain affected the key events/activities (such as for a battlefield)?

CONCLUSION

As a result of your participation in this historic learning activity, you should now have a first-hand appreciation for one event in the history of the United States. During this activity, hopefully you had the opportunity to apply skills such as analyzing and map reading, to interpret historical situations, and to enjoy seeing where history actually took place.

As you can see, American history is more than just battles and wars; it is about the life-long struggle of American citizens doing the things necessary to give all of us the rights and privileges that we so much take for granted.

THE FEDERAL JUDICIAL SYSTEM

LESSON 1: INTRODUCTION TO CHIEF JUSTICE

Chief Justice
Robert Aucone
Publishers Services
P. O. Box 2510
Novato, CA 94948
Phone 415-883-3530
chiefjustice2@yahoo.com
COPYRIGHT (1998 BY ROBERT AUCONE
ALL RIGHTS RESERVED)

chief justice
cross examine
deliberation
forum
judge
jury
jury foreman
law firms
opening statements
trials
verdict

INTRODUCTION

Chief Justice is an educational game designed to give the cadets an appreciation of the United States Constitution and of our democratic form or government. The complete game contains 100 critical thinking questions that incorporate today's most important moral and ethical issues. The following five questions have been selected to be used by the U.S. Army Junior ROTC program for their curriculum.

- Should The Ten Commandments be posted in classrooms in all public elementary and secondary schools?
- Should public school students be allowed to voluntarily participate in prayer before school sponsored sporting events?
- Should the news media be allowed to disclose the name of a felony suspect before a trial?
- Should post conviction D.N.A. testing be a right granted upon request to all inmates in state and federal prison?
- Should rap groups be allowed to include lyrics in their music, which advocate physical violence against law enforcement officers?

CHIEF JUSTICE

Chief Justice is a game designed to engage the participants in a variety of debates on constitutional and contemporary issues.

The purpose of the game is to:

1. Design a **forum** within which people, who hold opinions about various constitutional and contemporary issues, can come together and discuss those issues in an organized and effective manner.

2. Encourage each participant to give careful thought and consideration to his or her own views affecting our society and to express those thoughts in a meaningful and contemplative way.

3. Create a game in which each participant is motivated to learn and

appreciate the United States Constitution.

4. Discover new ways of looking at constitutional issues and learn from other participants who may be able to share new insights on these issues.

5. Introduce a game which requires each player to use critical thinking skills.

6. Entertain the participants while at the same time create an environment for learning.

7. Create a purpose for the players to extensively research their topics by using various search engines on the Internet.

8. Provide a forum in which players can develop their public speaking skills in a debate format.

9. Provide a forum that teaches ethics and values by using the United States Constitution as a moral compass.

10. Provide an opportunity for cooperative learning to take place.

GAME CONTENTS

1. A game poster depicting the U. S. Supreme Court with six steps leading up to the court house. Each step is labeled and represents a career path for an aspiring law student from law school to the top step of Supreme Court and ultimately Chief Justice of the United States.

2. A list of one hundred game questions for one hundred courtroom trials to be held in a classroom setting focusing on various constitutional and contemporary issues. (Five questions are available to Army JROTC at this time.)

3. A supply of colored marker pins to identify where various teams are on the game poster during the course of the game.

4. A copy of the U. S. Constitution.

5. Game instructions and a suggested lesson plan for playing Chief Justice in your class.

6. A rubric to inform cadets as to the method of grading to be used and a guideline for the teacher to determine how to measure the cadets performance and to issue an appropriate grade.

RULES OF THE GAME

SETTING:

This game is most appropriate in a classroom setting, but could be played in any forum where people choose to gather on an ongoing basis and debate constitutional and contemporary issues.

NUMBER OF PLAYERS:

It is necessary that the participants be divided into small groups which are considered “law firms” with two players in each law firm. If you have an odd number of people playing, it is allowable to have a law firm with three players participating. An unlimited number of people can participate in this game as jurors. The number of players participating as attorneys will depend on the size of the class and time constraints.

THE JURY:

A **jury** can be composed of any number of people who are not the attorneys in the present case. In a classroom situation, the remaining cadets not involved in the case are the jury. These people listen to the opening statements presented by the attorneys, the cross examination and the closing arguments and then privately deliberate the case and deliver a verdict.

SELECTION OF A JUDGE:

A **judge** is selected at the beginning of the game to keep order and have the players follow the rules of the game. In a classroom setting this job normally would fall to the teacher.

DUTIES OF THE JUDGE:

1. The first duty of the judge is to determine the players in each law firm. This can be done in a number of different ways, however it is recommended in a classroom setting that the cadets be allowed to choose their partners. Each law firm should include two attorneys and if there is an odd number of cadets in the class, some law firms may be made up of three attorneys.

2. Next each cadet should read carefully the rules to the game and the rubric which will serve as a guideline for the grading process. The **trials** are expected to be held on a periodic basis over the course of a semester or perhaps the school year, with trial dates scheduled on a weekly basis or as time allows. A consistent pattern of scheduled trials works best, for example every Tuesday could be used for the purpose of the courtroom trials. (Army JROTC will have five trials.)

3. The law firms are then directed to select a case from the first 20 questions listed from the Chief Justice booklets. Once the first series of trials have been concluded then the next set of questions from question 21 through 40 would be used for the second set of trials and so forth until the 100 questions have been explored and each law firm has had five chances to win a case and move up to the top step of Supreme Court on the game poster. (Army JROTC will have five trials.)

4. At the start of each series of trials it is necessary to determine which cases are to be heard. The judge will call two law firms to come forward with their one selection and on the flip of a coin will determine which of the two cases chosen by each law firm will be heard. The team winning the coin toss not only gets to have their case heard but gets to choose the side of the argument they wish to defend. The law firm that loses the toss will have to take the opposing view of that case and argue that side as effectively as possible. Good attorneys can argue either side of any case brought before them as will happen in the practice of law. This process will continue until all law firms have come forward and all the cases to be tried have been determined.

5. In a classroom situation it is important to allow sufficient time for the law firms to research their cases and schedule court dates for sometime in the future. A minimum of two weeks might be necessary before the first case is heard. Following cases would

be scheduled on an ongoing basis over the course of the following weeks as time permits. (Trial schedule are available at end of instructions.) Cadets should be encouraged to use the Internet as an excellent source to gain material for their arguments.

6. During the day of the trial, the judge will call the attorneys to the front of the room where a sufficient number of chairs have been placed to seat them. It is recommended that a podium be placed between the two law firms if one is available and other props such as a gavel or a judge's robe (black choir robe) might be used to add authenticity to the setting.

7. The judge will then call for the opening statements from each side starting with an attorney representing the proponents side of the question to be considered. For example: If the issue to be debated is "Should minors under the age of 18 who commit first degree murder be given the death penalty?", then the side arguing that they should be given the death penalty would go first.

8. The attorneys are allowed to use their three page written reports as reference, but they should engage the jury with direct eye contact and not read the report word for word. They should be prepared to speak on the issue and only occasionally use the prepared text for assistance.

9. Only one attorney from each side is allowed to give **opening statements** and should be limited to five minutes for this phase of the trial.

10. After the opening statements, the attorneys are allowed to **cross examine** each other. The law firm taking the opposing side of the issue would go first. In the example above that would be the side arguing against the death penalty for minors. Each side would be allowed up to five minutes each to cross examine the opposing law firm and to try to expose weaknesses in their arguments.

11. Closing arguments are then given by the attorney who did not give the opening statements. Five minutes are allowed for each side and the law firm opposing the question would begin. In this case the side against the death penalty would give their closing arguments first and the proponents would present last.

12. At the end of the closing arguments the judge (teacher) would collect the three page research material used by the attorneys and ask the attorneys to wait just outside the classroom with the door closed. The teacher will later administer a grade for their work based on the rubric provided.

JURY DELIBERATION:

1. The jurors (the remaining cadets in the class) then pick a **jury foreman**. This should not take much time and it is acceptable to have someone volunteer or have the judge, who is still sitting in the room, select someone to expedite this process. The foreman will take an initial vote on the case by reading the question to the jury and recording the number of jurors who raise their hands and are for the death penalty for minors and those that are against it.

2. The jurors are then asked by the foreman to comment on their positions on the case and try to influence the other jurors to vote with their side. The foreman is expected to keep order during this phase and to allow all jurors an opportunity to share their views on the case in an appropriate way. It is important to have selected a responsible cadet who can carry out these duties.

3. The foreman must conclude the **deliberations** and reach a final **verdict** by simple majority vote with at least five minutes remaining in the class. The verdict is kept secret and the attorneys are now asked to reenter the courtroom and take their seats at the front of the room.

4. The judge will then bang the gavel and call the courtroom to order. The foreman will stand and will be asked by the judge if the jury has reached a verdict. After answering in the affirmative, the foreman will then be asked to announce the verdict. The foreman will then announce the verdict.

5. The judge will then move the winning teams colored marking pin up one step on the Chief Justice poster which has been hung on the bulletin board somewhere in the classroom. The judge will declare "The court is now adjourned."

How To Become Chief Justice

The highest honor at the end of the game is to become Chief Justice. The game will come to an end when one law firm has reached the level of Supreme Court. The cadets are then asked to confirm a Chief Justice by secret ballot. Only one of the attorneys who has reached the level of Supreme Court will become Chief Justice. The Chief Justice should be chosen on the basis of his or her depth of knowledge of constitutional law, the amount of research of the various case laws used during the trials and the degree of articulate persuasion of those moral and ethical principles the attorney has shared during the course of the game.

The final duty of the judge is to announce the name of the Chief Justice to the class and allow that cadet to move the colored marking pin representing his or her winning law firm to the star on the Chief Justice poster. Applause is very appropriate at this time.

TIME FRAME TO CONCLUDE THE GAME

This game is designed to be played in a variety of time frames that suit a course curriculum or the schedule of any club or organization that wishes to provide a forum to debate current moral and legal issues. The time allocated for the Army JROTC program is five hours, one hour for each trial to be heard on a weekly basis.

ANSWER KEY

It is believed by the author of this game that most of the time the collective wisdom of the majority of the people will determine the "right answer" given enough research, serious contemplation and open debate on any ethical or moral issue before them. Democracy works because "We the People" have inherent within us the collective wisdom and ability to govern ourselves. In this game cadets not only research what existing laws are relative to

the questions before them, but also are asked to decide for themselves what the laws should be.

Chief Justice is designed on the positive assumption that enlightened citizens are very capable of deciding what the laws should be. It is then the duty of all enlightened citizens to become actively engaged in the democratic process to ensure that our freedom is preserved.

The cadets are strongly encouraged to read the U.S. Constitution and interpret this historic document as a guide to finding the answers to as many questions as possible in this game.

Sample Trial Schedule

DATE:_____

CASE:_____
_____
_____

_____ v. _____

DATE:_____

CASE:_____
_____
_____

_____ v. _____

DATE:_____

CASE:_____
_____
_____

_____ v. _____

DATE:_____

CASE:_____
_____
_____

_____ v. _____

LESSON 2: THE FEDERAL COURTS

acquit
adversary
arraigned
briefs
circuit courts
civil cases
concurring opinion
conservative
constitutional courts
criminal cases
defendant
dissenting opinion
district courts
grand jury
jurisdiction
legislative courts
liberal
litigants
majority opinion
moderate
petit jury
plaintiff
plea bargaining
precedents
prosecutor
writ of certiorari

INTRODUCTION

During the Constitutional Convention in 1787, the 39 delegates who signed the Constitution of the U.S. (known as the Framers) — saw the need to fix a flaw in the Articles of Confederation regarding the establishment of a national court to settle disputes between the states and to interpret federal laws. Although they corrected this shortcoming, they included only an outline of the judicial branch and the federal judicial system in Article 3, Section I of the Constitution: "*The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish*."

Additionally, in keeping with their creation of a system of "checks and balances" between the three branches of government, they wanted to give another branch the authority to establish lower federal courts, as necessary. As a result, the Framers gave Congress the authority to:

- Establish more federal courts/judgeships.
- Abolish any court except the Supreme Court.
- Determine the size of the Supreme Court.
- Decide what cases each kind of federal court will hear.

However, the Framers did not want the federal courts to replace the existing state courts. They intended the federal courts to interpret federal laws while state courts would continue to interpret their own state laws.

During America's first year under its new Constitution, Congress passed the Judiciary Act of 1789. This act created three levels of federal courts that are still in existence today: the Supreme Court, **district courts**, and **circuit courts**.

The purpose of the district and circuit courts is to take some of the burden of deciding cases from the Supreme Court. In so doing, this keeps the workload of the Supreme Court from becoming too heavy and permitting it to concentrate on cases that have a greater impact on constitutional law or national policy.

TYPES OF LOWER FEDERAL COURTS

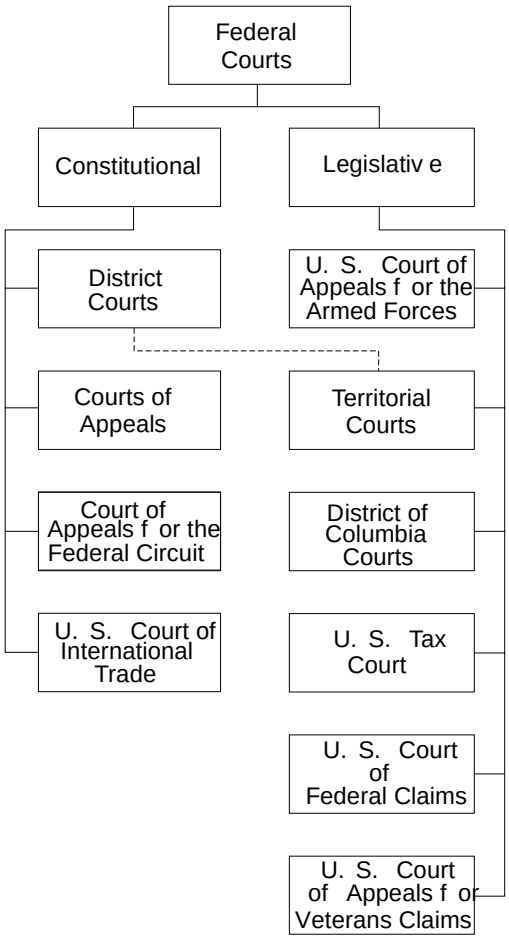
Congress used its constitutional power to establish two kinds of lower federal courts: **constitutional courts** and **legislative courts**. The president appoints judges to constitutional courts (with Senate confirmation) for life, or "good behavior." The president also appoints judges to legislative courts (again with Senate confirmation) to fixed terms of office, such as to 12- or 15-year terms.

CONSTITUTIONAL COURTS

Constitutional courts exercise the judicial powers specified in Article 3 of the Constitution.

The Judiciary Act of 1789 divided the United States into 13 judicial districts, with one judge for each district, and three circuits, with one for the southern, middle, and eastern parts of the country. Each circuit had a court that included two Supreme Court justices and a district court judge. As the country grew, it became impractical for the Supreme Court justices to preside over the circuit courts as well as perform their duties in the Supreme Court. Congress appointed circuit judges to allow the circuit courts to function more independently.

These circuit courts became appellate courts, or courts of appeals. The district courts continued to be the trial courts where federal cases begin. In addition to the district courts and the courts of appeals, Congress established other federal courts to handle specific purposes as indicated in the diagram below.



District Courts

District courts are the workhorses of the federal court system. They are the lowest of the federal courts — the place where cases are heard for the first time (known as original **jurisdiction**). There are now 94 federal judicial districts — each state has at least one and states with large populations have as many as four. As of 1998, there were 646 district court judges.

The District of Columbia, Commonwealth of Puerto Rico, and the territories of Guam, the U.S. Virgin Islands, and the Northern Mariana Islands also have one district court each. However, since the district courts located in the three territories were created under Article 1 of the

Constitution, they are designated as legislative courts.

Circuit (Appellate) Courts

Courts of Appeals

Congress divided the United States into 12 judicial regions, often referred to as circuits, with a court of appeals in each circuit. As of 1998, there were between six and 28 judges in each circuit for a total of 167 judgeships. The First through Eleventh Circuits each include three or more states while the last circuit hears cases arising in the District of Columbia. The Commonwealth of Puerto Rico and the territories of Guam, the U.S. Virgin Islands, and the Northern Mariana Islands are included in the first 11 circuits.

Courts of Appeals have appellate jurisdiction; they do not have original jurisdiction. If the party submitting the appeal believes that a lower court or agency did not correctly follow the law, a three-judge panel hears most cases; however, all of the judges within a circuit may sit as a group to hear important cases. The appeals court may uphold or reverse the decision of a lower court or ask the lower court to retry the case. In most cases, the decision of the Courts of Appeals is final, although appeal to the Supreme Court is possible.

Cases come to the Courts of Appeals from:

- District Courts
- U.S. Tax Court
- Territorial Courts

DID YOU KNOW?

The 12 regions became known as circuits because early in the nation's history, the judges of the first courts of appeals visited each of the courts in one region in a particular sequence, traveling by horseback and riding "circuit."

Court of Appeals for the Federal Circuit

In 1982, Congress established this court with national jurisdiction to handle specific cases coming from the:

- U.S. Court of International Trade
- U.S. Court of Federal Claims
- U.S. Court of Appeals for Veterans Claims

This court also hears appeals from the Departments of Agriculture and Commerce, and from district courts involving patents and minor claims against the federal government. Similar to the Courts of Appeals, decisions from the Court of Appeals for the Federal Circuit are final, but appeals to the Supreme Court are still possible.

LEGISLATIVE COURTS

Since Congress created the legislative courts to handle specific purposes, the judges presiding over them are knowledgeable of a very specialized area of the law. Although there are fewer of these courts than constitutional courts, and Congress has limited their jurisdiction, they fulfill an important need in the federal judicial system. The legislative courts:

- Have final appellate jurisdiction in court-martial convictions of military personnel (although appeals to the Supreme Court are still possible).

- Hear civil, criminal, and constitutional cases (in much the same way as state and local courts do for the states) for the territories over which the U.S. exercises control (Guam, the U.S. Virgin Islands, and the Northern Mariana Islands).

- Hear all local and constitutional cases for the nation's capital.

- Hear cases related to federal taxes with most cases arising over rulings of the Internal Revenue Service.

- Hear cases of original jurisdiction for U.S. citizens who believe the government owes them money, especially in suits against the government for monetary damages in excess of $10,000 for reasons such as:

  ✓ Tax refunds
  ✓ Taking of private property by the federal government for public use
  ✓ Constitutional and statutory rights of military personnel and their dependents
  ✓ Back-pay demands from civil servants claiming unjust dismissal
  ✓ Persons injured by childhood vaccines
  ✓ Federal government contractors suing for breach of contract

DID YOU KNOW?

The Constitution states that U.S. citizens cannot sue the government in court without first obtaining Congress' consent.

- Hear cases on all types of veterans' and survivors' benefits, including disability, loan eligibility, and educational benefits.

JURISDICTION

In order for a court to hear a case, it must have jurisdiction, or the power to "speak the law" in deciding the case. In order for a federal court to hear a case, there must either be a real difference of opinion between two parties or a real situation must exist involving an injury of one party by another. Federal courts have exclusive jurisdiction in cases involving questions about the Constitution, treaties with other countries, or laws passed by Congress. Federal courts also hear cases involving different states and their citizens.

Sometimes jurisdiction is shared by both federal courts and state courts. For example, a person could be tried in either a district court or a state court if the crime violates both federal and state laws.

THE ADVERSARY SYSTEM

Court cases always involve **adversaries**, two parties who oppose each other. Each party has a lawyer who presents the case and tries to persuade the judge or jury to decide in that party's favor. In rare cases, people sometimes present their own cases without a lawyer, but the law is so complicated that most people would rather have their cases presented by experts in the law.

When a federal court handles a real case (or an actual disagreement or conflict instead of a hypothetical one), this is the adversary concept of judicial procedure. The court acts as an impartial referee between the two opponents. Both sides present their views and the court acts as an arbiter (referee) to settle the matter according to law.

In the situation involving an injury of one party by another, the injury must actually occur before a federal court will hear the case.

A court will not rule on a legal controversy that concerns two friendly parties.

The adversary concept is one of four principles of our legal system which influence how courts function. The other three are equal justice under the law, due process of the law, and the presumption of innocence.

Equal justice refers to the goal of treating all persons alike under the law. That is, all constitutional freedoms apply equally to all persons.

Due process refers to the principle that all persons accused of a crime be subject to a standard set of procedures during the arrest, indictment, and trial by a court. Finally, although not found in the Constitution, America's earliest courts in the colonial times adopted the English common law principle that a defendant is first and foremost presumed innocent beyond a reasonable doubt.

TYPES OF CASES

Congressional law requires that most cases in the federal court system start in the district courts. Then, if persons in certain kinds of cases are not satisfied with the district court's decision, they can appeal to a higher federal court. Under certain circumstances, persons can take such cases directly to the Supreme Court, although the normal process is to appeal to a court of appeals first. In most of those cases, the decision of the court of appeals is final, but appeal to the Supreme Court is still possible.

Court cases fall under one of two types: **civil cases** or **criminal cases**. In a civil case, one person claims damages against another person for some harm done. The case may be a dispute over money or property, or it may involve the violation of a constitutional right or federal law. The participants in a case may be individuals, companies, or organizations.

Criminal cases involve people accused of committing an act that violates federal law. If a person is found guilty of such a crime, the punishment may be a fine, imprisonment, or both. Although an accused person is always presumed innocent until proven guilty, many people may plead guilty to a lesser charge in order to receive a lower sentence. This exchange of a guilty plea for a lower sentence is called **plea bargaining**. Plea bargaining avoids the expense and time of a jury trial.

PARTICIPANTS IN A COURT CASE

The main participants in a case are the **litigants**. On one side is the party bringing a charge, the **plaintiff** (in civil cases) or the **prosecutor** (in criminal cases). On the other side is the party against whom the charge is brought, the **defendant**.

DID YOU KNOW?

Defendants are not required to make any statements or offer any proof of their innocence. In a criminal case, the burden of proof lies with the prosecution because defendants are presumed innocent until proven guilty.

Lawyers are experts in the law that represent each side of a case. They are not allowed to reveal what their clients say to them; their job is to present arguments on behalf of the person they represent. Also, lawyers cannot represent one party if they have a conflict of interest with the other party.

Judges are responsible for determining (or helping the jury to determine) the facts in a case. Judges instruct all of the participants about the law and serve as "referees" between

the lawyers, ensuring that each side is fairly represented. The President nominates all federal judges, and the Senate must approve the nominations. The nominees for judgeships are then screened by both the FBI and the Committee on the Federal Judiciary of the American Bar Association. The President and the Attorney General make the final selection.

Juries are typically composed of one's peers — ordinary citizens who have no professional knowledge of the law. People are randomly selected from voter registration lists or telephone books. Before a trial, lawyers from both sides of the case question prospective jurors to see if they have any beliefs or prejudices that might prevent them from being fair and impartial.

There are two types of juries: a **grand jury** and a trial or **petit jury**. A grand jury hears evidence presented before a case goes to court and decides whether an accused person should be indicted (formally charged with a crime). A petit jury listens to the case during the actual trial and applies the law that the judge explains to the facts that the lawyers presented. In a criminal case, the jury's decision must be unanimous.

PROCESSING A CASE — A LOOK AT HOW THE "SYSTEM" WORKS

A criminal court case goes through a number of orderly steps, from the commission of a crime to the sentencing by the judge if the suspect is found guilty. One of these steps is to advise the suspect of his or her *Miranda* rights. (The landmark Supreme Court case of *Miranda v. Arizona* in 1966 requires that before law enforcement authorities can make an arrest, they must advise the person being arrested of his or her right against self-incrimination and to consult with an attorney.) To see how this process works, read the following story.

* * *

On 21 October 1988, Ron Styles calls the police to report that his car has been stolen. The police investigate the crime and speak to several people who saw a man attempting to break into a car just before Mr. Styles' Mustang disappeared. Within a few days, the police find a suspect, Tommy Lee Hunter. They arrest him and advise him of his *Miranda* rights. The officers then take Hunter to their sergeant at the police station, who finds probable cause to keep him in custody and "books" him.

Within 24 hours, the suspect (now called the defendant) is brought before a judge at a preliminary hearing. The judge advises Hunter of his constitutional rights. Because he does not have an attorney, the court assigns him a public defender provided by the state. The judge then reads the charge against Hunter and sets bail at $1,000.

The district attorney then asks a grand jury to return an indictment (a true bill) against Tommy Lee Hunter for grand theft auto. The grand jury finds probable cause of guilt, so Hunter is indicted. He is then **arraigned** and asked to plead guilty or not guilty. If he pleads guilty, the judge will sentence him without a trial. He can also plead guilty in exchange for a lighter sentence or lesser charge, but he decides that he would rather have his case decided by a jury. He pleads innocent.

A jury is selected to try the case. Lawyers from both sides question the jurors to make sure they do not know Ron Styles or Tommy Lee Hunter and that they have not already formed an opinion about the case. After jury selection, the prosecuting and defense attorneys state their cases and produce evidence. After each side is heard,

the attorneys have a chance to conclude their arguments.

The jurors then retire to a separate room to deliberate. The jury foreman takes an initial vote on the case to determine how many of the jurors are willing to vote for Hunter's guilt or for his innocence. If jurors are divided in their vote, the foreman asks jurors to comment on their positions. Some jurors try to influence other jurors to change their vote. While the foreman maintains order throughout these deliberations, any juror may ask to review evidence presented during the trial. If a decision cannot be reached during the remainder of that session, the court sequesters (secludes) the jurors during the periods they are not deliberating. The foreman concludes the deliberations when a verdict is reached or the jury is deadlocked.

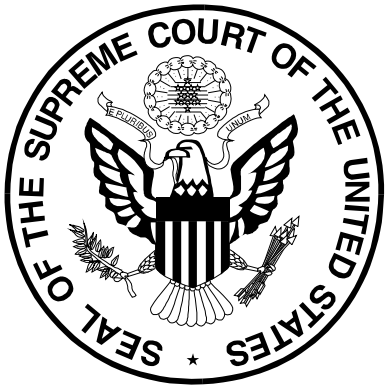
If the jury finds Hunter innocent, the judge will **acquit** him. However, if they find him guilty, the judge will sentence him according to his crime. Hunter will then have the right to appeal his case. Or, if he does not appeal, the court executes his sentence.

The jury finds Hunter guilty of grand theft auto. He appeals his case to the circuit court. Like most other cases, Hunter's case is heard by all of the judges sitting as a group.

The appellate court reviews the proceedings of Hunter's case to determine if the district court correctly followed the law in each step of the trial. It then decides to let the decision of the district court stand, resulting in Hunter's sentence being executed. Since the appellate court does not reverse the lower court's decision or ask it to retry Hunter's case, the appellate court's decision will probably be final — unless the case warrants an appeal to the U.S. Supreme Court — which it does not.

THE SUPREME COURT

As the highest and most important court in the United States, the Supreme Court is a powerful force in shaping America's laws and public policies. All other federal courts are inferior to the Supreme Court. Although the Supreme Court has original jurisdiction in conflicts between the states and in cases that involve ambassadors, consuls, or representatives of foreign governments, most of the time it hears appeals of lower court decisions.



ORGANIZATION OF THE SUPREME COURT

According to the Constitution, Congress determines the size of the Supreme Court and the President appoints its justices (with Senate confirmation). Since the establishment of this Court, it has had as few as five and as many as ten justices. However, since 1869, Congress set the size at nine: eight associate justices and one chief justice. The chief justice is responsible for assigning the writing of court decisions.

Until recently, the justices of the Supreme Court were typically white male Protestants. Of the over 100 justices in the history of this Court, there have been six Catholics, five Jews, two African-American men, and two women. The present Court includes William H. Rehnquist — the Chief

Justice, John Paul Stevens, Sandra Day O'Connor — the first woman justice, Antonin Scalia, Anthony M. Kennedy, David H. Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen G. Breyer. The first African American to serve on the Supreme Court was Thurgood Marshall.

DID YOU KNOW?

William Howard Taft served as President of the United States from 1909 to 1913 and later served as Chief Justice of the Supreme Court from 1921 to 1930. He is the only person to serve in both positions.

APPOINTMENT OF JUSTICES

Politics have played a major role in the appointment of Supreme Court justices. One of the President's greatest powers is the nomination of justices, because they are appointed for life. Thus, a President who nominates a Supreme Court justice can influence the ideas and policies of the nation long after the regular presidential term of office ends.

Presidents look for certain characteristics in a nominee, including support for the ideals of the President's party (**moderate**, **conservative**, or **liberal**), service in the Department of Justice, and possession of the highest of legal standards. Although the Constitution does not require a Supreme Court justice to be a lawyer or to have judicial experience, all of them have been lawyers and about half of them were judges before being appointed. Because the Court handles such a broad range of issues, political experience and an understanding of public policy may be more useful than judicial experience in a limited area of the law.

No matter how carefully Presidents choose Supreme Court nominees, they cannot be sure that once in office the justices will vote in favor of the President's policies.

THE SUPREME COURT AT WORK

You may have heard someone say, "I'll take this case all the way to the Supreme Court if I have to!" This assertion is more drama than reality, for the Supreme Court actually hears only a small number of the cases it receives. The Court's main job is to speak on laws that affect Americans as a whole, not to correct individual mistakes of lower courts. Unlike the lower courts, the Supreme Court is an institution of public law rather than private law. Therefore, it does not hear cases such as divorce or copyright infringement because they do not affect a great number of people.

DID YOU KNOW?

The U.S. court system tries more than 10 million cases each year. Of that number, lower courts send less than 5,000 to the Supreme Court, which hears argument on fewer than 200 of those cases and hands down signed opinions on about 150. It affirms, dismisses, or reverses the remaining cases.

SELECTING CASES

There are three ways for cases to reach the Supreme Court: those where it has original — or trial court — jurisdiction, from appeals, and from petitions for a **Writ of Certiorari**.

- Recall that the Constitution grants the Supreme Court original, or trial court, jurisdiction in cases involving foreign diplomats and in which one of the states is a party.

- About 10 percent of the Supreme Court's cases come from appeals, and they usually pertain to the violation of constitutional rights. At least four of the nine justices must vote to consider a case or the Court dismisses it. The main reasons for dismissal include:
  - The Court agrees with the lower court's decision.
  - The case does not involve an important federal question.
  - The case involves other procedural factors that make it inappropriate for the Supreme Court to hear.

- The majority of the Supreme Court's cases come as petitions for a Writ of Certiorari, or "cert." Certs order a lower court to send the Supreme Court the records of a case for review. The Supreme Court only grants certs to petitions that raise the possibility of important constitutional questions or problems with statutory interpretations. When the Supreme Court denies a petition, the decision of the lower court stands. The Supreme Court denies between 85 to 90 percent of all such petitions.

HEARING CASES

When the Court elects to hear a case, it notifies lawyers for both sides to submit **briefs** — documents summarizing the lower court's decision. The briefs also include arguments for a particular point of view, supported by citing previous cases that relate to the issue (or **precedents**).

After the justices have read the briefs, there is a specific period of time during which the lawyers present oral arguments. The justices may interrupt them at any time to ask questions. Plus, the Court periodically takes recesses so that the justices have time to think about the cases. Then, on Fridays, the justices meet in a private conference, chaired by the Chief Justice, to discuss and vote on each case, and to decide on what new petitions and appeals they will accept. Although they discuss the cases by the order of seniority of the justices, they vote on them in reverse order of seniority.

DECISIONS

In most cases, the Supreme Court's decision is not a unanimous one. Therefore, when a majority of the justices agree or disagree on the issue, they reach an "official decision" of the Court. If the Chief Justice votes with the majority, he or she decides who will write the **majority opinion**. However, if the Chief Justice is in the minority, the most senior justice in the group making up the majority determines who will write the majority opinion. This opinion explains how the Court arrived at its decision and whether the decision is a new interpretation of the Constitution or it reaffirms an old interpretation. Before being shown to the public, the author gives the other justices drafts for their comments. When all of the justices agree on the wording of the majority opinion, the Court releases it to the public.

Justices are also free to write a **dissenting opinion** (stating why they disagree with the majority decision) or a **concurring opinion** (stating why they agree with the majority vote but for a different reason than what is stated in the majority opinion). Some cases may have as many as two or three dissenting opinions. Drafts of these opinions are also circulated among the justices, who sometimes change their votes after considering them. Supreme Court justices typically study or write approximately 400 opinions (both concurring and dissenting) during one term.

IMPORTANCE OF SUPREME COURT DECISIONS

Supreme Court decisions are important not only because they affect laws and policies in the present, but because they will affect the laws and policies of the future. Much of the Supreme Court's and lower courts' decision-making relies on precedents. A precedent is a model for later cases that might raise the same or similar questions.

For example, the Supreme Court of 1896 set a precedent when it ruled that "separate but equal" facilities for blacks and whites were constitutional. However, precedents are only guidelines, not laws. The Supreme Court of 1954 overturned the previous decision when it ruled that segregation was unconstitutional.

When the Supreme Court considers going against a precedent, it must keep in mind that the lower courts will be expected to follow the decision in similar cases. The Court must carefully consider how its decision will affect all future cases, not just the one at hand.

LIMITATIONS OF POWER

CONGRESSIONAL CHECKS & BALANCES

Even the "highest court in the land" has limitations on its power. Because the Supreme Court cannot enforce the law that it interprets, public acceptance of its decisions is vital. If the Court goes against public opinion, Congress can reverse a decision by using either a constitutional amendment or new legislation. For example, when the Supreme Court ruled that Congress could not lower the voting age, Congress proposed the Twenty-sixth Amendment. When the states ratified that amendment, the Court's decision was no longer valid.

Congress can also control the Supreme Court by controlling the size of the Court, refusing to approve (consent to) a President's nomination for the Court, or changing the Court's jurisdiction. By reducing the Supreme Court's appellate jurisdiction, Congress could render it unable to speak on certain issues.

PRESIDENTIAL CHECKS & BALANCES

Because the Supreme Court does not choose its own justices, the President can fill vacancies with people who will vote for the policies of that administration, not against it.

CONCLUSION

The three levels of the Federal Judicial System work together to ensure that every case receives a fair trial: the district courts are the place where trials begin; the circuit courts hear cases on appeals — where their decisions are usually final; and the Supreme Court hears cases that raise important questions about the Constitution or federal laws or those appealed to it by a lower court. Although the Supreme Court has original jurisdiction in cases that involve foreign countries or conflicts between states, most of the cases are appeals from lower courts. Since Supreme Court decisions set precedents for later decisions, the nine justices must use wisdom and caution when deciding the future of America's policies.

LESSON 3: JOHN MARSHALL AND THE JUDICIAL REVIEW

judicial activism
judicial restraint
judicial review
reapportionment

JOHN MARSHALL

William Marbury may well be the most important office seeker in U.S. history. The case of Marbury v Madison in 1803 provided Supreme Court justice John Marshall with the opportunity to set the precedent for judicial review. The effect of the ruling was to give the Supreme Court the authority to declare acts of Congress and the President unconstitutional. The Court became the interpreter of the Constitution with final say on what the document meant. The Courts were now an equal partner in government.

JUDICIAL REVIEW

Although the Constitution does not give the Supreme Court the power to declare a law or act unconstitutional, the Court can examine an act of Congress or actions of the President/ executive branch to determine if they are in conflict with the Constitution. If the Court finds a conflict, it can then declare the act null and void. This "interpretation" of the Constitution by the Supreme Court is known as **judicial review**.

The case of *Marbury vs. Madison* in 1803 was the first case in which the Supreme Court asserted this power. Over the years, the Supreme Court has used this in varying degrees, depending on the beliefs of the justices. The two actions taken by the Supreme Court justices over the issue of judicial review are **judicial restraint** and **judicial activism**.

- Judicial restraint argues that the Supreme Court should use the power of judicial review reluctantly, or as seldom as possible. For example, during the period from 1939 to 1962, certain justices of the Court avoided constitutional questions and upheld the acts of Congress where possible, unless those acts violated the Constitution. Plus, the Court sought to avoid political questions that would put it in conflict with either the executive or legislative branches.

- Judicial activism supports an active role by the Supreme Court in its use of judicial review. For example, during the period from 1954 to 1969, certain justices of the Court actively applied the Constitution to social and political questions of racial segregation, rights of criminal defendants, and congressional **reapportionment**.

LESSON 4: THE DEPARTMENT OF JUSTICE

admiralty
antitrust
duties
monopoly
panoply
tort

INTRODUCTION

Under the provisions of the Judiciary Act of 1789, Congress created the Office of the Attorney General. Initially, the Attorney General acted as a legal counselor/advisor to the President and to the members of the President's Cabinet, and handled all suits in the Supreme Court in which the United States was a party. Edmund Randolph of Virginia was the first Attorney General.

However, by 1870, the work of the Attorney General had expanded to such an extent that it had become an executive department of the government. Congress officially created this Department with the passage of An Act to Establish the Department of Justice on June 22, 1870. This act:

- Established the Attorney General as the head of the Department of Justice
- Gave the Attorney General direction and control of U.S. Attorneys and all other counsel employed on behalf of the U.S.
- Vested in the Attorney General supervisory power over the accounts of U.S. Attorneys, U.S. Marshals, clerks, and other officers of the federal courts.

Over the years, this single person and position — which is now at the head of the Department of Justice — has become the largest law office in the world, employing over 110,000 persons throughout the world.

INSIDE THE JUSTICE DEPARTMENT

At the time when Congress established the Department of Justice, its job was primarily to prosecute people who violated federal laws and to defend the United States when individuals or states brought claims against the government. Today, in addition to serving as the federal government's and President's chief legal officer, this Department performs many other diverse functions. Those functions include supervising and directing the administration and operation of the following offices, boards, divisions, and bureaus. (Note: The following list of agencies is not all inclusive and, although they are <u>not</u> discussed in this lesson, you will use them for your Journal Exercise.)

- Federal Bureau of Investigation
- U.S. National Central Bureau INTERPOL
- Criminal Division
- Drug Enforcement Administration
- Bureau of Prisons
- Office of the Pardon Attorney
- U.S. Parole Commission
- Immigration and Naturalization Service
- Office of the Inspector General

DID YOU KNOW?

The Constitution mentions only a few types of crimes — treason, counterfeiting, and piracy on the high seas. Over the years, Congress has used its authority to establish a code of laws that increased the categories of federal crimes. Criminal offenses include murder, bank robbery, impersonating a government employee, kidnapping, selling illegal drugs, bribing public officials, giving false testimony in a federal court, crimes against the U.S. Postal Service (including mail fraud), and many others.

THE OFFICE OF THE ATTORNEY GENERAL

The Attorney General is the head of the Department of Justice, a Cabinet position that reports directly to the President. In addition to being responsible for supervising and directing the administration and operation of the many offices, boards, divisions, and bureaus currently within the Justice Department (some of these were listed on the preceding page), the Attorney General:

- Still has the original responsibility to furnish advice on legal matters to the President and the Cabinet.

- Also has the following responsibilities:

  ✓ Represents the U.S. in legal matters.
  ✓ Furnishes advice on legal matters to the heads of the other executive departments/agencies of the government.
  ✓ Makes recommendations to the President concerning appointments to federal judicial positions as well as to positions within the Department, including the U.S. Attorneys and U.S. Marshals.

DEPUTY ATTORNEY GENERAL

Because the Department of Justice is so large, the Attorney General can not possibly consider all of the details necessary to keep the many offices, divisions, etc., running smoothly. Therefore, a Deputy Attorney General assists in the administration and operation of the Department of Justice and the Office of the Attorney General. The Deputy has decision-making authority for the Attorney General, but subject to the Attorney General's approval.

Five offices — each headed by Assistant Attorneys General — also report directly to the Deputy to assist in handling the internal functioning of the Department. These offices are:

- Office of Policy Development
- Office of Legislative Affairs
- Office of Inter-Governmental Affairs
- Office of Public Affairs
- Office of Legal Council

SOLICITOR GENERAL

The third-ranking officer in the Department of Justice is the Solicitor General. This person is the government's top lawyer who appears in the Supreme Court more often than any other lawyer. The Solicitor General's job is to represent the United States in court. If the government loses a case, the Solicitor General decides whether to appeal the case to a circuit court or the Supreme Court.

ASSOCIATE ATTORNEY GENERAL

The Associate Attorney General is engaged in the policy direction and adminis-

trative supervision of a broad range of civil justice matters and related criminal matters. Additionally, the Associate Attorney General participates in Department of Justice liaison with the Executive Office of the President, particularly with regard to civil matters. Another important responsibility of the Associate Attorney General is the implementation of the Violent Crime Control and Law Enforcement Act of 1994.

The Associate Attorney General is also responsible for supervising five divisions that are extremely vital with regard to civil matters and civil justice matters. Each of these divisions are headed by an Assistant Attorney General.

- Tax Division
- **Antitrust** Division
- Civil Division
- Civil Rights Division
- Environmental and Natural Resources Division

THE TAX DIVISION

The Tax Division's primary function is to serve as a general purpose law firm for its principal client, the Internal Revenue Service (IRS). On behalf of the IRS, the Division handles virtually all civil litigation arising under the internal revenue laws except for those cases which are docketed in the U.S. Tax Court, and enforces the criminal tax laws by supervising or directly handling all criminal tax prosecutions.

The civil litigation performed by the Tax Division includes defending the U.S. in tax refund suits, representing the U.S. in bankruptcy cases involving federal tax claims, seeking enforcement of administrative summonses, instituting collection actions, and defending **tort** actions against IRS officials.

These cases present a variety of legal issues involving federal tax law, bankruptcy law, constitutional law, commercial law, and state property law, as well as a **panoply** of evidentiary, procedural, and jurisdictional issues that are the staple of any litigation docket.

The Division also represents other federal departments and agencies in cases involving the immunity of the Federal government from state and local taxation.

The criminal prosecutions handled or supervised by the Division include cases involving financial institution fraud, health care fraud, organized crime activities and narcotics trafficking, as well as cases involving the more traditional violation of the criminal tax laws by taxpayers having legal sources of income.

Criminal tax cases deal with attempts to evade taxes, failure to file tax returns, and filing of false returns. These tax cases have put some infamous criminals in jail when other attempts to catch them failed. The notorious gangster Al Capone is probably the most famous example. Capone was the head of a group of Chicago gangsters who got away with bribery, robbery, and murder. His crimes made him a very wealthy man, but when his taxes were audited, all of his money could not keep him out of the federal prison.

THE ANTITRUST DIVISION

The mission of the Antitrust Division is to promote and protect the competitive process of the American economy through the enforcement of antitrust laws. These antitrust laws apply to virtually all industries and to every level of business, including manufacturing, transportation, distribution, and marketing. They prohibit a variety of practices that restrain trade, such as price-

fixing conspiracies, corporate mergers likely to reduce the competitive vigor of particular markets, and predatory acts designed to achieve or maintain **monopoly** power.

The Division prosecutes serious and willful violations of the antitrust laws by filing criminal suits that can lead to large fines and jail sentences. Where criminal prosecution is not appropriate, the division institutes a civil action seeking a court order forbidding future violations of the law and requiring steps to remedy the anti-competitive effects of past violations. Many of the Division's accomplishments on these actions were made possible by an unprecedented level of cooperation and coordination with foreign antitrust enforcement agencies and with State Attorneys General.

The Division is also committed to ensuring that its essential efforts to preserve competition for the benefit of businesses and consumers do not impose unnecessary costs on American businesses and consumers.

The historic goal of the antitrust laws is to protect economic freedom and opportunity by promoting competition in the marketplace.

- ❑ Competition in a free market benefits American consumers through lower prices, better quality, and greater choice.

- ❑ Competition provides businesses the opportunity to compete on price and quality, in an open market and on a level playing field, unhampered by anti-competitive restraints.

- ❑ Competition also tests and hardens American companies at home, making them more apt to succeed abroad.

THE CIVIL DIVISION

In 1870, when Congress gave the Office of the Attorney General responsibility for all government litigation, few anticipated the development of this function into the present-day Civil Division, or the significance and enormity of the Division's work. Today, the Civil Division is the largest litigating division within the Department of Justice, employing approximately 660 attorneys.

The Civil Division represents the U.S., its agencies, and its employees in general litigation before both trial and appellate courts. The subject matter of the Division's litigation is as broad and diverse as the activities of the government itself. Many of its cases have significant domestic and foreign policy implications. Each year, the Division handles thousands of cases that collectively involve billions of dollars in claims and recoveries in areas such as:

- Commercial issues involving:
  - ✓ Contract disputes
  - ✓ Banking insurance
  - ✓ Patents
  - ✓ Fraud
  - ✓ Bankruptcies and debt collection
- All manner of accident and liability claims
- Claims against the government
- Customs and International Trade (including the imposition of special **duties**)
- Foreign litigation
- Criminal violations of consumer protection and immigration laws
- Energy policies
- General tort claims (including toxic substances, aviation, **admiralty**, and the defense of federal officials sued personally for official actions)
- National security issues

- Suits challenging the constitutionality, lawfulness, or propriety of:
  - ✓ Presidential initiatives
  - ✓ Federal statutes
  - ✓ Government programs and actions

The Civil Division confronts these policy issues, which often advance to constitutional dimensions, in defending and enforcing various federal programs and actions. It litigates cases in all federal district courts, the U.S. Courts of Appeals, the U.S. Court of Federal Claims, other federal and state courts, and in the courts of foreign nations.

THE CIVIL RIGHTS DIVISION

This Division was established in 1957 following enactment of the first civil rights statute. It is the primary institution within the federal government responsible for enforcing federal statutes prohibiting discrimination on the basis of race, sex, handicap, religion, and national origin. Since its establishment, the Division has grown dramatically both in size and responsibility. The types of congressional acts that the Civil Rights Division enforces include:

- Civil Rights Acts of 1957, 1960, 1964, and 1968
- Voting Rights Act of 1965, as amended through 1992, and other voting acts
- Equal Credit Opportunity Act
- Americans with Disabilities Act
- Civil Rights of Institutionalized Persons Act of 1980
- Freedom of Access to Clinic Entrances Act
- Police Misconduct Provision of the Violent Crime Control and Law Enforcement Act of 1994
- Section 102 of the Immigration Reform and Control Act of 1986, as amended

In short, this Division:

- Enforces civil rights provisions contained in laws and regulations to prohibit discrimination in education, employment, credit, public accommodations and facilities, housing, voting, and certain federally funded and conducted programs.

- Prosecutes actions under several criminal civil rights statutes that are designed to preserve personal liberties and safety.

- Seeks relief for persons confined in public institutions where conditions exist that deprive residents of their constitutional rights.

- Prohibits discrimination on the basis of national origin and citizenship status as well as document abuse and retaliation under the Immigration and Nationality Act.

ENVIRONMENTAL AND NATURAL RESOURCES DIVISION

The Environmental and Natural Resources Division was created in 1909. Since the U.S. government owns about one-third of the nation's land, including forests, buildings, waterways and natural resources, this Division enforces laws concerning the use of public, reserved, and acquired land. The Division's responsibilities include:

- Litigation concerning the protection, use, and development of the nation's natural resources and public lands

(land titles, oil and mineral leases, water rights, timber cutting, etc.).

- Wildlife protection.
- Native American Indian rights and claims.
- Cleanup of the nation's hazardous waste sites — including litigation concerning the representation of the U.S. in suits to prevent air and water pollution.
- Acquisition of private property for federal use.
- Defense of environmental challenges to government programs and activities.

CONCLUSION

The Department of Justice has a rich and storied history. Although the position of Attorney General has existed since the founding of the nation, it was not until 1870 that a separate department was created bringing together under the authority of the Attorney General the activities of the U.S. Attorneys, U.S. Marshals, and others. Today, the myriad responsibilities of the department touch the lives of nearly all Americans. It investigates and prosecutes federal crimes, represents the U.S. in court, manages the federal prisons, enforces the immigration laws, works with partners at home and abroad in enforcing the law; and it improves the system of justice for all Americans. *The pursuit of justice is its most solemn and sacred duty*.

LESSON 5: MILITARY JUSTICE

admissible
admonition
Article 15
censure
coerced
general, special, and summary court-martials
UCMJ

INTRODUCTION

Military personnel do not have the same basic national rights and freedoms as civilians. In order for the armed forces to function efficiently, military personnel must give up some of their personal liberties and conform to military standards. Although most of them do not have a problem with the strict discipline of military life, the issue of basic rights becomes extremely important in a military court of law, especially since many of the military justice procedures are different from those used in civilian (federal and state) courts.

THE UNIFORM CODE OF MILITARY JUSTICE (UCMJ)

The Uniform Code of Military Justice (**UCMJ**) is the basis of all military law in the United States Armed Forces. It describes all of the procedures that should be followed when a member of the armed forces is accused of committing a military offense. In addition, it protects the accused by listing their rights and ensuring that they receive a fair trial. The purpose of the UCMJ is to recognize the different needs of the military while still ensuring justice for all military personnel.

HISTORY OF THE UCMJ

Until 1951, the U.S. Army and Navy had their own court-martial systems. The Army Articles of War dated back to the Revolutionary War; they were borrowed from the British Articles of War with very few changes. Congress occasionally revised the Articles over the years, but the military justice system remained basically the same through World War II.

Under the Articles of War, the commander who initiated a court-martial had almost complete control over the outcome of the trial. The commander brought the charges, appointed officers to the court, and reviewed the proceedings, verdict, and sentence — all without approval from anyone with higher authority.

After World War II, there were many public objections to the military justice system. Congress responded to the complaints by carefully reviewing the Articles of War. The result of this effort was the UCMJ, which introduced several major reforms. These reforms brought military justice closer to civilian justice.

- First, the UCMJ established a U.S. Court of Military Appeals composed of three civilian judges appointed for 15-year terms by the President (with the consent of the Senate).
- The UCMJ also provided for a law officer, similar to a judge, who would ensure a fair and orderly trial.
- A third major reform provided by the UCMJ was that enlisted personnel could sit as members of the court if the accused was an enlisted person.

Since 1951, the Court of Military Appeals has undergone several changes.

There are now five civilian judges who each serve for 15-year terms. A chief judge serves for five years and is succeeded by the next senior judge on the court. Additionally, in 1994, the name of the court was changed to the U.S. Court of Appeals for the Armed Forces.

TYPES OF MILITARY OFFENSES

Before 1969, all soldiers accused of crimes could be court-martialed simply because of their military status. However, the Supreme Court case of *O'Callahan vs. Parker* limited the use of courts-martial to "service-connected" offenses. Factors that determine whether an offense is service-connected include the relationship of the offense to military duties, the presence of a threat to military personnel, abuse of military status or the location of the crime on a military base. Except in a few cases, a soldier can only be court-martialed if the offense in some way affects the military or its personnel.

One exception is a drug-related offense. Because an immediate, serious threat to the military is inherent in drugs, a drug offense is service-connected even if it occurs off-base. Violations of federal or state laws are another exception to the "service-connected" rule. According to Article 134 of the UCMJ, a soldier who violates a federal or state law can be court-martialed and can be tried by a federal or state court for the same offense.

RIGHTS OF THE ACCUSED

Even though the military justice system functions differently from the civilian justice system, the accused still has similar rights:

- The right to a speedy trial
- The right against self-incrimination
- The right to counsel
- The right of due process

SPEEDY TRIAL

An accused soldier must be brought to trial within 120 days after receiving notice of the charge. If the soldier is confined, the period is 90 days. A trial must occur within these time limits, or the charges will be dismissed.

The government is accountable for the time required to process a case and must explain any delays. Some delays are acceptable, as long as the government can show special circumstances that caused the delay.

SELF-INCRIMINATION

The Fifth Amendment to the Constitution and Article 31 of the UCMJ protect soldiers against **coerced** statements. As in civilian arrests or questioning, the accused must receive a *Miranda* warning. In order for any statement to be used in a court-martial, the statement must be voluntary. If the prosecutor cannot prove that a military person's admission to an offense was voluntary, the statement cannot be used. In addition, any evidence that comes from a coerced statement will not be considered valid.

COUNSEL

Like civilians, military personnel have the right to consult a lawyer both before and during questioning. The accused may have a civilian lawyer, a military lawyer, or both. A civilian lawyer is at the military person's expense, but a military lawyer is free.

DUE PROCESS

If the government obtains evidence by using unlawful methods, the evidence cannot be used. For example, obtaining evidence by pumping a suspect's stomach or taking a urine sample is a violation of due process.

However, a suspect can be required to step in plaster molds of footprints, make a handwriting sample, or submit to fingerprinting.

Searches and Seizures

The Fourth Amendment of the Constitution protects all citizens, including soldiers, against unreasonable searches and seizures. However, a "reasonable" search in the military may not be considered "reasonable" in civilian life. Before most civilian searches can begin, a judge must issue a search warrant based on a probable cause to search.

In the military, a commander can authorize a search without obtaining a warrant as long as there is probable cause. Although the commander can authorize the search orally, a written authorization stating the reasons for the search is preferred. Whether the authorization is oral or written, the commander must specify the place to be searched and the items to be seized. Then, the commander cannot conduct the search personally. He or she can be present at the time of the search, but someone else must actually conduct it (such as the Military Police).

Commanders have the right and duty to inspect their troops to make sure they are prepared to accomplish the unit's mission. Inspections are <u>not</u> the same as searches. During an inspection, the commander looks at the overall status of the unit and does not focus attention on any particular person. A search, on the other hand, singles out individuals and looks for particular evidence.

If a commander finds illegal drugs, weapons, or other incriminating evidence during a routine inspection, the evidence is **admissible** in a court-martial. However, commanders cannot conduct a search under the pretense of an inspection. Any evidence seized during an unlawful inspection cannot be used in a trial.

NONJUDICIAL PUNISHMENT

ARTICLE 15 OF THE UCMJ

All commanders may impose nonjudicial punishment under **Article 15** of the UCMJ on members within their command for offenses they consider to be minor. However, they also have the option of referring the matter to their immediate commander when a higher form of punishment may be more suitable for the offense committed. As one would expect, field grade officers have more punishment power than do company grade officers.

Since the decision to administer discipline under Article 15 is a personal responsibility of each commander, a commander's superior cannot specify when to use an Article 15 or what the punishment should be. However, a superior can withhold or limit a subordinate commander's authority to impose Article 15 punishment.

All commanders can impose any combination of up to four different types of punishment under Article 15. Again, this decision is a personal responsibility made by the commander based on the nature of the offense (after the commander has made a thorough investigation of the incident), prior record of the individual, recommendations

made on the individual's behalf by other personnel, etc.

- ***Censure***, ***admonition***, *or reprimand*. These types of punishment are generally in the form of an oral or written warning; however, if the offense is repeated, a harsher punishment may occur.

- *Loss of liberty.* Military personnel can be punished by correctional custody, arrest in quarters, extra duty, or restriction.

- *Forfeiture of pay.* Military personnel can lose a portion of their basic pay, sea pay, or foreign duty pay for a specified period of time.

- *Reduction in grade.* This punishment is the most severe nonjudicial punishment. It affects the rate of pay and results in a loss of privileges and responsibilities.

SERVICE MEMBER'S OPTIONS

When nonjudicial punishment is being considered against a member of the Armed Forces, that individual has the right to:

- Consult with a judge advocate or other legal expert after receipt of the charges from the commander.
- Request an open hearing, which would be held in an informal and non-adversarial way.
- Have a spokesperson present at the hearing.
- Have witnesses testify on his or her behalf at the hearing.
- Present evidence.
- Demand a court-martial instead of accepting punishment under Article 15; if this happens, the Article 15 proceedings stop and the commander decides whether to bring court-martial charges against that person.

Military personnel who are punished under Article 15 have the right to appeal the punishment. The appeal first goes to the officer who imposed the punishment; then, if disapproved, to the next higher authority. Either officer may suspend or reduce the punishment.

COURT-MARTIAL PROCEEDINGS

Whenever possible, commanders use Article 15 punishment to avoid the time and expense of a court-martial. However, serious crimes require formal proceedings and the more severe punishment that accompanies a court-martial. There are three levels of courts-martial that handle cases ranging from relatively minor offenses to capital crimes. The levels, from lowest to highest are **summary, special** and **general**.

SUMMARY COURT-MARTIAL

The summary court-martial is designed to discipline enlisted personnel who commit relatively minor offenses. The court is composed of one commissioned officer who acts as a judge, jury, and counsel for both sides. In a summary court-martial, the accused is not entitled to a detailed military counsel (although the accused is entitled to consult with military counsel prior to the court-martial); however, this person may be represented by a civilian attorney at no expense to the government.

No accused may be tried by a summary court-martial if he or she objects; however, the case may then be referred to a higher court.

Because the summary court-martial handles only minor offenses, its punishments are similar to Article 15 punishment. The maximum punishments allowed for a summary court-martial for enlisted personnel in the pay grades of E-1 to E-4 are forfeiture of two-thirds of one month's pay; confinement for one month, hard labor without confinement for 45 days, or restriction for two months; and/or reduction to the lowest enlisted grade. Enlisted personnel in the grades of E-5 to E-9 may be reduced only one grade and may not be confined or placed in hard labor without confinement. Officers cannot be tried by a summary court-martial.

SPECIAL COURT-MARTIAL

A special court-martial may try any offense not punishable by death. The special court may consist of at least three members and a military judge or a military judge alone if the accused so requests and the judge grants the request. The accused has the right to be represented by a military lawyer or a civilian lawyer at no expense to the government. An accused enlisted member can also request that the court consist of one-third enlisted personnel.

A special court-martial can order a maximum punishment of confinement for six months, forfeiture of two-thirds of a month's pay for six months, and reduction to the lowest enlisted grade. If a punitive discharge is specifically authorized, a special court-martial can impose a bad-conduct discharge on enlisted members in addition to the other punishments. Although officers can be tried by a special court-martial, they cannot be confined or dismissed.

GENERAL COURT-MARTIAL

The highest level of trial courts in the military justice system is the general court-martial. General courts try military personnel for the most serious crimes, such as treason and murder. A general officer ordinarily convenes a general court-martial, and each case must have a formal pre-trial investigation.

A general court-martial usually consists of a military judge and at least five members. Except in a capital case, the accused may request that the court consist of a military judge alone. The rules regarding composition of the court and the accused's attorney rights are generally the same for a special court-martial. A general court-martial can impose a dishonorable discharge, dismissal, confinement for life or a lesser term, forfeiture of all pay and allowances, and in capital cases, death.

COURT-MARTIAL APPEALS

Following a trial, the convening authority has the sole power and responsibility to approve that part of the findings and sentence that he/she finds correct in law and in fact. The convening authority may also approve or set aside, in whole or in part, the findings of guilty and the sentence, but may not change not guilty findings to guilty or increase the severity of the adjudged sentence.

All courts-martial are reviewed by an attorney for legal sufficiency. Findings from a general court-martial or a special court-martial which imposed a bad-conduct discharge are sent to the Court of Military Review for a formal appeal after the convening authority has taken action. Some convictions may also be appealed to the U.S. Court of Appeals for the Armed Forces. This

court's jurisdiction is worldwide, but it encompasses only questions of law arising from trials by court-martial where:

- A death sentence is imposed
- A case is certified for review by the Judge Advocate General
- The accused, who faces a severe sentence, petitions and shows good cause for further review

The Supreme Court has jurisdiction to review decisions of the U.S. Court of Appeals for the Armed Forces and of military appellate courts in which the U.S. has taken an appeal from rulings by military judges during trials by court-martial.

CASE STUDIES: A COMPARISON

How does military justice compare to federal justice? Would a case involving a civilian accused of a crime be handled in the same way if a military person were accused of the same crime, or vise versa? The best way to answer these questions is to compare the two systems. Therefore, the remainder of this lesson presents three case studies for you to examine. Be prepared to discuss your views about them or to write your views in your journal.

ARTICLE 15 FOR INSUBORDINATION

The duty roster read, "Private Breck — cleaning detail." When Cathy Breck reported to her platoon sergeant, SFC Lancaster, he told her, "Your assignment is to clean the extra rifles before the inspection."

"But I already cleaned my rifle," Private Breck protested. "I shouldn't have to clean the rifles that I didn't even fire."

"It is your turn on the duty roster," replied SFC Lancaster. "I don't want to hear any more complaints. Report to the arms room."

"Well, I didn't make those rifles dirty, so I'm not going to clean them," responded Breck.

"Private Breck, this unit can't function properly with this kind of insubordination. If you refuse to complete this assignment, I'll have no choice but to recommend you for an Article 15. This incident will go on your record."

Private Breck still refused to perform her duty and the company commander administered her an Article 15. She was restricted for 15 days, required to forfeit one-third of her pay for one month, and directed to clean <u>all</u> the rifles as well as the entire arms room. She appealed the punishment, but the company commander stuck with the original decision and the battalion commander did not grant her appeal.

UNITED STATES VS. GARWOOD

PFC Robert R. Garwood did not return from the Vietnam War until 1979, 14 years after he had been taken a prisoner of war (POW) by the North Vietnamese. Major Thomas Hamilton conducted an investigation of this incident while Garwood was assigned to Camp Lejeune, NC. Hamilton discovered that Garwood had accepted a position in the North Vietnamese Army, acted as a guard for other American prisoners, worked as a questioner for the Vietnamese Communists, struck an American without reason, and encouraged Americans to throw down their weapons and refuse to fight. In February of 1980, Hamilton recommended that Garwood be court-martialed on the charges of:

1. Soliciting an act of misbehavior before the enemy *(authorized a maximum*

punishment of ten years confinement at hard labor)

2. Unauthorized absence without leave (this charge was combined with Charge #3)

3. Desertion in time of war *(authorized the maximum punishment: the death penalty, confinement at hard labor for life, total forfeiture of pay and allowances, reduction to the lowest enlisted grade, and/or dishonorable discharge)*

4. Collaborating with the enemy *(authorized the same punishment as Charge #3)*

5. Maltreatment of prisoners of war *(authorized the maximum punishment, but not the death penalty)*

Although Major Hamilton recommended that the death penalty not be precluded as a punishment and that while the alleged offenses were serious in nature, it was his opinion this case be referred as a non-capital offense — unless the ordering officer considered the death penalty to be appropriate punishment if adjudged. Major Hamilton further recommended that if the case was referred as non-capital, then the maximum punishment would be limited to confinement to hard labor for life, forfeiture of all pay and allowances, reduction to the lowest enlisted grade, and/or dishonorable discharge.

After a thorough review, Brigadier General David Barker ordered a general court-martial for Garwood as a non-capital case.

In the only prosecuted case of this kind arising from the Vietnam War, Garwood was found guilty on 5 February 1981 of collaborating with the enemy while a POW in Vietnam in 1967. Since Garwood had presumably been a captive of the North Vietnamese from 1965 to 1979, the court did not sentence him to prison. Instead, he was reduced in rank and given a dishonorable discharge.

SCHENCK VS. UNITED STATES

Charles R. Schenck was a civilian who opposed the United States' involvement in World War I. In 1917, he mailed pamphlets to thousands of young men, urging them to refuse the draft. According to the Espionage Act of 1917, it was illegal to interfere with the war effort. A U.S. District Court convicted Schenck for his actions.

Schenck's lawyers appealed his case to the Supreme Court, stating that the Espionage Act violated Schenck's First Amendment right to freedom of speech. The Court unanimously decided that what a person has the right to say during peacetime is different from what a person can say when the nation is at war. According to this Court, Schenck's words presented a "clear and present danger" to the U.S., and his acts were not protected by the Constitution.

CONCLUSION

Before and during World War II, the Army and Navy had separate disciplinary codes, but the creation of the Air Force after that war led to the enactment of a criminal law system that would be uniformly applied by all the services. Since Congress enacted the Uniform Code of Military Justice (UCMJ) in 1951, it has become the basis for the criminal law system for the military. Over the years since its creation, the UCMJ has evolved to the extent that it now balances the need to maintain discipline in the armed forces while giving military members who are accused of crimes rights that closely parallel those of accused persons in the civilian sector.

LESSON 6: ENFORCING THE LAW

ballistic
contraband
espionage
felony
forensic
general police powers
homicides
municipal
resident trooper
restricted police powers
sabotage
watch

STATE AND LOCAL LAW ENFORCEMENT

INTRODUCTION

American law enforcement has its roots in the English system. Early in England's history, the country was divided into geographic districts called *shires*, similar to counties. The king appointed a *reeve* (judge) to maintain law and order in the shires. The *shire-reeve* was the chief law enforcement officer. Eventually the word *shire-reeve* became *sheriff*, and the sheriff's duties of collecting taxes, serving warrants, and making arrests were the same in early America as in England.

Early Americans also borrowed the English idea of a **watch** to patrol the streets. The term *watch* was fairly descriptive of the duties of the job; the men in the watch would walk the streets at night and sound an alarm or call for assistance if they saw a crime being committed. Additional duties sometimes included calling out the time and weather.

In 1884, New York created America's first day and night police force, modeled after the London Metropolitan Police Department. Other cities followed New York's example and established their own full-time police forces.

FUNCTIONS OF THE POLICE

What would life be like without the 24-hour police protection that most of us take for granted? Would you always feel safe that no one would try to steal from you or harm you? Would you be able to drive without having to worry about drunk drivers or speeders on the road? Although people commit these and other crimes daily, state and local enforcement agencies are able to prevent many crimes and to put offenders in jail. They risk their own lives to protect the safety of the residents within their communities.

Depending on the amount of contact you have had with police officers, you can probably name at least one function that they provide. There are at least five basic parts to the police mission. They include the following:

1. *Preventing crime.* In this role, police officers try to reduce the causes of crime by patrolling sections of the community where criminal tendencies grow. They change the conditions that produce crime by instilling respect for law and order.

2. *Repressing crime.* In order to reduce the opportunities for criminal actions, police officers must be highly visible. When patrolling neighborhoods, they must be fully informed about the community's affairs.

3. *Apprehending offenders.* Police officers must identify and arrest offenders and find evidence against people charged with crimes. Quick apprehension discourages would-be offenders and makes crime seem less worthwhile.

4. *Recovering property.* When stolen property is recovered, the cost of crime is reduced. This action also restrains people who are not active criminals, but who might benefit from the gains of crime.

5. *Regulating non-criminal conduct.* Police officers enforce traffic laws and various regulatory codes, and give warnings to inform people of violations. If necessary, they write tickets or give other means of punishment to offenders.

In addition to these basic missions/ functions, police officers serve the community in other ways. Just to name a few, police conduct search and rescue missions, escort funeral processions, and provide on-site protection at schools and at businesses such as banks, stores, or malls — unless these businesses hire/use private security guards.

LAW ENFORCEMENT AT THE LOCAL LEVEL

The United States does not have a centralized police force controlled by the government. Instead, each level of government (local, county, state, and federal) has its own semi-independent system of law enforcement. At the local level, law enforcement is in the hands of **municipal** or county agencies.

MUNICIPAL LAW ENFORCEMENT

Cities and towns often have their own police forces that regulate law and order within certain boundaries. However, as sworn peace officers of the state, police officers have authority anywhere in the state. If an officer is in "fresh pursuit" of a person who has just committed a **felony**, the officer's authority can extend even beyond state borders. Usually, though, municipal police departments restrict their activity to the city or town limits for practical reasons.

Some cities and towns are too small to provide police protection for their citizens. Such cities and towns rely on the state or the county to provide police services. The state may assign a **resident trooper** and bill the city for the trooper's salary and other expenses. The city could also pay the county for police services instead of maintaining its own police force.

COUNTY LAW ENFORCEMENT

The two major types of county law enforcement are the county sheriff's department and the county police. These agencies usually provide protection for rural areas that are not part of a city or town.

County Sheriffs' Departments

The county sheriff is usually an elected official, and normally has previous law enforcement experience. Depending on the size of the department, a county sheriff may have one to several hundred deputies. Some sheriffs' departments are better equipped than others, and their functions vary greatly across the country. For example, in some parts of the country, the county sheriff is mostly an officer of the court, where in other parts — such as in the south and west — the county sheriff and deputies handle traffic violations and criminal investigations. In addition to these police functions, most county sheriff's departments also provide bailiffs for the county courts, maintain the

county jail, and transport prisoners to and from county courts.

County Police Departments

County police departments are not the same as county sheriffs' departments. In states where the sheriffs' departments have limited duties, the county police may carry out criminal investigations and other duties that are assigned to the sheriffs' department in other states. A chief of police, normally an appointed officer, heads the county police department. County police usually have general authority in the county they serve. Like sheriffs' departments, they vary in size and sophistication.

STATE LEVEL LAW ENFORCEMENT

State law enforcement agencies vary from state to state. Some states have both a state police and a state highway patrol; others have only one agency. State police organizations may have **general police powers** (the responsibility to enforce all state laws anywhere within the state) or **restricted police powers** (responsibility in a limited area, such as highway safety). In some states, the state police have specific duties such as maintaining security in government buildings.

The main duty of the highway patrol is to protect drivers on state roads and interstate highways. In performing this duty, the highway patrol officers enforce traffic laws, investigate accidents, and help drivers when their cars break down. The highway patrol also deals with drunk drivers and auto thefts. Officers patrol in uniform, in either marked or unmarked cars, or on motorcycles. Some highway patrols use helicopters with the ground force to catch speeders.

Most state law enforcement agencies have investigative departments with "high-tech," sophisticated crime labs and the latest computerized records of criminals. These facilities are then made available to communities that do not have these modern crime detection capabilities. Additionally, in some states, the responsibility for alcoholic beverage control, fish and game regulation, and public health fall under the purview of a state law enforcement agency.

COMMUNITY RELATIONS

Law enforcement is not the sole responsibility of the police; the citizens of a community must also share the responsibility. Consider the fact that there is an average of about 500 people for each sworn police officer. The police cannot possibly protect communities without the help of its citizens or residents.

Originally, citizens *were* the police force, when the men of a community formed watches to protect their families and possessions. Today, residents are still involved in the prevention of crime in their communities. They help to prevent crime around homes and businesses by locking doors and windows and ensuring those areas are well illuminated at night, and by educating children on safety and crime prevention.

Many communities have also organized "crime watch" and "citizens on patrol" programs for reporting crimes as they occur. Television programs inform Americans about the most-wanted criminals and urge people to call a "crime line" if they have any information about a crime or the whereabouts of criminals.

Police officers do their part by giving lectures at schools and community groups and by setting a good example in their attitudes and actions. One of the most important

aspects of a police-community relations program is good and timely communication on both sides.

CONCLUSION

American law enforcement has come a long way since the days of the citizen's night watch. Today's law officers are well trained professionals who risk their own safety to protect the safety of others. Their main duties are preventing crime, repressing crime, apprehending offenders, recovering property, and regulating non criminal conduct. Local, county, state, and federal governments each have their own law enforcement agencies. These agencies vary in size and responsibilities in each city and state. No matter what type of law enforcement a community has, its citizens should be aware of the ways in which they can help the officers to keep law and order.

MILITARY LAW ENFORCEMENT

INTRODUCTION

Military bases are similar to civilian communities — they have residential sections, stores, recreational facilities, and work places. Like civilian communities, they also have crime and traffic problems. To protect military personnel and their families, the services have their own military police forces. In addition to the military police, there are also detectives who work for the Criminal Investigation Division (CID). These detectives investigate crimes that occur on military property, involve military personnel, or other government matters.

The military police and detectives only prevent and investigate crimes. Corrections specialists guard and counsel military personnel who are convicted of crimes and sent to correctional facilities. The military police, detectives, and corrections specialists are the military's main law enforcement agents.

MILITARY POLICE

The duties of military police are the same as those of their civilian counterparts. They direct traffic and patrol on foot, by car or motorcycle, or by boat to prevent crime. When a crime does occur, the military police interview the victims as well as the possible witnesses and suspects. During an investigation, they also collect fingerprints and other evidence. When they have enough evidence, they arrest and charge suspects and testify in court.

TRAINING

Training for military police usually includes 8 to 12 weeks of classroom instruction in military and civil law, crime and accident procedures, fingerprinting, and suspect questioning. Additional topics are use of firearms, traffic and crowd control, arrest and restraint of suspects, and hand-to-hand defense techniques.

RANK, AUTHORITY, AND JURISDICTION

Civilian police are called officers; military police may or may not be officers, depending on their rank. No matter what their rank, they have the duty and authority to prevent anyone, even a superior, from breaking the law. For example, if a colonel commits a traffic violation, a military police private can take appropriate action against the colonel without fear of being punished.

Military police only have authority on military property. The area surrounding the military reservation is under the jurisdiction of a local civilian law enforcement agency.

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Division detectives aid the military police during investigations involving theft, assault, drugs, and **homicides**. They sometimes use lie detectors to question witnesses and suspects. These detectives also assist the military police by finding and analyzing **ballistic** and **forensic** clues during investigations. Additionally, they conduct their own investigations in cases of **espionage**, treason, and **sabotage**. Moreover, they help to safeguard U.S. military installations against terrorist activities.

TRAINING

Criminal Investigation Division detectives receive approximately 10 to 12 weeks of instruction in areas such as investigation techniques, gathering evidence, and civil and military law. Other special training might include ballistics, fingerprinting, and polygraph techniques. They may begin by assisting more experienced detectives and later may work on more difficult cases and lead investigations. Eventually, a detective can become a chief of detectives or a military police superintendent.

Like military police, military detectives have counterparts in civilian life who perform many of the same duties. Military detectives may work under cover to catch drug dealers, thieves, and murderers, just as plain-clothes civilian detectives and private investigators do. Their work is as potentially dangerous as any civilian detective's job.

CORRECTIONS SPECIALISTS

When service members are convicted of crimes, they go to military correctional facilities called brigs, stockades, or disciplinary barracks. Corrections specialists guard these facilities at gates, in cellblocks, or on towers. They ensure that the facilities are kept safe and perform fire and riot control duties. Other duties include searching inmates for **contraband** and searching vehicles that enter and leave these facilities. Corrections specialists may also conduct informal counseling sessions with the inmates.

TRAINING

Training for corrections specialists usually consists of prisoner control and disciplinary procedures, proper treatment and care of inmates, counseling techniques, and procedures for detecting health and safety hazards.

CONCLUSION

In addition to having a separate justice system, the military also has its own system of law enforcement: military police protect service members and their families by patrolling military reservations and charging offenders. Detectives in the Criminal Investigation Division help the military police investigate serious crimes and protect the services against sabotage and espionage. Corrections specialists guard military correctional facilities and care for the inmates. This separate system of law enforcement serves to protect the rights of its service members while providing for the special needs of the U.S. Armed Forces.

SOURCES OF POWER

LESSON 1: THE ORGANIZATION AND POWER OF CONGRESS

apportion (-ment)
censure
concurrent powers
constituents
decennial census
denied powers
elastic clause
expressed powers
implied powers (clause)
non-legislative powers
pro tempore
quorum
representation
reserved powers
rider
standing committee
whips

INTRODUCTION

Several of the more controversial questions about any organization are: "Who controls it?" or "Who exercises the power?" Americans have always seemed preoccupied with these basic issues concerning Congress as they pertain to both private and public groups.

Originally, the Framers of the Constitution created the Senate to protect the states' rights and property interests, and to safeguard against hastily passed legislation by the House of Representatives. They thought the prestigious Senate seat would attract an aristocratic elite, insulated from popular control by both indirect selection and six-year terms. On the other hand, they contended that the directly elected House members with just two-year terms would reflect the interests of the many, or those with little in the way of worldly goods.

Whether in colonial America or now, congressional power involves the ability to shape major decisions that can affect every American's life, liberty, and their pursuit of happiness. With these general considerations in mind, the following three sections will explain how the Constitution organizes Congress and how that branch of government exercises its power.

ORGANIZATION OF CONGRESS

Congress met for the first time on March 4, 1789. Since the populace elects members to the House of Representatives every other year, each "new" Congress convened on March 4th of every second year thereafter until the ratification of the Twentieth Amendment in 1933. Known as the "Lame Duck" Amendment, it changed that date to the 3rd day of January, thereby shortening the time between the election in November and the actual swearing in of newly elected officials. The Constitution divides each two year term of Congress into two regular sessions — one for each year. An example of this process is the 103rd Congress, which began its first session in January 1993 and its second session in January 1994.

REPRESENTATION AND APPORTIONMENT

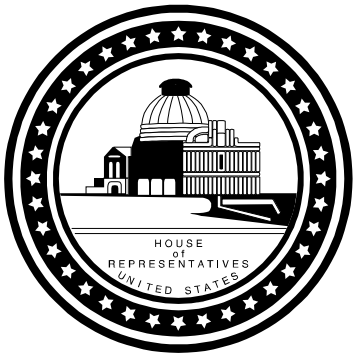
As elected voices of the people, members of Congress follow the principle of

representation in order to determine when to balance matters that would best serve their **constituents** or the good of the public. How they exercise this responsibility varies from one member to another. Some members of Congress see themselves as the "trustees" of the people's best interests and they vote their conscience on issues. Others act as delegates, finding out the wishes of a majority of their constituents and voting accordingly. Most members prefer a combination (part trustee, part delegate) approach.

The size of Congress in 1789 totaled 91 personnel representing 13 states: 26 senators and 65 members in the House. Today, Congress totals 535 members from the 50 states: 100 senators and 435 members in the House.

The Constitution guarantees each state two Senate seats and at least one seat in the House, more depending upon their population. Additionally, represented in Congress are the District of Columbia, Guam, American Samoa, and the U.S. Virgin Islands with one delegate each, and Puerto Rico with a resident commissioner. These delegates and the resident commissioner serve on House committees, but cannot vote for issues on the House floor.

The Constitution requires Congress to **apportion** seats in the House after each **decennial census**. The government took the first such census in 1790. As the states grew and more states entered into the union, many lawmakers realized that continued growth would make effective floor action impossible. Therefore, after the 1910 census, Congress decided to stabilize the membership in the House.

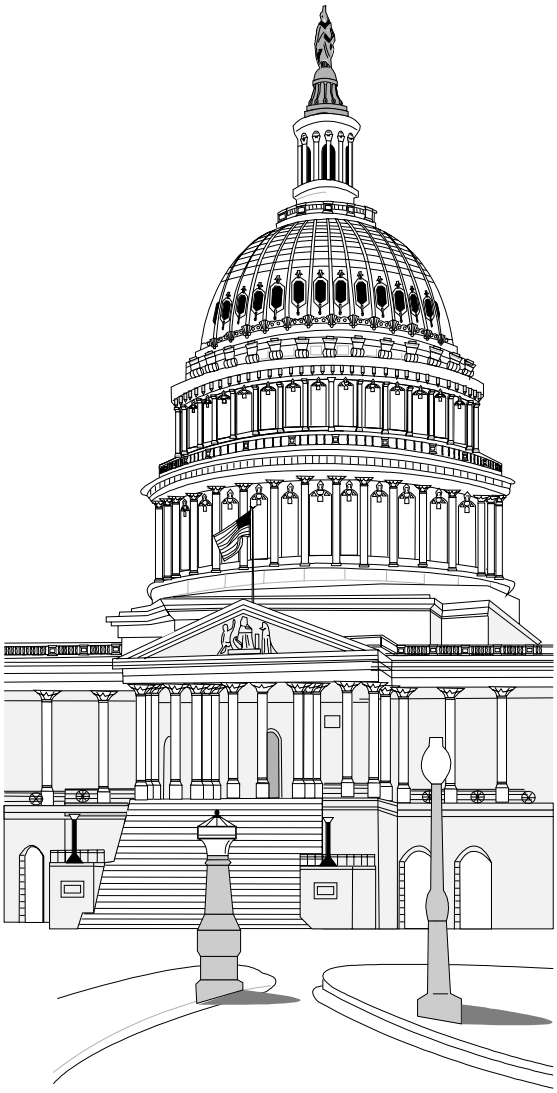


The Reapportionment Act of 1929 permanently fixed the size of the House at 435 and required the Census Bureau to determine the number of House seats for each state after each decennial census. Based on the total seats authorized, the states set up congressional districts. The five largest states are California, Texas, New York, Florida, and Pennsylvania.

QUALIFICATIONS

The Constitution requires that members of the House be at least 25 years old, citizens of the United States for at least seven years prior to the election, and legal residents of the state they represent. Although not required by the Constitution, many House members live in the district they represent.

Membership in the Senate increases only when Congress admits a new state to the union. Furthermore, the Seventeenth Amendment changed the method of selecting senators from selection by the state legislatures to direct election by the people. The Constitution requires a senator to be at least 30 years old, a citizen of the United States for at least nine years, and a resident of the state from which elected.



The Capital Building

Since the Framers designed the Senate to be a continuous body, a senator's term of office is six years. Although the states elect all 435 members to the House in congressional elections every other year, they elect only one-third of the Senate during these elections. An 1872 federal law requires that states hold their congressional elections on the same day — the first Tuesday following the first Monday in November in even-numbered years. Every fourth year, a presidential election coincides with the congressional elections.

BENEFITS AND PRIVILEGES

In addition to their annual salary, members of Congress have substantial fringe benefits. They include:

- An office in Washington, D.C., and a home office in their state or district
- A travel allowance for trips between the two offices
- Free printing and distribution of speeches, newsletters, etc., along with free stationary and postage
- Free access to Capital Hill services and facilities
- Free foreign travel to gather information relevant to congressional work
- Funds to hire office and staff assistants
- An income tax deduction to help defray the cost of maintaining two residences
- The ability to earn pension for retirement

The Constitution also grants two special privileges to the members of Congress, known as congressional immunity. The first is freedom from arrest while performing official duties, except in cases of treason, serious crimes, and disturbing the peace. The second is freedom from libel or slander suits arousing from floor debates, committee meetings, official reports, or legislative resolutions during a congressional session. Congressional immunity does not cover public speeches, personal comments, or writings unrelated to legislative business.

CONTROLLING DISORDERLY CONDUCT

The Constitution allows each chamber to "punish its members for disorderly behavior." Congressional members can **censure** or vote disapproval of misconduct by a majority vote or expel a colleague for a more serious breach of conduct by a two-thirds vote. The least severe form of punishment is a reprimand.

- During the Civil War, the House expelled three members for treason; in 1980, it expelled one member for corruption.

- In all, the Senate has censured seven, and the House 22, of its colleagues for reasons such as financial misconduct, sexual misconduct with teenage congressional pages, or criminal conduct. From 1970 to 1980, Congress charged over 30 of its members with criminal conduct.

INFLUENCES ON CONGRESSIONAL MEMBERS

Members of Congress receive support, and frequently influence, from numerous outside sources. Groups that can influence congressional proceedings or voting include the following: party members, constituents, lobbyists, interest groups, support (or lack of it) from the president and cabinet, fellow colleagues, personal staff, and each member's own personality. In some cases, voting reflects a combination of these groups. However, statistics show that members of Congress vote "party lines" two-thirds of the time.

The desire to please constituents ranks second. Another persuasive influence on how members of Congress vote are interest groups, especially those from the legislator's home state. Finally, because of a lack of time to study every bill, or due to its complexity, members often rely on key colleagues for cues on how to vote.

Personal Staffs

The personal staff of a legislator can also have a great deal of influence on congressional matters. A personal staff can range anywhere from 13 to 21 "staffers" for senators, depending upon the population of their state, and up to 18 personnel for House representatives.

While some staff members do routine office work, many help draft legislation, deal with constituents, meet with lobbyists, decide what should take priority in the legislator's day, respond to "congressionals" (people in the legislator's home state or district), and attend committee meetings in the legislator's absence. Most of these tasks were originally the lawmakers' responsibilities. This magnitude of work performed by staff personnel may very well influence how legislators vote.

Supporting Agencies

The following support agencies can help legislators do their job.

Congress created the Library of Congress in 1800 to provide a research facility and research services for its legislators. Today, it serves the public as well. Most major libraries around the country use the classification system of the Library of Congress to catalog their copyrighted publications.

The Congressional Budget Office assists legislators in preparing the annual budget by publishing a report on budget alternatives before April of each year. Additionally, it studies the annual budget proposal of the president, forecasts economic

conditions of the country, and projects trends to better advise lawmakers.

The General Accounting Office (created in 1921) is the financial "watchdog" of Congress. It audits and reviews financial management of federal agencies, collects debts, settles claims, and makes recommendations to Congress on money matters. Its members testify before committees and give legal opinions on pending bills.

The Government Printing Office is the largest multipurpose printing plant in the world. It prints a daily record of all bills introduced into both chambers of Congress as well as speeches and other testimony which legislators wish published. It also handles the printing for the entire federal government.

The Office of Technology Assessment (established in 1972) helps Congress plan the consequences of the uses of technology by estimating and comparing the impact of alternative methods and programs.

POWERS OF CONGRESS

Article 1, Section 8 of the Constitution identifies certain powers which Congress has; Section 9 lists a number of powers which they do not have. Those powers specifically addressed in the Constitution are the **expressed powers** of Congress.

The "**elastic clause**" (or the "**implied powers clause**") at the end of Section 8 is an important clause. It grants Congress the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested ... in the government of the United States…" With this statement, the Framers wanted to expand the authority of the national government beyond those already specified.

EXPRESSED POWERS
(Summarized from
Art. 1, Sect. 8, Clauses 1-17.)

1. Impose and collect taxes.
2. Borrow money.
3. Regulate international and interstate commerce.
4. Establish naturalization procedures and bankruptcy laws.
5. Coin money and regulate its value; establish standards of weights and measures.
6. Punish counterfeiters of federal money.
7. Establish post offices and post roads.
8. Regulate copyrights and patents.
9. Establish courts inferior to the Supreme Court.
10. Punish piracy and felonies committed on the high seas, and offenses against the laws of nations.
11. Declare war.
12. Raise and support an army.
13. Provide and maintain a navy.
14. Make rules governing land and naval forces.
15. Call forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.
16. Provide for organizing, arming, and disciplining the militia, and for its governing when in the service of the Union.
17. Govern the District of Columbia.

Most of these expressed powers remain valid today, although some of them were specific only to the time of the Constitutional Convention (such as number 10, to punish pirates). Of these 17, the more important powers are the right to collect taxes, spend money, regulate commerce, and declare war.

Powers to Tax and Spend

Congress can pass laws to raise taxes and spend money for the purpose of promoting the general welfare. In fact, without the power to tax, the national government would be unable to finance its own policies.

By attaching conditions to spending bills, Congress can affect certain groups of recipients. For example, a congressional spending bill may provide aid to farmers provided they attend schools on how to be more efficient. Similarly, Congress may use taxes to regulate some conditions in society. By allowing a tax break, Congress may stimulate some area of the economy; or, by imposing or increasing taxes on a particular item, it may suppress the use of that item.

As shown below, there are some limitations on what Congress can tax and spend.

- Congress must tax for public purposes only ("to pay debts, and provide for the common defense and general welfare"), not for private benefit.

- Congress may not tax exports.

- Congress must apportion "direct taxes" (or taxes paid by persons upon whom the government imposes) among the states according to population. However, the Sixteenth Amendment in 1913 removed this limitation and provided for an income tax without regard to a state's population.

- Congress must ensure that "indirect taxes" (or taxes paid by one party, but passed on to another) are the same rate throughout the country.

- Congress must ensure that all bills raising revenue originate in the House, thus permitting closer control of taxing power by the people.

- Congress must authorize the raising and spending of all money.

Commerce Powers

The Constitution charges the Congress with regulating commerce among the states, with Indian tribes, and with foreign nations. As a result of *Gibbons v. Ogden* (1824), the Supreme Court interpreted this power to involve production, buying, selling, and transporting of goods. However, Chief Justice Marshall added, "It is something more." With this expanded definition, Congress interpreted it to mean regulating wages, labor unions, criminal conduct, manufacturing, banks, radio and television broadcasts, air transportation, and civil rights.

As with the tax and spend powers, there are certain restrictions on Congress' commerce powers.

- Again, Congress cannot tax exports.

- Congress cannot favor the port of one state over those of other states in regulating trade.

- Congress cannot make "vessels bound to, or from, one state be obliged to enter, clear, or pay duties in another."

- A final limitation, which is now obsolete, concerned the importation of slaves.

War Powers

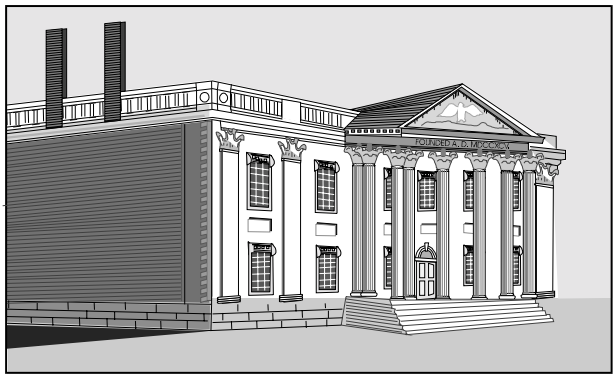
Although Congress is clearly the body responsible for declaring war, the president, as commander-in-chief, may commit troops to

military action. However, according to the War Powers Act of 1973, the president must inform Congress within 48 hours of sending troops abroad, and of the circumstances and the scope of action. Then, Congress must appropriate funds to sustain them there for a period of time. Likewise, Congress has the authority to decide the size of and the amount of money it will spend on the Armed Forces. Prior to the passage of the War Powers Act, the United States fought the Korean and Vietnam Wars without a congressional declaration of war.

IMPLIED POWERS AND THE SUPREME COURT AS AN UMPIRE

Implied powers enable Congress to stretch its powers in order to handle the concerns that were unknown to the Framers when they wrote the Constitution. It includes the power to make all laws necessary and proper for carrying out the 17 expressed powers. From 1789 on, the first president and first Congress of the United States used the "implied powers clause" as a basis for action.

In 1790, the Secretary of the Treasury, Alexander Hamilton, submitted a proposal to Congress requesting the establishment of a national bank. Having doubts about the constitutionality of such a proposal, President Washington turned to two cabinet members for advice, Hamilton and Thomas Jefferson. Hamilton argued that a national bank was "necessary and proper" (or "appropriate") for keeping the moneys the national government raised by taxation and borrowing. Jefferson disagreed. He argued that "necessary" meant "indispensable" and that the government could use state banks for the safekeeping of federal funds. Washington accepted Hamilton's arguments and signed the bill into law. However, in 1819, the national bank again became an issue.



The First National Bank

The State of Maryland challenged the "implied powers clause" in the case *McCulloch v. Maryland*. Maryland placed a tax on a branch of the national bank within its borders. On the instructions of the bank's officials, a cashier, James McCulloch, refused to pay the tax on the grounds of state interference with a legitimate activity of the national government. Maryland took McCulloch to court and won in the state courts, but lost when the U.S. Supreme Court heard the case.

The legal arguments were essentially the same as those previously made by Hamilton and Jefferson. Chief Justice Marshall, a staunch Federalist who favored a strong national government, wrote the majority opinion. He ruled: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional."

This ruling adopted Hamilton's (and the lawyer representing the United States, Daniel Webster's) interpretation of necessary and proper to mean appropriate, not indispensable or absolutely necessary as Jefferson (and Luther Martin, the lawyer representing Maryland) maintained. Thus, the national government had the authority to establish a

bank because it was an appropriate means for exercising its power to raise moneys. This early judicial test opened the door to the expansion of the national government's activities through the use of the "implied powers clause."

NON-LEGISLATIVE POWERS

Non-legislative powers are those powers vested in Congress that do not involve lawmaking. The more common non-legislative powers are:

- To investigate. Congress uses this power in order to know what laws the national government needs and to assess if existing laws are effective. This is the best known of the non-legislative powers.

- For the Senate only to give advice and consent on all major appointments by the president, and on treaties. Presidential appointments include cabinet and sub-cabinet positions, diplomatic, independent boards and agencies, and federal judges as well as promotions of military officers.

- To participate in the constitutional amending process.

- To impeach, or to bring charges against, any member of the executive or judicial branches of government for treason, bribery, or other high crimes and misdemeanors. To date, Congress has initiated impeachment proceedings against 14 people (two presidents — Andrew Johnson and William Clinton, one Supreme Court justice, one senator, and ten federal judges); they convicted four — all federal judges. President Nixon resigned before the House initiated impeachment proceedings.

- To select a president or vice president when no candidate receives the required majority of electoral votes. Congress has exercised this power only three times: Thomas Jefferson (1801), John Quincy Adams (1825), and Richard M. Johnson as Martin Van Buren's vice president (1837). The Twenty-fourth and Twenty-fifth Amendments pertain to the filling of vacancies that may occur during a president's and/or vice president's term of office.

- To admit new states to the union. Since the ratification of the Constitution, 37 new states have entered the union. Although Article 4 does not contain any set procedures, most states were territories first before Congress granted admission. Admission involves popular voting at the local level, then preparation of a state constitution that is acceptable to Congress. However, Congress and/or the president may impose certain conditions before approving statehood. Examples of these conditions are changing the location of the state capital (Oklahoma), recalling judges (Arizona), or honoring land claims (Alaska). Once admitted to the union, each state is equal to and legally separate from the other states.

- To govern territories and areas under the control of the United States. Federal properties include military and naval bases, prisons, parks, courthouses, post offices, the Virgin Islands, Guam, and American Samoa. Subsequent to 1974, the District of Columbia was under federal control.

DENIED POWERS

In creating the principles of separation of powers and check and balances, the Framers denied certain powers to the

legislative branch. Additionally, the passage of the Bill of Rights **denied powers** to the national government. According to Article 1, Section 9, Congress may not:

- impose limitations on exports
- give preferential treatment to states
- grant titles of nobility
- take money from the treasury without proper authorization
- pass bills of attainder (or laws which sentence people to jail without a trial)
- pass a law which declares something to be a crime only after the person committed it
- suspend a writ of habeas corpus (a written court order that requires a prisoner to appear before a judge with proof as to why this person should remain in jail).

CONGRESSIONAL POWER AND RELATIONS WITH THE STATES

The Constitution does not specify powers reserved for the states. In fact, it makes no mention at all of the states' prerogatives. Although the Framers intended by implication that all powers not granted to the federal government would remain with the states, the Anti-Federalists were uneasy over leaving states' rights to implication. This situation led to the adoption of the Tenth Amendment. It provides for, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States ... or to the people."

A state's constitution is its main source of political power. Although powers vary from state to state, they all possess the **reserved powers** (or police powers) guaranteed to them by the Tenth Amendment. These "police powers" enable states to pass laws for the welfare of their citizens — laws that protect their lives, health, and morals and provide for their safety, comfort, and convenience.

In addition to the reserved powers, states also have **concurrent powers**. These are powers that both the national and state governments share and exercise at the same time, but within their own jurisdictions. The following chart illustrates how the Constitution divides powers between the national and state governments.

EXPRESSED AND NON-LEGISLATIVE POWERS	CONCURRENT POWERS	RESERVED POWERS
• Regulate commerce • Coin money • Establish a post office • Declare war • Admit new states • Govern territories • Conduct foreign relations • Raise and support a military	• Levy and collect taxes • Borrow money • Make and enforce laws • Establish courts • Provide for general welfare	• Regulate commerce in the state • Conduct elections • Incorporate businesses • Issue licenses in state • Establish local governments • Provide for public safety, health and welfare
Powers of National Government		Powers of State Governments

Under the Constitution, the federal system has specific obligations to the states. First, by accepting representatives into Congress from the states, the national government will guarantee each state a republican form of government.

A second obligation is that the national government will protect the states against invasion and domestic violence. That is, an attack on any state is an attack on the United States. Plus, the national government will use federal troops, when necessary, to quell riots within the states. Finally, the national government will respect the territorial integrity of each state.

Another factor that affects the national-state relationship is the amount of federal aid Congress spends on the states. Congress passes federal aid programs (grants) to help shift more power back to the states.

In addition to these national-state relationships, Article 4 of the Constitution stipulates that states must honor the laws, records, and court decisions of other states. In that regard, the "full faith and credit" language of Article 4 ensures that, "One another's citizens have all the privileges and immunities of its own citizens." According to these provisions, states must extradite criminals and fugitives who flee across state lines to escape justice. However, the freedom that states exercise to control their own affairs often generates numerous differences and difficulties. For example, some states have income taxes where as others do not. Additionally, laws concerning penalties for certain crimes as well as the laws on marriage and divorce may differ.

The Constitution requires the states to settle their differences with one another without the use of force. Therefore, states enter into written agreements called "inter-state compacts" on items such as air and water pollution, pest control, toll bridges, etc. Lawsuits occur between the states when they are unable to settle their differences. The Supreme Court is the only court that has the authority to hear cases between the states. These cases most often involve the use of natural resources and disputes over boundary lines.

HOW A BILL BECOMES LAW

The Constitution charges Congress with the responsibility to make laws for the national government. As you will see, this is a complex, timely, and technical process. In a typical session of Congress, only about one in a hundred proposed bills becomes law. Although every citizen has a right to petition Congress to propose a bill, most bills passed are self-serving to a small segment of the population.

There are many reasons why so few bills become law. A lack of time is the main reason. The process of moving a bill through subcommittees, committees, and just the seemingly endless floor debates kill many ideas. Sponsors must be willing to compromise and bargain to move a particular idea through the maze. Sponsors also introduce certain bills that have no hope of passing in order to get political recognition and to avoid criticism in their home state.

This section outlines in general terms the process through which legislative proposals become law. There are some differences in detail between the procedures used in the House and Senate, but the general stages are similar. Since all bills must pass both chambers of Congress, they are at some point a House and Senate bill.

LEADERSHIP OF CONGRESS

Fundamental to this lawmaking process is knowing how Congress works and having an appreciation for its leadership. The party with the most members in each chamber of Congress is the majority party.

Presiding Officers

The Constitution provides for presiding officers for both chambers of Congress. These include the Speaker of the House of Representatives and the president of the Senate. It is the constitutional duty of the vice president of the United States to preside over the Senate as its president. In this capacity, he/she cannot debate floor issues or vote, except to break a tie. When the vice president is absent, a temporary president, or president **pro tempore**, presides over the Senate. Members of the Senate elect the president pro tempore and members of the House elect the Speaker of the House. The Speaker is far more powerful than the Senate's presiding officer. The major responsibilities of the Speaker are to:

- Refer bills and resolutions to committees
- Recognize or ignore members who wish to speak
- Schedule legislation for floor action
- Appoint members of joint and conference committees
- Interpret rules
- See that the House uses correct procedures
- Put questions to a vote
- Take part in floor debates and vote (although only recently to break a tie)
- Put the interest of the House above that of the Speaker's party affiliation.

Floor Leaders

The two people who run the business on each chamber floor are the Majority Leader and the Minority Leader. The lawmakers of each chamber elect these leaders to their positions. Floor leaders are key strategists for their party. They schedule floor action, arrange bargains, and act as a source of information.

Party **whips** assist the floor leaders by keeping members from straying, getting them to important floor debates, and recording votes. They also advise floor leaders on party strengths concerning the major issues and on party members who may need persuading to vote party lines.

Senior committee or subcommittee supporters serve as floor managers for a bill.

Chairpersons

Individuals chairing committees are among the most important and powerful members of Congress. Traditionally, the presiding officers appoint these chairpersons (the senior member of the majority party) from within the membership of each committee. Chairpersons schedule meetings, determine what business to discuss, manage floor debates, hire majority committee staff, and decide on hearings.

However, chairpersons no longer appoint subcommittee members. Instead, the majority party members on the **standing committee** decide the subcommittee personnel. In turn, subcommittees decide their

own staffs and agendas. Today, subcommittees are where the action is and members lobby for those positions.

INTRODUCING A BILL

Ideas for bills can originate from many different sources: the executive branch, members of Congress, interest groups, state officials, and individual citizens. Naturally, some proposals are more important and have a greater chance of passage than others — for example, those suggested by the president or the chairperson of a major committee. Whatever their source, a member of Congress must "introduce" the bill. Revenue bills (bills involving money) have an additional stipulation. According to Article 1 of the Constitution, "All bills for raising revenue shall originate in the House of Representatives."

The introduction of bills in either chamber is a simple process. A member drafts the proposal in the proper format and signs it. In case there are cosponsors, a number of senators or representatives sign it. The use of cosponsors shows that the proposal has considerable support.

A representative then drops the proposal into a box located at the front of the House chamber called a hopper or hands it to the clerk. A senator introduces it on the floor by giving it to the clerk or to the presiding officer. Once introduced, the clerk assigns a number to it (which consists of a prefix — HR for House of Representatives or S for Senate — and a sequential number), has it printed, and enters it into the Congressional Record. The number that each chamber assigns to a bill of the same origin is different.

101st Congress
1st Session **H.R. 1643**

IN THE HOUSE OF REPRESENTATIVES

March 28, 1989

Mr. Skaggs (for himself), Mrs. Roukema, Mrs. Schroeder, Mr. Stark, Mr. Fauntroy, Mr. Owens of Utah, Mr. DeFazio, Mr. Campbell of Colorado introduced the following bill: which was referred jointly to the Committees on Armed Services and Energy and Commerce.

To provide for independent health and safety regulation of the Department of Energy nuclear facilities, and for other purposes.

Sample of a Bill

TYPES OF BILLS

Bills usually address only one major subject, such as civil rights or veterans' benefits. However, to expedite certain issues through Congress, committees often attach a **rider** (an amendment that pertains to a completely different subject than the bill) to important legislation that is likely to pass. These riders may draw a veto of the entire bill if the president does not favor the rider. New bills come in several forms.

- Private bills pertain to individual persons or places. They often involve claims against the government or immigration problems and account for a large number of the bills that legislators introduce.

- Public bills pertain to general matters and apply to the nation as a whole. We often hear about these bills on the news or read about them in papers. One or both chambers may argue over public bills for years, gathering pages of amendments. For example, the Federal Criminal Code Reform Act of 1978 began in 1971 and was 600 pages long when Congress finally passed it.

- Joint resolutions deal with unusual or temporary matters. They may involve correcting errors in earlier laws, appropriating money for a special purpose, stating an opinion about some matter, or proposing constitutional amendments. Joint resolutions must follow the same steps as a bill to become a law.

- Concurrent resolutions pertain to specific matters that both chambers of Congress must act upon, but they do not have to become laws. An example is setting the date for adjournment of Congress.

In certain situations, however, a resolution may involve only one chamber of Congress. For example, the House could use a resolution to support the president on an action pertaining to the use of the Armed Forces.

REFERRAL TO COMMITTEES

After being introduced, the proposed bill enters into the most important stage of the entire congressional process — the committee stage. The committee system is one method Congress uses to divide and assign work by areas of specialization. Normally, deciding which committee the presiding officer should refer the bill to presents no great difficulty, even when it must go to several committees. In most cases, the sponsor drafts the bill in such a manner that it is apparent as to which committee or committees the sponsor intended.

Since committees deal mainly with one area, its members develop expertise and skill in handling the various issues of that area. Legislators outside of those committees rely heavily on their specialized knowledge for assistance. Although the full House or Senate may overturn a committee action, this rarely happens. Usually, Congress accepts their decisions.

Because each committee must cover a wide range of issues under a general subject, Congress further divides committees into subcommittees. Subcommittees are smaller committees concerned with a particular topic under the larger heading. Establishing the many subcommittees is one of the most dramatic changes in congressional organization over the past two decades. The number of subcommittees varies with each session of Congress.

Types of Committees

There are four general types of committees: standing, select, joint, and conference.

The standing committees are the most important committees. They are permanent and continue from one session to another. Members of the House normally serve on at least two standing committees. However, there are some House committees that are so powerful (Appropriations, Rules, and Ways and Means) that members assigned to one of them often serve only on that committee. In the Senate, each member serves on one major and one minor committee.

Select committees are temporary committees established for a limited time and

for a specific purpose. They study public problems or conduct investigations, but rarely do they create original legislation.

Both Senate and House members, as well as representatives from both parties, compose joint committees. These committees may either be permanent or temporary. Past joint committees have studied issues such as atomic energy, defense production, the Library of Congress, congressional printing, and taxation. Because they do not deal directly with bills or propose legislation, they report their findings to both chambers of Congress.

Conference committees resolve differences between the House and Senate versions of a bill. Congress cannot send a bill to the president unless it first passes both chambers in identical form. Members of a conference committee usually include the chair and senior members of the standing committee that originally considered the bill along with other members.

Committee Assignments

Both parties in the House and Senate make committee assignments for new members. In addition to party preference, personal preference is a major factor in committee assignments. Legislators want to be on committees which have the greatest relevance to their constituents. That is, if they are from predominately farm states, one of their main interests would be to serve on the Agriculture Committee.

Before committees assign new members, existing members can request a transfer, especially to one of the prestigious committees (Appropriations, Armed Services, Finance, and Foreign Relations in the Senate and Appropriations, Armed Services, Rules, and Ways and Means in the House) if a seat becomes available. One problem with switching committees is that it has the drawback of starting over again on building committee seniority.

The following highlights the important stages necessary for a bill to become a law.

INTRODUCTION OF A BILL

Congress can introduce a bill in either the House or Senate, except for tax (revenue) bills that must originate in the House.

COMMITTEE ACTION

1) The bill goes to a full committee, then usually to a specialized subcommittee for study, hearings, revisions, and approval.
2) If either committee or subcommittee does not recommend the bill, it goes no further (except back to the originating chamber).
3) If the subcommittees in both chambers approve the bill, they refer it back to the full committee, where more hearings and/or revisions may occur.
4) The full committee may approve the bill and pass the proposal for floor action. Committees rarely give unfavorable reports; instead, they normally elect not to take any action, thereby killing it.
5) In the House *only*, many bills go before the Rules Committee to set conditions for debate and amendments, thus expediting future floor action. Other bills are “privileged” and go directly to the floor. The Senate does not use special “rules.” Leadership normally schedules subsequent floor action.

FLOOR ACTION

1) One chamber debates the bill, and usually amends, passes, or defeats it. If a majority votes for the bill, that chamber passes it. It

then goes to the other chamber to follow the same route through committee and floor stages — unless the other chamber already has a related bill.
2) If both versions are "identical," both chambers sign and send the bill to the president.
3) If a majority does not vote for the bill, it goes no further.

CONFERENCE ACTION

Members of both chambers (from the respective committees that studied the bill) meet to work out differences. The Conference Committee sends the compromise version to each chamber for final approval. Again, a majority vote is necessary by each chamber to pass the compromised bill. If passed, both chambers sign and send the bill to the President.

ENACTMENT INTO LAW

The President can:
1) sign the bill and it becomes law.
2) hold the bill for ten days (excluding Sundays) without signing or vetoing it, and it becomes law.
3) veto the bill and return it to Congress. Congress can override the veto with a 2/3 majority vote and it becomes law.
4) use the pocket veto. When a bill reaches the President with less then ten days before Congress adjourns, it must have the President's signature to become law; otherwise, it does not become law.

Committee Action

Each chamber refers a proposed bill to the appropriate standing committee, which usually assigns it to a subcommittee. After being introduced, the bill receives its first reading. Each bill receives three readings in the process of being passed. However, committees and subcommittees do not consider every bill referred to them. Chairpersons usually give the most attention to bills they personally favor, bills having broad congressional support, and bills backed by the President.

A committee staff researches each bill to furnish background and other relevant information for committee members. Chairpersons may or may not call a public hearing for the bill, giving or denying the measure's supporters or opponents the chance to present their arguments. Hearings can last an hour or months; and they may be sparsely attended, or they may gain national attention. Hearings also accomplish the following purposes:

- Media coverage alerts citizens to the bill and to the positions of various groups and individuals.

- They act as safety valves for the losers. Legislative defeat is easier to accept if Congress gave an individual or group the opportunity to publicly express their views.

Eventually, the committee or subcommittee will have a "markup session" where the members go over the bill line by line to revise, rewrite, or amend it. After reaching an agreement in the markup session, the committee must vote. This vote determines if they can refer it back to the full committee (by a subcommittee) or to the full chamber (by a standing committee) for floor action. Committees call this voting process "reporting a bill."

However, most bills never come out of committees. The committee or subcommittee may pigeonhole (never report) the bill, thereby killing it. Although there are ways to

bypass the committee's action, Congress rarely brings a bill to the floor in either chamber over the objections of a standing committee.

Recall that before a House standing committee reports a bill to the full chamber for floor action, it often sends the measure to the Rules Committee to set conditions for debate and amendments. As the "traffic cop" of the House, the powerful 13-member Rules Committee can call a bill or set a time for its floor debate. This committee can hasten, delay, or prevent the consideration of a bill. With so many bills reported out of committees, the Rules Committee is a valuable part of the lawmaking process in the House.

Floor Action

Once a committee reports a bill, each chamber places it on a schedule or calendar for floor action.

The Senate has only one calendar. They either take bills in order from that calendar or call them at the discretion of the majority leader after first consulting with the other senators.

The House has five calendars and because of its larger size, has a more complicated system of scheduling floor action. Listed below are the five calendars used by the House.

- Union Calendar — for bills dealing with finance, revenue, and government property
- House Calendar — for all other public bills
- Private Calendar — for all private bills
- Consent Calendar — for all bills from the Union or House Calendars which the chamber takes out of order by unanimous consent
- Discharge Calendar — for petitions to discharge the committee of its duties and send the bill to the floor for consideration

A "**quorum** call" (or the number of members required to do business) frequently initiates floor action in both chambers. The Constitution states that a "majority of each shall constitute a quorum." A majority is 218 representatives and 51 senators. The second reading of the bill takes place during the floor debate after the full chamber introduces and votes on adding amendments to it. Included among the amendments considered by each chamber are riders. As you saw earlier, a chamber will add riders to important bills to expedite these riders through the lawmaking process.

Because of its size, the House limits its debates. No member can hold the floor for more than one hour, unless the entire House agrees. If a member strays from the issues, the Speaker may ask that person to sit down. On the other hand, senators do not have a time limit and can stray from a topic. In fact, a unique Senate weapon is the "filibuster" (a long speech or discussion of irrelevant material by a senator, intended to block the consideration and passage of a bill). The mere threat of a filibuster sometimes results in the failure to call a bill for floor debate. Senator Strom Thurman of South Carolina has the longest individual filibuster on record at 24 hours and 18 minutes.

After the floor debate is over and all amendments voted on, the chamber prints the bill in its final form, redistributes it, and gives it the third and final reading. A majority of

the chamber must approve the bill and all of its amendments in order for it to pass.

Voting

There are four ways of voting in the House and three in the Senate.

- Voice vote. This is the most common method. It requires members to say "Yea" in favor of a bill or "Nay" if they oppose it. The presiding officer then determines the winning side.

- Standing vote or roll call. A chamber uses this method if the outcome of the voice vote is uncertain. First, those members in favor of the bill stand and the clerk/presiding officer counts them. They sit down and those who oppose follow the same procedure.

- Teller vote. The Senate does not use this method, and it is the least common voting procedure used in the House. Those House members who favor a bill walk down the aisle and pass between two tellers (one from each party) who count and record them. Next, those who oppose the bill follow the same procedure.

- Recorded roll call vote. Since 1973, the House electronically recorded its roll call procedures to save time. Members insert plastic voting cards in any of the voting stations on the floor. Members may vote "Yea," "Nay," or "Present" (when overriding presidential vetoes, "Present" is not available). The Senate did not computerize its recorded roll call vote. Instead, as the clerk calls the roll, all senators answer "Yea" or "Nay" and the clerk manually records each vote.

Conference Committee Action

Once the originating chamber passes the bill, its presiding officer signs and sends it to the other chamber (unless the second chamber already has a related version of the bill). Remember, a bill must pass both chambers in exactly the same form to become law.

If either version differs, both chambers call for a Conference Committee to resolve the differences. Both chambers must then approve the final version, after which the presiding officers sign the bill and send it to the President for action. Article 1 of the Constitution requires Congress to submit all bills passed by them to the President for approval.

Presidential Action: Enactment into Law

The before mentioned chart, which highlights the important stages for a bill to become law, describes in sufficient detail the four presidential actions on a bill.

CONCLUSION

This chapter examined the organization and leadership of both lawmaking bodies of Congress, its various constitutional legislative powers, certain non-legislative powers, and the complex process by which a bill becomes law.

No other country in the world has been governed under the same law for as long as the United States. The American Constitution is an amazing success story. For over 200 years of change and growth, it has functioned exceptionally well and has demonstrated a unique degree of flexibility. Yet, it retains the strength necessary to keep the United States a great world power well into the future.

LESSON 2: THE EXECUTIVE BRANCH AND SOURCES OF PRESIDENTIAL POWER

committee executive
conservative
executive agreements
executive orders
executive power
ideological
inherent powers
jus sanguinis
jus soli
liberal
line item veto
moderate
reprieve
succession

INTRODUCTION

The experiences of the Articles of Confederation demonstrated that the national government could not carry out executive duties through legislative committees. As a result, most of the delegates to the Constitutional Convention realized that the new government needed a separate executive branch. They did not, however, agree on the nature and powers of that branch.

Although the Framers gave Congress the primary responsibility for making laws, they clearly intended the President to have a vital role in influencing legislation. As President Eisenhower once remarked, "The Constitution puts the President right square into the legislative business."

Beyond the limited constitutional powers given to the president, the often forceful personalities of many chief executives — wanting to exercise strong leadership — increased their sphere of influence over the legislative process. Additionally, factors such as history, custom, and public expectations contributed to the gradual reshaping of the executive branch. Today, the President of the United States stands at the center of the American political system. As the primary elected official, the President is the head of a political party, president of all the people, ceremonial head of government, and the leader of one of the world's strongest democratic nations.

QUALIFICATIONS

There are three constitutional qualifications for the presidency, and we will present five informal ones that can affect presidential nominations.

CONSTITUTIONAL QUALIFICATIONS

The three constitutional qualifications are citizenship, age, and residency. Presidential candidates must be "natural born" citizens. However, the Constitution made an allowance for those candidates born before the United States became a Republic — those candidates had to be citizens at the time of the adoption of the Constitution.

DID YOU KNOW?

Martin Van Buren, the eighth president, was the first President actually born in the United States.

The term "natural born" became an issue during the 1960s when George Romney made a serious bid for the Republican Party's presidential nomination. Romney was a citizen **jus sanguinis** (by blood) since he was born in Mexico, but his parents were United States citizens. Some questioned his constitutional qualifications. They believed "natural born" meant being born in the United States, or **jus soli** (by the soil). He did not win the nomination; therefore, the Supreme Court never had to resolve what "natural born" means.

A presidential candidate must be at least 35 years old and have resided in the United States for at least 14 years. No serious candidate for the presidency has had a problem with either of these requirements.

DID YOU KNOW?

The youngest President ever was Theodore Roosevelt, who as Vice President succeeded to the presidency when he was 42 years old following the assassination of President William McKinley in 1901. The youngest elected President was John F. Kennedy, who was 43 when he took office in 1961. The oldest elected President was Ronald W. Reagan, who was 69 when he took office in 1981.

INFORMAL QUALIFICATIONS

As you can see, presidential candidates have not experienced many difficulties in meeting the formal qualifications. However, that is not the case with the informal qualifications, which have presented obstacles to the candidates. The five informal qualifications discussed below are: political experience, political acceptability, personal characteristics, projecting a good "media image," and fund-raising ability.

- Although political experience is an important informal qualification, the only recent President lacking that experience was Dwight D. Eisenhower (1953–1961). His success as the Supreme Allied Commander during World War II caused the Republican Party to overlook his lack of political experience.

- Concerning political acceptability, **moderate** candidates who can win support from the center of their party, as well as the **conservative** and **liberal** wings within a party, have a better chance of winning a nomination — and then the election. However, this is not always the case. In 1980, conservative-Republican Ronald W. Reagan defeated the incumbent, moderate-Democrat James E. Carter.

- The personal characteristics of a traditional presidential candidate are happily-married, family-oriented, Caucasian, male, and Protestant. There are exceptions: James Buchanan (1857–1861) was single; John F. Kennedy (1961–1963) was Catholic; and Ronald W. Reagan (1981–1989) was divorced and remarried, although he was a strong supporter of the American family.

- Ever since the media has become an important aspect of campaigning, a successful candidate must project a pleasant, healthy appearance and exhibit confidence when working around cameras.

- Finally, although a few Presidents have come from modest backgrounds, most are fairly affluent when elected. Given the cost of running a campaign today, a candidate's fund-raising ability is a significant informal qualification.

TERM OF OFFICE

The Constitution states that a President "shall hold office during the term of four years." Although it did not set a limit on the number of terms a President could serve, George Washington (1789–1797) set a precedent by only serving two four-year terms. No President broke this precedent until Franklin D. Roosevelt (1933–1945) sought and won third and fourth terms in 1940 and 1944.

The ratification of the Twenty-second Amendment in 1951 formally limited a president to just two terms. However, in the event a Vice President assumes the presidency and serves less than two years before the next election, then that President may serve two full terms for a total of ten years.

Limiting Presidents to just two elected terms met with some controversy. The following shows several of the major arguments for and against that amendment:

- For:
  - Is freer to attempt new ideas in 2nd term.
  - Does not have to worry about next campaign in 2nd term (except for party members).
- Against:
  - Is hesitant to try new ideas in 1st term.
  - Is considered lame duck in 2nd term (one who is ineligible to run in next election).
  - Tends to have less influence with party members in 2nd term.

Once elected to a first term in November, the president-elect spends the next two months selecting a team, or a new administration. The presidential term begins on Inauguration Day. Recall that the Twentieth Amendment of 1933 changed the term of the out-going President (and Vice President) to "end at noon on the 20th day of January ... and the terms of their successors shall then begin."

SALARY AND BENEFITS

Congress determines the president's salary and they cannot increase or decrease it during a President's term. Additionally, the President receives:

- A set amount each year for expenses
- A set amount each year for travel
- A set amount each year for entertainment
- Use of the official residence (the White House), office space, and recreational and entertainment facilities — tennis court, track, bowling alley, and theater
- Use of a weekend retreat at Camp David
- A fleet of automobiles, jets, and helicopters
- Financial support for a personal staff, with sufficient office space, and free mailing service
- Secret Service protection
- A life-time pension per year after retiring

SOURCES OF PRESIDENTIAL POWER

Known as the "father of the presidency," James Wilson, a Pennsylvania delegate to the Constitutional Convention, fought for a single, elected President (verses a **committee executive**) who could act with "energy, dispatch, and responsibility." Governor Morris of New York also favored a strong, independent executive. Morris said of the President, "Make him too weak: the legislature will usurp his power. Make him too strong: he will usurp on the legislature." Thus, the Framers adopted an executive that could check an overly ambitious legislature, while ensuring that a balance of power existed between those two branches.

According to Article 2, the powers exclusively granted to the President by the Constitution are executive power; forms of military, judicial, and diplomatic power; and legislative duties. These are the President's constitutional, or expressed powers because their basis specifically lies within the Constitution. Of these, the two most important are the **executive powers** and, under the President's legislative duties, ensuring "that the laws be faithfully executed."

EXECUTIVE POWERS

Although the Constitution does not specifically define executive power, its wording allows a tremendous amount of leeway for the President. While Congress establishes policy through the passage of laws, the executive branch has the responsibility to execute, enforce, or carry out those laws. The President uses **executive orders** (a presidential decree that has the force of a law) to help shape the policies which Congress establishes. Executive orders can have far-reaching results. President Truman integrated the previously racially segregated Armed Forces with an executive order. President Clinton issued an executive order prohibiting the discrimination of homosexuals in the Armed Forces.

The phrase of the Constitution that allows the President to "require the opinion ... of the principal officer in each of the Executive Departments" is the basis for the creation of the President's Cabinet. Each Cabinet member is the head of one of the executive departments. The President chooses the Cabinet members with the consent of the Senate, and can remove any Cabinet official without obtaining Senate approval.

EXECUTIVE DEPARTMENTS

Department of State
Department of the Treasury
Department of Defense
Department of Justice
Department of the Interior
Department of Agriculture
Department of Commerce
Department of Labor
Department of Health & Human Services
Dept. of Housing & Urban Development
Department of Transportation
Department of Energy
Department of Education
Department of Veterans' Affairs

Of great importance to the President is the power to appoint certain officials without the consultation or approval of Congress. Although some of these positions are clerical and domestic related, many are policy-making jobs — the inner circle of advisors and staff. The president appoints political friends and supporters — the experts in whom the President has confidence — to those positions that will help put the right person with the right job. This can often make a difference in

the success or failure of a President to achieve certain goals.

The Constitution does not comment on the President's power to remove appointed officials from office. Instead, a Supreme Court ruling in 1926 gave the President, in most instances, the right to terminate appointments, even those approved by Senate confirmation.

MILITARY, JUDICIAL, AND DIPLOMATIC POWERS

Military Power

The Constitution places the Armed Forces under civilian control. As the commander-in-chief, the President is superior to any military officer.

While Presidents no longer lead troops into battle, nor can they declare war (only Congress can do that), Presidents can:

- order troops to military situations that are the same as war. As commander-in-chief, the President can respond quickly to threats against American security by committing troops without waiting for congressional action. Recall, however, that as a result of the Vietnam War, Congress limited the President's war-making powers with the passage of the War Powers Act in 1973.

- make the final and most serious military decisions. The Framers wanted a civilian to make those difficult military decisions. Consequently, only the President has the power to order the use of nuclear weapons — such as President Truman's decision to drop the atomic bomb on Hiroshima and Nagasaki, Japan, in 1945. Everywhere the President travels, a computer-coded device known as the "black box" goes along.

- use federal troops inside America's borders to ensure order and enforce federal laws. For example, Presidents have ordered the use of troops to end rioting, to restore order after natural disasters, and to support school integration efforts.

DID YOU KNOW?

President Washington personally led 15,000 militiamen from three states in 1794 to put down the Whiskey Rebellion in western Pennsylvania.

Judicial Power

The President can grant a full or a conditional pardon (or **reprieve**) to any person convicted of breaking a federal law, except in the case of an impeachment. Additionally, the President may shorten the prison term or reduce the fine imposed against a convicted person for a crime.

A reprieve suspends the penalties of a law without changing the legal guilt or innocence of an offender. A pardon forgives the offense and removes the threat of punishment, but stops short of conferring total innocence. Any person who accepts a pardon cannot hold a public office. Most presidential reprieves and pardons are not controversial, but there are exceptions. Both President Ford's pardon of former President Nixon and President Carter's blanket-pardon of Vietnam War era draft-evaders stirred national interest.

Diplomatic Power

The President has the diplomatic power to make treaties with foreign countries (provided that the Senate approves them by a two-thirds vote), and to appoint ambassadors, Supreme Court judges, and other government officials. The President must submit most of these appointments to the Senate for confirmation.

The President can also "recognize" or refuse to recognize foreign governments. A President grants recognition simply by receiving a foreign diplomat. Before there can be diplomatic relations between the U.S. and another country, the President must formally recognize the legitimacy of that country's government. Although the act of recognition is the President's alone, congressional leaders, foreign policy advisors, and other staff members offer guidance in this area of responsibility.

LEGISLATIVE POWERS

Under the Constitution, the President has the responsibility to:

- Present to Congress an annual State of the Union Address. This message sets forth a legislative program by recommending such measures that are "necessary and expedient" for solving the nation's problems.

- Convene both chambers of Congress (or either one of them) or call Congress to assemble for a special session during periods of emergency. Presidents have exercised this power less than 30 times, and all of those were in the nation's earlier years. A President has not convened Congress since they began meeting in year long sessions.

- "Adjourn them (both chambers of Congress) to such time as he shall think proper" during cases "of disagreement" between them.

- Meet with ambassadors and heads of state from other countries.

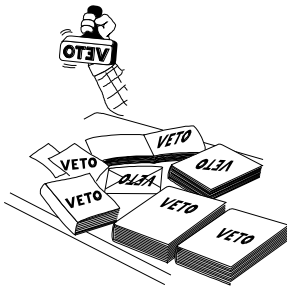
- "Take care that the laws be faithfully executed." This "presidential elastic clause" is one of the main reasons for the growth of power in the executive branch over the years. Most Presidents interpret this power to mean that they have the responsibility to take any necessary and proper actions (not forbidden by statutes) to protect the interests of the United States.

- "Commission all officers of the United States."

- Create an annual budget and propose legislation.

- Sign or veto congressional bills. A presidential veto is the disapproval of an entire bill, since the President does not have the power to use a **line item veto**. For example, if a President supports much of a bill but opposes parts of it, he must decide either to veto the entire bill to strike down those parts he opposes, or sign the bill into law accepting those parts he supports as well as those he opposes. This situation changed briefly beginning on January 1, 1997, when the Line Item Veto Act passed by Congress took effect empowering President Clinton to veto specific portions of bills in an attempt to balance the federal budget. On June 25, 1998, however, the Supreme Court found the act unconstitutional and stated that if the President were to have the power of the line item veto, it would have to be

granted to him through a constitutional amendment and not a congressional act.



POWERS SHARED WITH CONGRESS

The President shares two very important powers with the Senate: making treaties and appointing key government officials. The Senate may modify a treaty before approving it, and for both of these shared powers, must approve them by a two-thirds vote.

In order to avoid sharing the power of making treaties or international agreements, Presidents may use **executive agreements**, which do not require Senate ratification, with other heads of state. However, the secrecy surrounding some of these agreements often stirs up interest by the American public and members of Congress. One example of Congress' reaction to executive agreements was the Case Amendment of 1972, which attempted to limit the President's use of these agreements but was impossible to enforce because it did not precisely define an executive agreement.

INHERENT POWERS

All of the powers just discussed are the President's constitutional or expressed powers — that is, the Framers expressly wrote them into the Constitution. Another category of powers which have become increasingly more important with modern Presidents is that of **inherent powers**. These powers are essential to and cannot be separated from the character and make-up of the office of the President.

The basis for inherent powers is the loosely worded statement, "The executive powers shall be vested in a President." Since the Framers did not include these powers in the Constitution, Presidents have defined them through practice. For example, when a President exercises emergency actions during wartime or a domestic crisis, he is welding his inherent power.

LIMITS ON PRESIDENTIAL POWER

During the above discussion of the President's powers, you have seen the major limitations imposed on the executive branch by the judicial and legislative branches, and by the Constitution. In summary, they are:

- Congress can pass legislation to override a veto.
- Congress can impeach a President.
- The Senate must approve major appointments.
- The Senate must ratify all treaties.
- The Supreme Court can determine the constitutionality of presidential actions.
- Congress passed the 1972 Case Amendment in an attempt to limit the President's use of executive agreements.
- Congress passed the 1973 War Powers Act to limit the President's war-making powers.
- Congress passed the 1974 Budget and Impoundment Control Act to restrain the President from impounding (withholding)

congressionally appropriated funds from executive agencies.

In addition to these legal and constitutional restrictions placed on the President, there are various informal restraints: public opinion and support, media attention and criticism, the opposition party, the President's relationship with Congress, and federal bureaucracy — especially bureaucratic slowness.

A good example of this bureaucracy is that a President cannot decree a program into existence. Rather, the President must first "sell" the program to the American people and to Congress. Then, Congress must act on it and, after making amendments, approve it. Finally, any program enacted is subject to judicial review. As you can see, the limits on presidential power are numerous and they are very real.

> "I do solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

DUTIES OF THE VICE PRESIDENT

There are three formal responsibilities of the Vice President. The main responsibility is to succeed the President if for any reason he/she cannot complete the elected term of office. Nine Vice Presidents have done this: eight because of the death of a President and one because of resignation. The second responsibility is to preside over the Senate and to vote on floor matters when there is a tie. Finally, the Vice President assists in deciding cases of presidential disability and recovery.

The President determines the informal responsibilities of the Vice President. Because of the growing number of these informal responsibilities, it is possible that one day this position might assume the form of an "assistant President." The workload certainly exists.

Traditionally, presidential nominees hand-pick their Vice Presidential candidates to "balance the ticket" or to carry a particular wing of the party. Presidential nominees consider **ideological** and geographic balance important factors in a campaign. The personal characteristics of a Vice President are similar to those discussed earlier for the President. However, in the 1984 presidential election, Representative Geraldine Ferraro of New York was the Democratic Party's Vice Presidential candidate. She was the first woman ever to run on a major party's presidential ticket.

The Vice President's term of office and qualifications are the same as the President's. The Vice President:

- Has an allowance for an administrative staff, legal counsel, press secretary, and clerical help
- Has a residence and domestic staff at the Washington Naval Observatory
- Receives an annual salary and a set amount per year for expenses

PRESIDENTIAL SUCCESSION

The Constitution calls for the Vice President to serve as President "in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office." But, the Framers did not further

address "inability" — specifically, who determines it, when, and how?

With the ratification of the Twenty-fifth Amendment in 1967, Congress settled two unresolved issues in presidential **succession**: presidential disability and Vice Presidential vacancy. With regard to disability, this amendment states that the President may declare his or her disability to the presiding officers of Congress (the President pro tempore of the Senate and the Speaker of the House).

If the President is unable (or unwilling) to make this declaration, the Vice President and a majority of the cabinet may make such a declaration to both presiding officers. Immediately following this declaration, the Vice President becomes the acting President until the President makes a written declaration (to both presiding officers) of the ability to resume presidential duties. Within four days of this notice, the Vice President and a majority of the Cabinet must respond in writing that, in their judgment, the President is still unable to perform these duties. Congress then has 21 days to decide by a two-thirds majority of both chambers whether the President is, or is not, able to serve. During this time, the Vice President continues as the acting President. If Congress determines that the President is capable of discharging those duties, the President resumes office.

Concerning the issue of Vice Presidential vacancy, the Twenty-fifth Amendment allows the President to appoint a replacement, subject to approval by a two-thirds majority of Congress. President Nixon used this amendment in 1973 to appoint Gerald Ford as Vice President replacing Spiro Agnew. Agnew resigned his office after the U.S. Attorney General charged him with criminal wrongdoing. He later pleaded no contest to a single charge of federal income tax evasion. One year later, under his own legal pressures, President Nixon resigned and Vice President Ford became President. President Ford then appointed Nelson Rockefeller as Vice President.

DID YOU KNOW?

The administration of President Ford and Vice President Rockefeller (1974–1977) was unique in that the public did not elect either of them to their offices.

If the unusual circumstance should happen where both the President and Vice President should die or become disabled at the same time, the next in the "line of succession" becomes the President. Congress established the line of succession in 1947 by passing the Presidential Succession Act. The first official to become President is the Speaker of the House. The President pro tempore of the Senate is next in line followed by the Secretary of State and the other executive department heads in the order of their establishment. Refer to the chart entitled *EXECUTIVE DEPARTMENTS* for a listing of these Cabinet positions, in the order of presidential succession.

CONCLUSION

The purpose of this chapter was to show you how the President of the United States uses the powers of that office to "preserve, protect, and defend the Constitution of the United States." Since President Washington first took that oath, he and his successors have interpreted in varying ways how it relates to the exercise of executive power.

As the government of the United States becomes increasingly complex, so do the responsibilities of the chief executive and

of the executive branch. Although the system of checks and balances provided for in the Constitution keeps the national government mindful of any misuse or abuse of its power, Presidents are ultimately responsible for whatever happens under their administration.

With each presidential term, the executive branch and Congress must face challenges that no other administration of American government has ever had to face. These challenges include setting new political objectives, proposing new laws to meet the needs of a changing society, developing new military capabilities, devising new diplomatic techniques, and instituting a new hierarchy of values. Every one of these innovations has enhanced the role of the American President into an increasingly powerful position — a status quo necessary to take on the challenges of today's world.

LESSON 3: POLITICAL PARTIES, VOTING, AND ELECTIONS

caucus
incumbent
interest groups
keynote address
lobbying
party platform
plurality
political parties
precinct
pressure groups
primary election
public opinion
registrars

INTRODUCTION

When you turn 18 years old, you obtain the right to vote — a right given to you by the Twenty-sixth Amendment. But, for whom will you vote and on what issues? Another important decision on your part will be whether to join a **political party**. You will have a variety of ways to learn about the candidates and the issues. Both the Republican and Democratic parties as well as many other **interest groups** will work hard to influence your vote in elections.

Presidential campaigns are exciting to watch and even more exciting if you actively participate in a party. Long before election day, these parties and groups will be campaigning to win your support and your contributions. They will use various techniques in which to win that support. Therefore, know how the political system works and how to understand the influences these groups will put upon you. After all, your vote does count!

POLITICAL PARTIES

Political parties play an important role in America's system of democracy. A political party is a national political organization composed of a group of people united in support of a common cause. They work together to elect candidates from within their membership for public office at all levels of government. Their ultimate goal is to gain control of the executive and legislative branches of government. Membership in political parties is completely voluntary. The extent that one becomes involved is entirely up to the individual.

DID YOU KNOW?

President Washington was the only President not associated with a political party.

DEVELOPMENT OF POLITICAL PARTIES

The Framers did not provide for political parties in the Constitution. In fact, they believed such parties would be a destructive influence on the new democracy. Although they feared that small social and economic groups would strive for political power, they did not foresee the emergence of large political parties. This was mainly because no such organizations existed anywhere.

In the early years of Washington's presidency (1789–1797), he entrusted his Secretary of the Treasury, Alexander Hamilton, to form a Federalist team and to get his legislative programs enacted by Congress. Washington's Secretary of State, Thomas Jefferson, quarreled extensively with Hamilton over the politics of these legislative programs. Hamilton favored strengthening the new national government as much as possible,

whereas Jefferson favored keeping the power in the hands of the states.

In 1793, Jefferson resigned from Washington's Cabinet and formed a political party to oppose Hamilton's economic and governmental policies. Jefferson called his party the "Republicans." Hamilton's followers countered by creating the Federalist Party. The United States was less than ten years old and a two-party system was on its way.

The Republicans later renamed themselves the "Democratic-Republicans" and, although they were the first political party in the United States, they did not win the first presidential election involving parties. Instead, John Adams, a Federalist, narrowly beat out Jefferson in 1796 to become the nation's second President. Under the constitutional provisions at that time, Jefferson became the Vice President.

In 1800, Jefferson and the Democratic-Republicans used techniques such as staging political rallies and having "get-out-the-vote" committees work at taking party members to the polls. Jefferson won and for the first time in America's political history, the presidency shifted from one party to another.

Over the next two decades, the Democratic-Republicans dominated the White House: Jefferson won a second term (1805–1809), James Madison won two terms (1809–1817), and James Monroe also won two terms (1817–1825). The Democratic-Republicans were so successful, the Federalist Party ceased to operate.

John Quincy Adams (1825–1829) ran without a strong party affiliation and became the sixth President. But, he lost after only one term to Andrew Jackson (1829–1837), who took control of the Democratic-Republicans and renamed it the "Democratic Party." By Jackson's time, political parties were becoming large in size and well defined in terms of policies and positions. For example, running opposite the Democratic Party in the 1828 election were the National Republicans (or Whig Party).

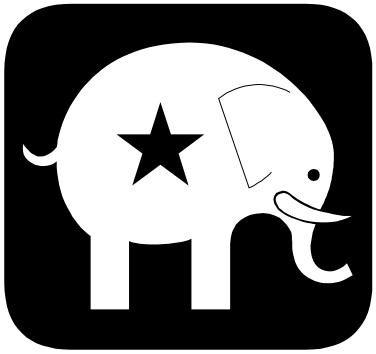
In the 1820s, a congressional **caucus** nominating system selected candidates for President. However, during the 1830s, political parties developed the national party convention to replace the caucus system. These conventions nominated candidates for both President and Vice President. The Anti-Masonic Party held the first convention in 1831.

The Whigs and Democrats competed for the White House throughout the 1840s and 1850s. Both parties were large, well-organized, had supporters all across the nation, and had well-known leaders at both the national and state levels. As a result of these campaigns, the two-party system emerged again.

During the 1850s and 1860s, the issue of slavery divided both the Democratic and Whig parties. Those who left these parties formed the Republican Party. With the election of Abraham Lincoln (1861–1865), the Republicans became a major party. Moreover, they became the only third party in American history to win a presidency. The result was not a three-party system in the United States. The issue of slavery and the War Between the States (also known as the Civil War) caused the Whig Party to fade away. The Democratic and Republican parties survived that war and have comprised America's two-party system ever since.

The donkey first appeared as a symbol of the Democratic Party in 1870.

Four years later, the elephant made its premier as the symbol for the Republican Party. Both symbols have remained with their respective parties ever since.



For the next 72 years, from 1860 to 1932, the Republican Party dominated American politics. People came to regard them as the "Grand Old Party," or "GOP." During this period, they lost the White House only twice (to Grover Cleveland and Woodrow Wilson) and controlled both chambers of Congress most of the time. However, the stock market crash of 1929 and Great Depression of the 1930s ended the Republican domination. Franklin D. Roosevelt (1933–1945) of the Democratic Party and his New Deal easily defeated the **incumbent** Republican President, Herbert Hoover (1929–1933).

Additionally, the Democratic Party won large majorities in both the Senate and House of Representatives. These victories reversed the trend and started a Democratic domination of American politics, especially in Congress. Except for a two-year loss of both chambers of Congress from 1952 to 1954, the loss of the Senate in 1980, and the loss of both chambers again in 1994, the Democratic Party has controlled Congress.

The two-party system quickly established itself in American history and has remained a durable part of political life. It is also clear that one of the two parties tends to dominate the other for long periods of time. However, these periods of dominance generally end following a traumatic event: the Civil War (1860s) and the Great Depression (1930s).

THIRD PARTIES

Even though the American political system has two firmly entrenched parties, various cross sections of people have organized third parties in nearly every national election. Third parties evolve in basically one of two ways:

- To support a political doctrine or philosophy. For example, the Socialist Workers' Party and Labor Party endorsed a socialist economic idea whereas the Libertarian Party opposed government interference in private economy.

- To support an important political issue of the time. The Free Soil Party opposed the expansion of slavery to the western territories while the American Independent Party opposed racial integration.

Although third parties have not won the presidency since the election of Abraham Lincoln in 1860 or controlled Congress, they can act as a spoiler by taking votes away from one or both of the major parties. When they

succeed in doing this, one of the major parties may be able to win the election without a clear majority of the popular vote. This was the case in the 1992 election when the Democratic candidate for President, William Clinton, won the election with only 43 percent of the vote. The Republican incumbent, George Bush, received just 37.5 percent, while one of the third party candidates of that election, H. Ross Perot, received 19 percent — the most for a third party candidate in 80 years. Other third party candidates received less than one percent.

Prior to the 1992 election, the only third party candidates for President to receive 20 percent or more of the vote in national elections were two former Presidents. In 1856, Millard Fillmore (1850–1853), a former member of the Whig Party, ran unsuccessfully as a candidate for the American ("Know Nothing") Party. This occurred again in 1912 when Theodore Roosevelt (1901–1909), a former Republican, ran unsuccessfully as a candidate for the Progressive ("Bull Moose") Party.

There are three main reasons why third parties generally fail.

- The United States has had two major parties since the 1830s; therefore, it has become a tradition or custom for voters.

- Voters usually do not support in large enough numbers the political doctrine or philosophy of third parties.

- The high public interest issues which are important to large numbers of voters (and that third parties generally support) tend to disappear from public attention or resolve themselves.

HOW POLITICAL PARTIES OPERATE

Political parties perform a variety of functions within a democratic electoral system. The two most important tasks are the recruitment and nomination of candidates for public office. Although the methods by which candidates receive party nominations vary from state to state, the three most common are: the caucus, the convention, and the **primary election**.

- A caucus is essentially a meeting of party members where the candidate pays special attention to specific individuals in attendance. Since getting caucus nominations is the goal, the candidate will try to contact each individual personally.

- Parties hold nominating conventions at the city or county, state, and national levels. Each level nominates candidates and adopts an official **party platform**. The state convention nominates candidates for governor or the U.S. Senate and names delegates to the national party convention during presidential election years. The national convention nominates candidates for President and Vice President and has the additional task of providing for the operation of the party until the next national convention (every fourth year).

  As in the caucuses, candidates at these conventions will talk with as many delegates as possible. However, in some larger city and county conventions, as

well as in the state conventions, the candidates cannot talk with every delegate personally. Therefore, staff members and volunteers divide the delegates into groups and meet with those groups for their candidates.

- In many states, the voters nominate party candidates for public office in primary elections. Most states conduct these elections in the same manner as general elections and hold primaries anywhere from two to six months before the general election.

  In a number of states, one political party may be dominant and may win a disproportionately large number of offices in the general election. Thus, obtaining the dominant party's nomination in the primary almost assures the candidate of winning the general election. It is also a widely known fact that most of the strategies that win general elections also win the primaries. A major difference between these types of elections is that fewer people traditionally turn out at the primaries.

The other important functions of political parties are to:

- draft party platforms to clarify issues for the voters.

- take care of a large number of routine chores that are necessary for the smooth functioning of the electoral process (getting party members registered, providing **registrars** and election judges to work at polling places, etc.).

- raise campaign money for party candidates.

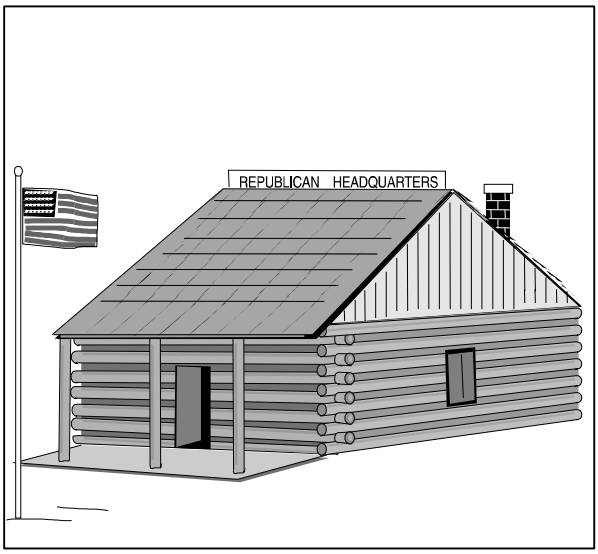
- keep diverse interest groups working together to help reduce conflict.

- offer proposals for alternative programs to those presented by the President.

- act as the opposition party to the one that holds the presidency.

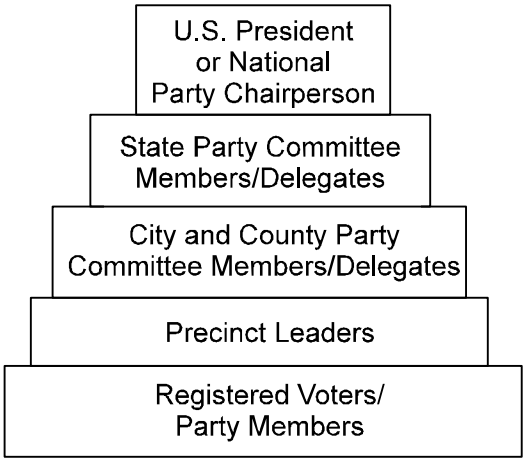
PARTY LEADERSHIP

At its most basic level in the United States, politics begins at the voting **precinct**. These precincts are the city blocks, suburban neighborhoods, or the portions of rural counties that vote on election day at their voting places, or polls.



Both of the major political parties will usually have an executive or committee person in charge of a precinct. These precinct leaders have the responsibility to organize the precinct and to carry a majority of the votes for their party at the general election.

Located above the precinct leaders are the party members or delegates elected to serve on the city or county committees and on the state committees.



Heading the political party organization that does not control the White House is the national party chairperson. This is a very prestigious and politically important position. As an elected official by the national committee and/or by the party's presidential candidate, the national chairperson is the spokesperson for the party. That individual serves as a major critic of the opposing party's President and presidential policies.

If a party's presidential candidate controls or wins the presidency, the position of national party chairperson loses some of its importance. The President is the spokesperson for that party while the national party chairperson assists the President in running the party.

VOTING

Voting is more than just a right, it is a privilege and a responsibility. The Twenty-sixth Amendment, ratified in 1971, gave 18, 19, and 20-year-old citizens the right to vote. It is now your privilege to participate in the electoral process of this country as well as your responsibility to decide how and to what extent you will participate.

As a soon-to-be voter, there are at least four important decisions you will have to make. The first and probably the most important decision is whether to be a voter or a non-voter. Statistically, the younger population votes less often than the older population. In one presidential election, only 30.1 percent of the 18 to 20-year olds voted, as compared to the following percentages for the other age groups.

AGE	PERCENT
21–24	37.7
25–34	45.5
35–44	53.6
45–54	59.0
55–64	62.1
65–74	61.7
over 75	50.0

In addition to the low turnout of the 18 to 20-year-old age group, two other reasons for people not voting in elections are apathy and failing to register. Apathy means that certain voters just did not want to vote either because they were not interested or they did not like any of the candidates. Additionally, fewer people vote in elections in which the governor and/or congressional seats are "up for grabs" than in presidential elections.

If you decide to be a voter, you may want to determine a party affiliation: Democrat, Republican, or Independent. Additionally, your third decision as a new voter goes hand-in-hand with the selection of your party affiliation. That is, what will be your political ideology — general ideas and attitudes — concerning the major issues of government? Your basic choices are to become a liberal, conservative, or moderate.

Recall that liberals tend to favor substantial reforms in the various social institutions, and they are more "left" or democratic on political ideas. Conservatives

tend to favor individual initiative, self-reliance, and a strong national defense over welfare programs. Typically, they are more "right" or republican. Moderates favor finding compromises or practical solutions to national problems and they represent the "middle."

Your final decision is to determine how active of a participant you want to be in politics. You may decide to join a party, attend meetings and rallies, support civic improvement projects, or contribute money to help elect party candidates. Of course, you do not have to make these decisions right on your eighteenth birthday, nor do you have to stick with them for the rest of your life. People do change their party affiliation and political ideology as the issues of government and the needs of society change.

VOTING REFORMS

Voting rights now apply to all citizens of the United States who are 18 years and older and who have a fixed address for registration. However, that has not always been the case. The Framers left it to the states to decide who could vote. Initially, the states allowed only white men who owned property. It took a long time for other groups to win the right to vote as well as for poll taxes, different registration forms, and literacy tests to disappear.

- The next major category of citizens to obtain the right to vote was white men without property. North Carolina was the last state to grant this right in 1856.

- Black males in the north and west followed next. Even though the passage of the Fifteenth Amendment in 1870 prohibited states from denying the right to vote based on race or color, some states did not abide by it. Only black men in those two sections of the country were successful in obtaining the right to vote.

- Women obtained the right to vote with the passage of the Nineteenth Amendment in 1920, ending decades of intense struggle for them.

- The passage of the Voting Rights Act of 1965 finally gave black men and black women in the south their voting rights. This act removed the numerous voting restrictions that prevented large numbers of eligible voters from getting to vote.

SHAPING PUBLIC OPINION

Two of our constitutional rights are freedom of assembly and the right to petition the government. In a free society, there are a wide variety of ways for people to promote their interests and political goals in addition to many sources of political ideas and information. Thus, the general attitude that a representative portion of the population has toward the day-to-day operation of the political system, represents the **public opinion**.

Sources that Shape Public Opinion

There are four main sources of political ideas and information that shape public opinion.

- Elected officials. These officials can have a large impact on public opinion. For example, if the President proposes a middle-class tax increase, such an action will make tax reform a major national issue.

- Party leaders. Voters who are loyal party members may support the political issues of party leaders and spokespersons, such as the national party chairperson.

- Community leaders. Every community has its well-known citizens who are able to influence the ideas and opinions of their fellow citizens. These people in your community may be the President of a local Chamber of Commerce, labor union leaders, or religious leaders.

- Mass media. One of the most powerful influences on public opinion and attitudes today is the mass media: books, newspapers, magazines, radio, and television — especially television news. A key characteristic of news reporting in the latter half of this century has been the growth of television as the most popular of all the news media. The audience for an important political event on television can be in the tens of millions, compared to thousands, or even hundreds of thousands, of citizens reading an important news-paper editorial or magazine article.

Public Opinion Polls

The most important way democracies measure public opinion is by elections. At various stages before an election, public opinion polls can tell political candidates what the public is thinking on particular issues.

Measuring public opinion can be surprisingly accurate if the organization conducting the polls does them properly. Since it is practically impossible to survey every citizen of a particular district, the polling organization will take a random cross section of the population, trying not to bias any segment of it. If the organization picks the random sample correctly, the results of the analysis should reflect the characteristics of the total population. With margins of error for the better-known national polls as low as two to five percent, the politicians, public, and media pay considerable attention to and place a great deal of faith in the accuracy of their results.

The alert citizen pays attention to public opinion polls, but keeps in mind their shortcomings. Shown below are three of the more common problems with these polls.

- They do not reveal very well the strength of a person’s opinion about an issue or issues.

- Public opinion can change very rapidly and polls can become “dated” within a few weeks.

- The conducting organization may not be well-known and/or reliable.

Propaganda Techniques

There are many political organizations in the United States. Some inform the public about political issues. Others poll the public to find out how they feel about those issues. In addition to these, there are groups that will try to mold or change the public’s opinion. Propaganda is the term applied to the techniques or efforts of these latter groups. To some extent, all political parties and/or candidates use all of these techniques for good or bad purposes. There is nothing illegal or immoral about them The important thing is for voters to be able to recognize them and react accordingly. Indicated below are the most widely known propaganda techniques:

<u>Appeals to Fears</u> — A powerful propaganda technique is to play on a listener's fears. The message says, in effect, that if you don't do a certain thing (or if you don't think in a certain way), something that you fear very much will happen.

Bandwagon — Because people like to support winners and to be on winning teams, creating an image of popularity is an important part of the political process. Political parties and candidates try to convince people that they can guarantee success — all they have to do is hop aboard the bandwagon, "everyone else is."

Card-stacking — In this technique, organizations present only one side — the positive side — of an argument. They attempt to block out ideas that support the opposite point of view. Although politicians practice card-stacking at every opportunity (such as in their speeches), the system has a built-in safeguard in that other groups are free to present their point of view to counter the opposing arguments.

Glittering Generalities- Glittering generalities are intensely emotionally appealing words so closely associated with highly valued concepts and beliefs that they carry conviction without supporting information or reason. They appeal to such emotions as love of country, home; desire for peace, freedom, glory, honor, etc. They ask for approval without examination of the reason. Though the words and phrases are vague and suggest different things to different people, their connotation is always favorable. Some famous glittering generalities are:

- "Get the country moving again."
- "This generation of Americans has a rendezvous with destiny."
- "America is back."
- "I will work to improve the American way of life."

Loaded Words — Certain words — like peace, patriotism, moral — arouse such strong emotional responses that they are called loaded words (they are loaded with feelings).

Name-calling — This technique can have negative or positive effects. Whereas negative, or nasty, names can harm a campaign, positive names can be favorable and even helpful to a political cause.

Plain Folks — A propagandist can convince people that he is one of the "plain folks" who is one of the common citizens rather than a leader who is not a part of the general group. The people will believe that since he claims to be one of them, he is trustworthy and has their interests at heart. Politicians use this technique to show themselves as common, ordinary people. For example, President Carter portrayed himself as a peanut farmer from Plains, Georgia.

Repetition — When a message is "drummed" into a listener's consciousness, it tends to be remembered. A group can be trained to repeat the slogan so loudly and long that all rational thought becomes impossible.

Slogans — A "catchy" slogan is more easily remembered than a complicated and perhaps more accurate explanation.

Testimonials — This technique uses the endorsement of a prominent or well-known celebrity as a front for particular issues. People who admire the celebrity will be more apt to accept that person's judgment about the issue. The most valuable testimonials in American politics are from current or former Presidents.

Transfer — This technique, sometimes referred to as finding a "scapegoat," involves transferring the responsibility for unpleasant events to individuals or groups who may or may not deserve it. In the 1992 presidential

election, the Democratic Party sought to blame the economic condition of the country on the preceding 12 years of Republican presidential policy.

INTEREST GROUPS

Americans have long been known as joiners. In the 1830s, a French aristocrat who just came to America wrote:

> "The Americans of all ages, all conditions and all dispositions constantly form associations. They have not only commercial and manufacturing companies in which all take part, but associations of a thousand other kinds, religious, moral, ... entertainment, ... and education.... Wherever at the head of some new undertaking, you ... will be sure to find an association."

One fundamental reason why Americans have united to form certain groups or associations is to accomplish their political goals. Having a shared attitude on specific issues, they organize into interest groups to influence governmental politics with respect to those issues.

Segments of the population, however, once believed that earlier forms of these groups used "pressure" or improper means — force, bribery, or threats — to achieve their purposes. Thus, the name **pressure groups** came into existence. Some people still use this term to refer to interest groups when they speak disapprovingly of them. Although the techniques by which interest groups attempt to wield political influence vary greatly, one can hardly refer to them as being selfish, irresponsible organizations seeking privileges for their members.

Interest groups represent almost every conceivable type of involvement in the American democracy. There are three categories of interest groups: economic, political, and single cause.

- Economic interest groups represent the various economic and business concerns of society: farmers, workers, small businesses, large corporations, doctors, lawyers, teachers, etc.

- Political interest groups attempt to achieve political change in the nation. Examples of these groups are:

    - The Leadership Conference on Civil Rights, which seeks to protect the civil rights of blacks and other minorities.

    - Americans for Democratic Action (ADA), which fosters various liberal causes.

    - Young Americans for Freedom (YAF), which promotes conservative points of view by young adults.

- Single cause interest groups devote themselves to achieving only one political cause. The National Rifle Association (NRA) is an example of such a group.

Interest Group Techniques

One of the oldest sayings in American politics is, "If you can change opinion at the grass roots (the general voting public), changes in opinion in the Congress and at the White House will follow." Interest groups will use the following techniques for attempting to change opinion at the grass root's level.

- Holding rallies in order to gain public recognition
- Holding city, county, and state conventions to adopt resolutions that support their political positions
- Providing local media with press releases concerning the interest group's activities
- Advertising in newspapers, radio, and television in order to get their point across
- Going to court to achieve their objectives by filing suits to get laws more (or less) strictly enforced or to get laws interpreted in their favor
- Gaining the favor and attention of key governmental administrators working in agencies that provide services needed by the interest group
- Participating in elections by recruiting candidates for office, raising money, providing election workers, and publicizing the candidate in their group's publications
- Forming large numbers of political action committees (PACs) to raise and contribute money for political candidates — by 1985, there were over 4,000 PACs

Lobbies as Special Interest Groups

Perhaps the most important of all interest group techniques is **lobbying**, or communicating with political decision makers to try to influence them on political matters. Lobbying is a right protected in the Bill of Rights of the Constitution, which states that, "Congress shall make no law ... abridging ... the right of the people ... to petition the government for a redress of grievances."

Interest group lobbyists have become a "Third House of Congress." They represent the major economic, social, and issue-oriented groups in society. As such, members of the American political system sometimes view them as a reasonable and worthwhile addition to our concept of representative government. Lobbyists quickly learn to form alliances with other interest groups with which they share the same general legislative goals.

Lobbyists are most effective when they can demonstrate to legislators that there is strong support at the grass roots level for or against a particular legislative issue.

- Lobbyists encourage interest group members to send telegrams or letters to Congress and the President to support their views.
- Lobbyists persuade important opinion leaders to make personal telephone calls on behalf of the interest group.

- Lobbyists arrange to have key members of the interest group testify before Congress to support (or oppose) legislation.

In addition to doing more than just attempting to influence senators and representatives on important political matters, skillful lobbyists will also:

- conduct research for members of Congress and their staff.
- write position papers on matters of concern to the interest group and allow members of Congress to submit them under their name.
- write legislative bills.
- prepare key amendments to bills.

Political Movements

The best represented citizens in a democratic society are those who join well-organized interest groups and work within those groups to further their political aims. If no group already exists to further a cause or to protect an interest, any American citizen is free to consider organizing such a group. In order to reach out more forcefully to public opinion, interest groups may go beyond these techniques and become a political movement.

A political movement is the result of a large group of people believing that society has to some extent excluded them from certain political processes. To draw national attention to their cause, they believe they must "take to the streets" to achieve their political and social goals. The movements that are most likely to succeed are those that remain non-violent and seek goals which fit into the national ideals of our Constitution: liberty, freedom, democracy, individualism, and equality.

The Civil Rights Movement succeeded because it fit with the ideal of equal treatment for all individuals. The Women's Suffrage Movement succeeded because voting is an integral part of our democracy. The success of these two movements demonstrates the importance of Americans' rights to freedom of speech, freedom of assembly, and their access to due process under the law.

Elections are the principal way we make decisions in our society and how we choose our political and governmental leaders.

Everywhere you look in today's society, you will find individuals in leadership positions because they were able to win elections. These people who run for office began with a strategy for winning. The first step candidates and their campaign managers should take in a political campaign is to decide which groups of people might vote for them. The second part of this step is to persuade those groups to vote for them.

Campaign Strategies and Techniques

Next, decide the best way to get the candidate's message out to those voting groups. Having a popular candidate running at the top of a party ticket, such as for President, can sometimes produce votes for the lesser-known candidates on the ballot. "Riding the coattail" of a popular candidate does not, however, dismiss the necessity for using other campaign techniques to influence the voter. The following list contains a number of these campaign techniques that politicians have developed over the years to reach the voters.

- Most politicians begin by seeking the support of local organizations.

- Candidates may go door-to-door, or "precinct walk," in smaller towns or rural areas where there are a small number of registered voters.

- Candidates may go to the places where large numbers of people work or shop to meet prospective voters.

- Another widely used campaign technique is telephone canvassing. This method is the traditional method of identifying voter preferences on candidates and the issues prior to the election.

- Candidates may use a motorcade to greet supporters lining the side of the motorcade route. The older version of this technique was the torch light parade.

- Candidates may hold barbecues, coffees, or receptions to address large numbers of supporters. The lure of free food and refreshments can by itself generate positive publicity for them.

- Candidates may use press releases to advertise their campaigns or to make critical statements about their opponents in local newspapers, and on local radio and television stations. In addition to television newscasts, candidates may hold televised press conferences. Their goal is to get before the public as frequently as possible.

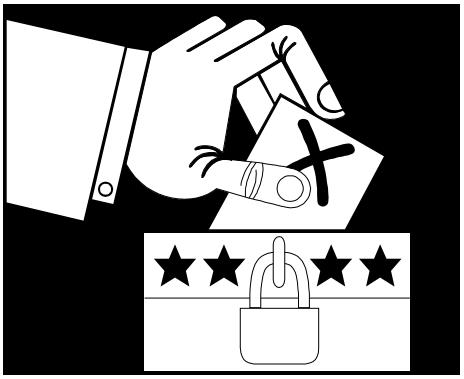
- Skilled campaigners will associate themselves with the powerful symbolic value of the Constitution, flag, Bible, and family whenever possible. Printing publicity material in red, white, and blue; wearing a lapel pin in the shape of a flag; making reference to God in speeches; and having their family visible are all ways of accomplishing this technique.

- Candidates may stage colorful attention-getting events such as walking from one end of the state to the other or doing a "whistle-stop" campaign to get coverage in newspapers and on television.

- When candidates must strive to get large numbers of people to vote for them, the candidates may try to find a middle of the road position. That is, candidates may tend to avoid taking too many strong stands on controversial issues and settle for a more neutral position which large numbers of people can comfortably support.

- Finally, on the afternoon of election day, party organizers for the candidates may contact supporters who they know have not yet voted and encourage them to vote. In many

instances, organizers will even offer free rides to the polls for those people.



After candidates have determined which groups of people to target and the best way(s) to get their message out to them, the final step is to decide what arguments or promises they can use to get the people's vote. The objective is to give voters reasons to support them and not their opponents. The following list shows six of the typical "rewards" that candidates will use and an example of each type.

- Individually Specific Rewards — to assist a particular voter with a specific problem
- Group Specific Rewards — to provide jobs for more unemployed Americans
- Problem Specific Rewards — to install speed bumps in a particular neighborhood
- Issues Specific Rewards — to keep the U.S. military strong
- Philosophical Rewards — to keep the government small and efficient
- Candidate Related Rewards — to be a person you can trust

Mass-Media Campaigns

A relatively new type of political campaigning is the use of the mass media in the form of newspapers, radio, and television. Candidates will use the mass media to reach the large number of middle-class Americans who live in the suburbs surrounding the major cities. It is this class of people that tend to have good jobs and a wide range of social contacts. Most of them get their political ideas from newspapers, drive-time radio programs (listening to car radios while traveling to and from work), and television news.

The following is a list of problems associated with mass-media campaigns.

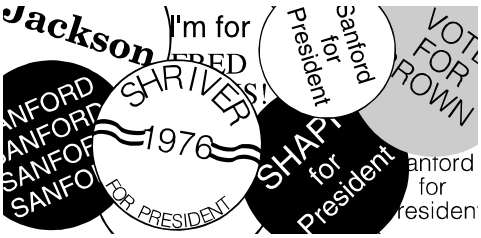
- They reduce the personal element of politics.
- Candidates avoid in-depth discussions of complicated issues by presenting them in a shortened and overstated form to fit into 30- or 60-second commercials.
- Candidates usually run mass-media campaigns from a location other than from their local community. Therefore, control of the campaign shifts to people who do not have an interest in that community.
- They require a great deal of money, which makes running for office something that principally wealthy or financially well-connected people can afford to do. Since the Bill of Rights protects the freedom of speech, those people who wish to limit political advertising must do so through other options. One such option is to limit the amount of campaign money that

candidates can raise and spend on their elections.

Campaign Costs

Raising and spending money are aspects of political campaigns that candidates simply cannot avoid. Virtually every campaign must have a finance director and a budget. Consequently, candidates must develop an orderly system for conducting fund-raising efforts, taking in contributions, paying bills, and disclosing campaign funds. Regarding the taking in of contributions, governmental restrictions require candidates to disclose the names of their contributors and the amount of money they contribute.

Another restriction that both federal and state governments place on candidates is a set spending limit for campaigns. However, because of the various and complex legal ways of getting around these set spending limits, many reformers doubt that the government can effectively enforce them. For example, supporters may contribute personnel, office space, and equipment to a candidate at no charge.



PRESIDENTIAL ELECTIONS

Since the 1976 presidential election, candidates have used public funds to finance their elections. In these general elections, candidates receive a large amount of public money with which to pay for their campaigns. The use of public financing applies only to presidential elections and the government strictly limits private contributions.

The presidential election is the ultimate struggle for political office in the United States. The process is so long and complex, many candidates give up their jobs two to four years before the election to work on it full time. In fact, the informal campaign for the presidency can begin as early as four to eight years prior to election day. Then, the formal campaign begins with the first party precinct caucuses in January of the election year.

The sequence for presidential campaigns follows a general pattern: the pre-convention campaign, presidential precinct caucuses and primary elections, national party nominating conventions, presidential televised debates, and finally, the November election.

The Pre-convention Campaign

By January of the presidential year, most candidates will have officially announced their candidacy. Following this announcement, they begin their campaign by giving a series of political speeches and actively seeking delegates to their party's national nominating convention. Recall that a party member can become a delegate to the national convention through the precinct caucuses; city, county, or state conventions; or from the presidential primary elections.

Presidential Precinct Caucuses and Primary Elections

Iowa holds the first precinct caucus in January, followed by the New Hampshire primary in February or March of the election year. In these early campaigns, presidential candidates will spend a lot of time using person-to-person techniques that almost seem out of place in this mass-media age. These strategies tend to work well because the candidates who use them generally get most of the votes.

Candidates strive for early victories in these states to swing the momentum over to their campaigns. Since the national media extensively covers these events, the press will intensify the victories, especially if little-known candidates win them.

In the remaining 30 or so states that conduct caucuses and primaries, candidates must rely on the mass media, bandwagon, and other techniques to win them. Candidates attempt to cover these states as best as they can, giving priority to the larger populated ones (California, Texas, New York, Florida, and others). However, it is not uncommon to see several of these events scheduled in the same week and at opposite ends of the country. Such conditions preclude candidates from giving them the same degree of personal attention that they gave to Iowa and New Hampshire.

Some critics believe that the pre-convention campaign process is not a good way to select major party nominees for President. They claim that it places too high of a premium on candidates winning the earlier state caucuses and primaries. Consequently, the primaries that occur later in the year tend to have less value, even though they represent much larger and more politically influential states. In some instances, well-known candidates who might have run well in the larger states may no longer be in the race because of losses in the earlier, smaller state caucuses and primaries.

National Party Nominating Conventions

Once these caucuses and primaries have selected the delegates from the various states, both parties hold their national conventions about three months prior to the November general election. These conventions meet in late July for the party that does not occupy the White House and in early August for the party with the incumbent President. These national conventions are perhaps the most important political media event for a party. Serving as a national television advertisement, both parties try to attract the largest possible prime-time audience.

Many times during the nineteenth and early twentieth centuries, these conventions began with two or more candidates deadlocked in a tight race. The likely winner was unknown. The last such contested convention was the Republican convention of 1952. It began with Ohio Senator Robert A. Taft having the most delegates, but not a majority. After a week of skillful convention politics and a major shift of delegate support, Dwight D. Eisenhower received the party's nomination for President.

Since 1956, caucuses and primaries have given the presidential candidates for both parties a majority of the delegates before these conventions even began. Therefore, national conventions no longer have to "nominate" a candidate for President. They simply "ratify" the winner of the caucuses and primaries.

Besides nominating (or ratifying) their presidential candidates, there are at least three

other significant events that parties accomplish during the national conventions: giving a **keynote address**, adopting their party platform, and nominating a candidate for Vice President.

- The keynote address is the first major speech given at the convention. In conjunction with the various nominating speeches and the presidential nominee's acceptance speech, the keynote address provides a public forum for the party to praise its virtues and to criticize the failings of the opposition party.

- The national convention adopts a series of resolutions on major party issues, which make up the party's platform.

- Although another function of the national convention is to nominate a candidate for Vice President, the presidential nominee customarily makes that selection.

Presidential Televised Debates

Since the 1976 presidential election between the incumbent Republican President Gerald R. Ford and the Democratic challenger James E. Carter, television debates have become a regular part of the general election campaign process. Although the debates are voluntary and the candidates must approve participating in them, the public places tremendous pressure on them to participate. These debates provide yet another important opportunity for the voters to compare the candidates before they must decide for whom to vote.

Polls indicate that a strong performance by a candidate can, in a tight race, make the difference between victory and defeat. For example, in the first televised presidential debate in 1960 between Republican Vice President Richard M. Nixon and the Democratic Massachusetts Senator John F. Kennedy, voters saw a nervous Vice President and a confident young senator. Many political observers believe that Kennedy's savvy use of this new television medium helped him to win that election.

The November Election

After the conventions, the televised debates, the campaigning from big city to big city, the motorcades, the speeches, the blitz of national advertisements on radio and television within the final two weeks (when most undecided voters finally make up their minds), all that remains is the election. All other considerations put aside, the four factors that will influence voters the most on election day about the presidential candidates are personal background and image, party loyalty, and support of the major issues.

The presidential general election takes place on the first Tuesday after the first Monday in November. Voting precincts open at seven in the morning on the east coast of the United States and close at seven in the evening in western Alaska — 12 hours and six time zones later. Although the public votes for a specific presidential candidate listed on the ballot, they are actually casting their votes for party "presidential electors." These electors then elect the President and Vice President through a process called the electoral college system.

THE ELECTORAL COLLEGE SYSTEM

The Framers created the electoral college as part of the Constitution because many of them did not believe "the average citizen was wise enough to make a good choice for President." Instead, they intended the average citizen to vote for well-known presidential electors who are members of the Electoral College.

Recall that under this system, each state has a number of electors, or electoral votes, equal to the state's two senators plus the number of members they have in the U.S. House of Representatives. The Constitution requires a joint session of Congress to count the electoral votes after each presidential election. According to that count on January 6, 1993, California remains the largest state in terms of population and has the largest number of electoral votes with 54 (two electoral votes for its two senators plus 52 electoral votes for its 52 members of the House). The seven less populated states have only three electoral votes each (two for their senators and one for their only member in the House).

A significant feature of the Electoral College system is that the presidential candidate who wins the popular vote in a particular state receives all of that state's electoral votes — even if the margin of victory is only one. Then, to be elected President, one presidential candidate must win a majority (270) of the 538 electoral votes.

If no presidential candidate receives a majority of the states' electoral votes, the House of Representatives elects the President from among the top three candidates. To date, the House has only elected two Presidents: Thomas Jefferson in 1800 and John Quincy Adams in 1824.

Under these circumstances, each state has only one vote, regardless of the number of members it has in the House. The members of each state's delegation will hold a caucus and whichever presidential candidate receives a **plurality** of the vote, receives that state's one vote. Since electors now pledge in advance to support the candidate of their party, and they nearly always do, the Electoral College process is largely a formality. The presidential candidate who receives the majority (26) of the states' votes wins the election.

NUMBER OF ELECTORAL VOTES PER STATE

Source: National Achieves and Records Administration, Electoral Votes based on 2000 Consensus

Alabama	9	Montana	3
Alaska	3	Nebraska	5
Arizona	10	Nevada	5
Arkansas	6	New Hampshire	4
California	55	New Jersey	15
Colorado	9	New Mexico	5
Connecticut	7	New York	31
Delaware	3	North Carolina	15
Florida	27	North Dakota	3
Georgia	15	Ohio	20
Hawaii	4	Oklahoma	7
Idaho	4	Oregon	7
Illinois	21	Pennsylvania	21
Indiana	11	Rhode Island	4
Iowa	7	South Carolina	8
Kansas	6	South Dakota	3
Kentucky	8	Tennessee	11
Louisiana	9	Texas	34
Maine	4	Utah	5
Maryland	10	Vermont	3
Massachusetts	12	Virginia	13
Michigan	17	Washington	11
Minnesota	10	West Virginia	5
Mississippi	6	Wisconsin	10
Missouri	11	Wyoming	3
District of Columbia	3		

Criticisms and Proposed Reforms of the Electoral College

The main criticism of this system is that one candidate could receive a majority of the popular vote, but depending upon how the vote split among the states, may not receive a majority of the electoral vote — thus losing the election. This has happened three times.

- In 1824, Andrew Jackson received more popular votes than John Quincy Adams, but lost the presidency.

- In 1876, Samuel Tilden received more popular votes than Rutherford B. Hayes, but lost the presidency.

- The last time was in 1888, when incumbent President Grover Cleveland lost to Benjamin Harrison in the Electoral College after winning the popular vote.

Another problem with the Electoral College is that presidential candidates spend most of their time, money, and effort campaigning in the states with large electoral votes. In a hotly contested race, the smaller states lose out again, as do some of the larger ones, because candidates will concentrate most of their efforts on the larger states where the vote is very close.

To address these problems with the Electoral College, legislators have proposed several reforms. The reform most frequently proposed is to eliminate it. If there is no electoral college, the candidate who receives the most popular votes wins the election. This proposal also eliminates the need for the House of Representatives to elect the President if no candidate receives a majority of the electoral vote.

Another proposal is to have a state's electoral votes apportioned according to the percentage of the popular vote each candidate receives in the state's election. For example, if a candidate receives 60 percent of the popular vote in Maryland, which has ten electoral votes, then that candidate would receive 60 percent — or six — of the electoral votes. This reform would make it more worthwhile for the candidates to campaign in every state, regardless of its size, in hopes of obtaining as many electoral votes as possible. However, it would not eliminate the possibility of a popular vote winner losing the electoral vote (especially in a very close race) or the necessity for the House to elect the President if none of the candidates receives a majority of the electoral vote.

CONCLUSION

The American political process involves making choices of many kinds. Not only do voters have to decide which candidate to support, but parties and candidates themselves must make certain critical choices. In two separate speeches made in 1910 and 1912, former President Theodore Roosevelt (1901–1909) remarked:

> *"Our country — this great republic — means nothing unless it means the triumph of real democracy, the triumph of popular government ..."*

> *"I hope we shall win .... But win, or lose, we shall not falter .... Our cause is based on the eternal principles of righteousness; and even though we who now lead may for the time fail, in the end the cause itself shall triumph ..."*

One of your most important responsibilities as an American citizen is to vote. Voting provides all citizens, 18 years and older, with an opportunity to help decide who will lead our government and how they will govern. Voting in elections at the national, state, and local levels preserves the ideals set down in the Constitution — that is, government by consent of the people.

ADVANCED CITIZENSHIP AND AMERICAN HISTORY

LESSON 9: ADVANCED CITIZENSHIP AND YTP PROJECTS

TO FORM A MORE PERFECT UNION

bicameral
electoral college
electoral vote
federalist
nationalist
plural executive
ratification
unionists

INTRODUCTION

Reacting to the centralized control of Great Britain over trade, taxes, and troops, the authors of the Articles of Confederation denied their new national government effective control over those matters. Just as overcentralization proved to be the undoing of the British Empire in the American colonies, so did excessive decentralization lead to the failure of America's first effort to deal with national-state relationships. The Constitutional Convention provided the nation's political leaders with one more opportunity to devise a workable document that would satisfy the interests of the national government, state governments, and the American people.

THE PHILADELPHIA CONVENTION

The Constitutional Convention met on May 25, 1787, in the Philadelphia State House. Every state sent delegates — except Rhode Island, which was fearful that national legislation would injure its lucrative trade. However, some of the participating states gave their delegates specific instructions. For example, Delaware did not want its delegates supporting any proposal that would deny a state equal representation in Congress. Other states instructed their delegates only to consider amendments to the Articles of Confederation.

A profile of the delegates reflects that:

- Thirty-nine of the 55 served in the Confederation Congress.
- Seven were governors of their state.
- Eight helped write their state constitutions.
- Two signed the Articles of Confederation.
- Eight signed the Declaration of Independence.
- Half had college degrees and many were well read in governmental policies.
- They were prosperous merchants, lawyers, bankers, plantation owners, or doctors.
- They were leading citizens of their time — notable among them were George Washington, Benjamin Franklin (at age 81 the oldest delegate), and James Madison.

Familiar with the ideas of Hobbes, Harrington, Locke, Montesquieu, and Rousseau, most of the delegates were in favor of a stronger national government. They

unanimously elected George Washington to preside over the meetings. Delegates felt his influence throughout the sessions and his presence inspired public confidence. Benjamin Franklin's great reputation as a patriot, diplomat, scholar, writer, publisher, scientist, and inventor also increased the Convention's credibility. James Madison, often called the "Father of the Constitution," kept careful notes on everything that took place. Most of what we know about the delegates and the proceedings comes from those notes.

Alexander Hamilton stood virtually alone in favoring the adoption of a British system of extreme centralization. His proposals, despite eloquent pleas and arguments, died a quick death on the floor. Additionally, none of the delegates had any sentiment for preserving absolutely intact the extreme decentralization of the Articles.

Although the delegates avoided these two extremes, they differed on issues pertaining to:

- the division of political power
- the scope of the functions the states would entrust to the national government
- the kinds of controls that the two levels of government could exercise over each other's activities
- the very basis of authority over the national government; that is, should it represent the people of the whole nation or should the states remain as sovereign units possessing ultimate legal authority? This issue was the most fundamental source of disagreement.

VIRGINIA VS. NEW JERSEY PLANS

The delegates introduced two plans that reflected opposing attitudes on these issues. The Virginia Plan (so named because Governor Randolph of Virginia introduced it) represented the **"Nationalist"** point of view. The New Jersey Plan (proposed by William Paterson of that state) represented the **"Federalist"** viewpoint.

The following illustrates the major differences between these two plans.

THE VIRGINIA PLAN

- Favored a strong central government.
- Supported by larger states.
- The national government could:
  - Legislate when states were "incompetent" to do so or when their legislature would interfere with the "harmony" of the U.S.
  - Negate (veto) any state law it deemed contrary to the national constitution.
- Called for a **bicameral** legislature with a House of Representatives elected by popular vote (based on population and wealth) and a Senate elected by the House.
- Called for a single executive:
  - The national legislature would choose the national executive.
  - The national legislature would appoint a national judiciary. (Note: The national executive and judiciary would have limited veto power over the national legislature.)

THE NEW JERSEY PLAN

- Committed to protecting state's sovereignty.
- Supported by smaller states.
- The states:
    - Sought to make only limited changes to the Articles of Confederation.
    - Granted power to the national government to act against any states that filed to obey national laws, but the national government could not exercise those powers without the consent of an indefinite number of states.
- Called for a unicameral legislature with each state having one vote (equal representation) regardless of population or wealth.
- Called for a **plural executive** whereby the executive branch would consist of more than one person:
    - The national legislature would elect the plural executive, but a request of the majority of the governors could remove them.
    - The plural executive could appoint a judiciary with limited powers.

The delegates bitterly fought over these differences, and for a time it seemed that the convention would fail. Deadlocked over the question of representation in the national legislature, neither the Nationalists nor the Federalists had sufficient support to prevail. The Virginia Plan posed a threat to the smaller states whereas the New Jersey Plan was unacceptable to the larger states.

THE CONNECTICUT COMPROMISE

The convention remained deadlocked until a third group, the **"Unionists"** or Committee of Eleven, devised a "Great Compromise" to break the deadlock. Named after the Connecticut delegation who had the leading role in developing the compromise, the Connecticut Compromise sought to preserve the union of the states. This plan called for an upper house (or Senate) in which each state had two members and an equal vote (satisfying those who favored the New Jersey Plan) and a lower house (or the House of Representatives) with representation based on the state's population (satisfying those who favored the Virginia Plan). Not only solving the large-state and small-state conflicts, this plan also met the sovereignty issue by proposing that the national government represent both the people and the state governments. The Connecticut Compromise also contained the following provisions.

- As a precaution against having to assume the financial burdens of the smaller states, the plan stated that revenue bills would originate only in the House, where the more populated states had greater representation.

- The Southern states won a major point on slavery. Since almost one-third of the population of those states were black slaves, the Southern states wanted the slaves counted for purposes of representation in the House, but not for the purpose of levying taxes. The Northern states, which had few slaves, wanted them counted for tax purposes, but not for representation. The agreement reached was that a state could count three-fifths of the black slaves within its borders for both taxes and representation.

- The Southern states, which were not as populated as the Northern states, also feared that giving Congress the power to regulate trade might adversely affect their economy. The Southern states mainly exported tobacco, cotton, rice, and indigo, and dealt in slave trading. Although the compromise gave Congress the power to regulate interstate and foreign trade, it prohibited them from placing taxes on any exports and protected the slave trade for twenty years after adoption of the new Constitution.

- Concerning the election of the executive, or President, the delegates agreed that an **electoral college**, composed of electors from each of the states, would elect the President. Each state would have an **electoral vote** equal to the number of its members of the House plus its two senators.

On September 12, 1787, the convention concluded the work of writing the Constitution and gave the completed draft to a committee to style and polish the language. Governor Morris of Pennsylvania was responsible for the notable literary quality of the Constitution. Then, on September 17, 1787, 39 delegates signed the Constitution and sent it to the Congress of the Confederation. The other delegates opposed the document or were absent. The signers, also known as the "Founding Fathers" or "Framers" of the Constitution, were:

The convention then adjourned. On September 28, 1787, Congress sent the Constitution to the states for **ratification**.

Connecticut
William Samuel Johnson
Roger Sherman

Delaware
Richard Bassett
Gunning Bedford, Jr.
Jacob Broom
John Dickinson
George Read

Georgia
Abraham Baldwin
William Few

Maryland
Daniel Carroll
Daniel of Saint Thomas Jenifer
James McHenry

Massachusetts
Nathaniel Gorham
Rufus King

New Hampshire
Nicholas Gilman
John Langdon

New Jersey
David Brearley
Jonathan Dayton
William Livingston
William Paterson

New York
Alexander Hamilton

North Carolina
William Blount
Richard Dobbs Spaight
Hugh Williamson

Pennsylvania
George Clymer
Thomas Fitzsimons
Benjamin Franklin
Jared Ingersoll
Thomas Mifflin
Governor Morris
Robert Morris
James Wilson

South Carolina
Pierce Butler
Charles Pinckney
Charles Cotesworth Pinckney
John Rutledge

Virginia
John Blair
James Madison
George Washington

(continued top next column)

CONSTITUTIONAL RATIFICATION

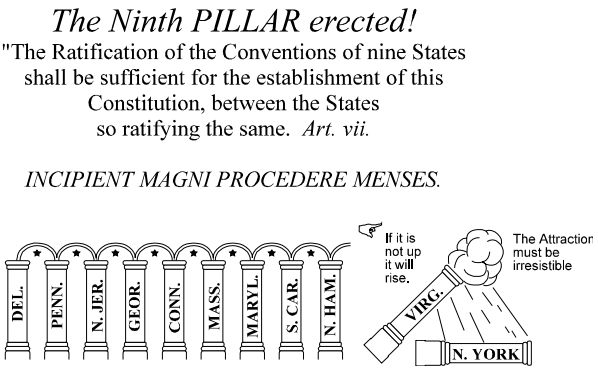
Article VII of the Constitution stipulated that the Constitution could only become effective after two-thirds (or nine) of the states ratified it. Those who supported ratification were the Federalists. They emphasized state and individual rights as well as the creation of a strong national government. Their opponents for ratification were the Anti-Federalists. They warned that under the Constitution, the national govern-

ment would be too large and it would overlook the interests of the individual citizens. Their strongest argument was that it lacked a “bill of rights” to protect the natural rights of the people. The Federalists agreed to add a bill of rights by amendment after the states ratified the Constitution.

Both groups conducted the debate with speeches, pamphlets, and letters to the editors of newspapers and magazines. Several of the more prominent Federalists were Alexander Hamilton, John Jay, and James Madison. They wrote a series of essays entitled *The Federalist* that persuasively argued for ratification.

Delaware was the first state to ratify the Constitution on December 7, 1787. In the five months that followed, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, and South Carolina voted for ratification. The Massachusetts convention was the scene of an intense conflict. Ratification finally occurred with a majority of only 19 votes, but the Federalists in that state had to agree to support the proposal for the bill of rights.

On June 21, 1788, New Hampshire became the important ninth state to ratify the Constitution. Technically, the government could bring the Constitution into effect. However, most people believed that unless the large, prosperous, and influential states of Virginia and New York ratified it, there was little hope of success for the new federal government. The Virginia convention debated the issues vigorously. Patrick Henry and James Monroe opposed ratification; James Madison and John Marshall favored ratification. The latter two finally won on June 26, 1788, by a 95 to 73 vote (only ten over the required majority).



In New York, it took the help of *The Federalist* and a threat to detach New York City from the rest of the state before that state could ratify the Constitution on July 26, 1788. The margin of victory was just three votes out of 57.

With the ratification by Virginia and New York, the Constitution became the law of the land. Then, on March 4, 1789, the newly elected Congress met for the first time in New York City, the temporary location for the capital of the United States. George Washington, unanimously elected as the first President, took the oath of office on April 30, 1789. John Adams was the elected Vice President.

Of the two remaining states, North Carolina ratified the Constitution in November 1789. However, Congress had to induce Rhode Island into ratification by threatening to regard it as a foreign nation and to impose duties on its exports to other states. Rhode Island finally ratified the Constitution in May 1790.

George Washington’s administration succeeded in building public trust in the Constitution and in the new national government. His administration established the concept that the federal government was more important than any of its component states, paid off war debts to France and the Netherlands, compensated American citizens

for their war losses, and assumed the debts of the various states.

CONCLUSION

Because of the weak government under the Articles of Confederation, many respected Americans wanted to change the system. They wanted a stronger central government that would represent a united nation to the rest of the world. Yet, protecting the rights of the states was still a concern for many delegates at the Constitutional Convention. Additionally, most of the Framers believed in balancing the powers of each branch of government and designing an amendment process that could change the Constitution as the nation changes. What these delegates created was a document that has been in continual use longer than any other such document in the world.

THE NEW CONSTITUTION AND PROCEDURES TO AMEND IT

congressional elaboration
federalism
majority opinion
precedence
usurp
writ of mandamus

INTRODUCTION

As indicated by the four-time Prime Minister of Great Britain, William Gladstone, the U.S. Constitution is "the most wonderful work ever struck off at a given time by the brain and purpose of man." James Madison, the Father of the Constitution, summarized its framework in issue 51 of *The Federalist* as:

The following principles upon which the Framers founded the Constitution are as important today as they were two centuries ago. These basic principles have successfully stood at the very core of our system of government longer than any other form of government in the world.

POPULAR SOVEREIGNTY

Popular sovereignty means that government in the United States derives its authority from the consent of the people of the entire nation, not merely from the state governments. The Preamble states this idea clearly, "We the people of the United States ... do ordain, and establish this Constitution for the United States of America." Article 1 reinforces this principle by stipulating that the people must elect the members of the House of Representatives every second year and two senators from each state every sixth year. Additionally, Article 2 specifies the election of the President and Vice President every fourth year. These two officials are the only officers within the body of the government elected by the vote of the whole people in a popular election.

FEDERALISM

The Constitution created a "federal state" by delegating certain powers to both the state and national governments. With federalism, the states only gave up a portion of their power to the new national government.

In the early stages of the Constitutional Convention, "federal" described a system in which state governments held the bulk of the political power. Those who backed the New Jersey Plan were "Federalists," while the supporters of the Virginia Plan were "Nationalists." However, during the development of the Connecticut Compromise, federalism stood for a government that was "partly national, partly federal."

Then, during the ratification process, the "Federalists" were proponents for the passage of the Constitution, favoring a strong national government. As a result of these differences, the public was often unable to grasp the variations of the term federal. This confusion contributed to a loose and contradictory meaning of the concept of federalism.

Federalism today means that the national government of a country and the governments of its component parts (the states) divide the political power so that each level is legally independent of the other. Each part receives its powers directly from the people: citizens elect officials for both state

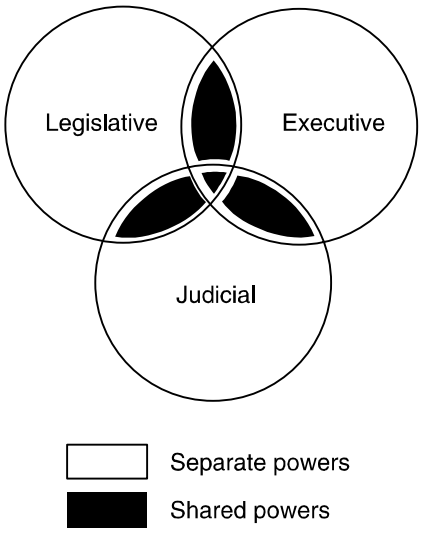
and federal offices, they pay taxes to both, and they obey the laws of both. In turn, state and federal governments have the right to exercise power over the people within their sphere of influence.

There are two other essential characteristics of a federal system. First, both levels of government must participate in decisions to change the division of powers between them (e.g., both Congress and the states participate in amending the Constitution). Second, the states are not free to leave the union voluntarily.

SEPARATION OF POWERS

The Framers of the Constitution were definitely aware of the abuses that too much power in a single body of government could generate. Thus, they created three branches of government — each independent and equal to each other.

The separation of these powers is also a separation of processes. That is, each of the three branches of government carries on a separate portion of the total process. However, the process is not a "total" separation of powers. Each branch participates to some degree in the principal activities of the others. For example, the Congress (legislative branch) passes laws; the president (executive branch) oversees the enforcement of those laws; and the Supreme Court (judicial branch) judges disputes over the interpretation of laws.



Never before had a country divided its national government into three distinct branches with different functions. The Framers borrowed this feature of the Constitution from Baron de Montesquieu, whose political theories of 1748 emphasized preventing the concentration of power in the hands of a few.

CHECKS AND BALANCES

To ensure that one branch did not become too powerful, the Framers created a system of checks (putting limits on) and balances wherein each branch could check the other two. They believed that if one branch could check — but not completely dominate — the other branches, the federal government would then be efficient without taking away any of the liberties of the people. Several examples of checks and balances that the Framers built into the Constitution are:

- The President may propose legislation which Congress may enact, amend, or ignore. Once Congress passes a bill, the President may veto the legislation, although Congress may override the President's veto by a two-thirds majority of both houses. The Supreme Court may

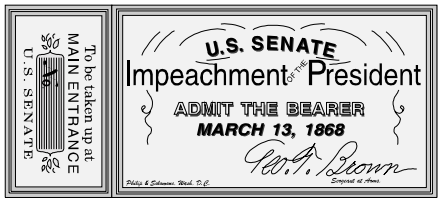
then intervene to declare acts of Congress or presidential actions as unconstitutional.

- The President appoints federal judges. Congress may approve or reject the President's appointments and may impeach federal judges. Once appointed, the President does not have the right to fire a federal judge.

- The President is the Commander-in-Chief of the Armed Forces, but Congress authorizes the money for pay, development of new weapon systems, and maintenance of bases. The President may negotiate international treaties, but the Senate may refuse to ratify them.

- A person who occupies a seat (holds position and power) in one branch of government cannot occupy a seat in another branch. Additionally, different groups of people choose the personnel to hold office in the three branches.

- Congress may impeach a President.



The Framers of the Constitution designed the principles of separation of powers and checks and balances to fully complement each other. The separation of powers ensures that no branch can **usurp** an activity that is the primary responsibility of another, whereas the system of checks and balances permits the three branches to counteract one another's influence.

JUDICIAL REVIEW

Judicial review is the power of the Supreme Court to judge the constitutionality of a law or governmental action, then to either sanction or nullify it. This language does not appear in the Constitution; instead, the Court has clarified its interpretation of judicial review through various cases. The 1803 case of *Marbury v. Madison* was the first to deal with this topic.

The outgoing Secretary of State John Marshall (who was also serving as the Chief Justice) was unable to get the court appointments for William Marbury and others signed before the newly elected administration of President Jefferson took office. After Jefferson was in office, he told his Secretary of State, James Madison, not to honor those appointments. Marbury sued for a **writ of mandamus**.

Chief Justice Marshall wrote the **majority opinion** for the Supreme Court. He stated that although federal law (Judiciary Act of 1789) authorized Marbury's request, the Constitution did not. The court unanimously decided that the federal law was unconstitutional, thereby refusing to grant Marbury's request. The decision established that the Constitution takes **precedence** over laws passed by Congress and the right of the Supreme Court to review the constitutionality of laws passed by Congress. Later cases of *Fletcher v. Peck* (1810) and *Dred Scott* (1857) rounded out the Supreme Court's power of judicial review. These cases gave it the right to invalidate state laws and the laws/actions of the other two branches of government, if they violated the Constitution.

AMENDING THE CONSTITUTION

The Framers had no way of knowing what changes would take place, but they realized there would be change. They believed that later generations should be able to amend the Constitution as those changes occurred. Therefore, they built an amendment process directly into the Constitution.

It was important to the Framers not to make the amendment process too easy. If they had, Congress could modify the Constitution with just a majority vote, making it equivalent "in force and dignity" to other minor laws they passed. Therefore, the constitutional writers made the amendment process difficult, but not impossible. As a result, the United States has only amended the Constitution — as originally written — 27 times in over 200 years.

When the first Congress convened on March 4, 1789, there were before it 103 amendments to the Constitution submitted by the states, 42 amendments proposed by minority groups, and bills of rights submitted by Virginia and New York. After deliberating on those proposed amendments, Congress submitted only 12 to the states for ratification. Two failed. The states ratified the other ten on December 15, 1791. The "Federalists" fulfilled their pledge; those first ten amendments to the Constitution are known as the Bill of Rights.

FORMAL AMENDMENT PROCESS

Article 5 of the Constitution provides for the amendment process. According to this article, there are two ways to propose an amendment: 1) by Congress with a two-thirds vote in both chambers, or 2) if Congress calls a national convention when the legislatures of two-thirds (or 33) of the states apply to Congress for an amendment. Congress has never successfully used the second method. They attempted to call a national convention once, but failed to achieve the required two-thirds majority from the state legislatures.

Once proposed, an amendment requires ratification by three-fourths (or 38) of the state legislatures or by special conventions in three-fourths of the states. Of the 27 amendments to the Constitution, Congress used the convention method only once — to ratify the Twenty-first Amendment pertaining to the repeal of Prohibition in 1933. The chart on the next page summarizes these amendments as well as the articles of the Constitution.

INFORMAL AMENDMENT PROCESS

Since the ratification of the Bill of Rights in 1791, Congress and the states have only formally amended the Constitution 17 times. One reason for so few amendments is the numerous informal ways in which the national and state governments can read new meanings and powers into the Constitution.

The most frequently used form of informal amendment is **congressional elaboration**. Every time Congress passes a new law, it gives new meaning to the Constitution. Congressional laws provide the details of how the national and state governments will apply the constitutional principles of the new law.

Another type of informal amendment is executive action. Each time the President assumes a new power, the executive branch is further defining the meaning of the Constitution. Likewise, the Supreme Court informally amends the Constitution when it renders court decisions on constitutional issues. The Constitution states that laws passed by Congress will be the "supreme law of the land." The Supreme Court uses this "supremacy clause" to assert the position of

the national government over the state governments involving conflicts between national-state laws.

The formation of the President's Cabinet and political parties elaborates on the meaning of the Constitution. By nominating candidates for President and Vice President, the political parties have, in effect, bypassed the electoral college and made the presidency a popularly elected office. It is party practice to have "presidential electors" vote for its party candidates who carry a particular state, rather than to have the electors vote their conscience, as the Framers of the Constitution probably intended.

THE POLITICS OF AN AMENDMENT

The process to amend the Constitution takes years. As shown in the formal amendment process, it takes large majorities to propose and ratify each amendment. In some cases, however, the amendment does not solve the problem — as with the Eighteenth and Twenty-first Amendments on Prohibition. Pushing through an amendment takes a great deal of cooperation among the federal and state law makers.

A review of the Equal Rights Amendment (ERA) may help to understand the process better. First introduced in 1923 by a small number of women, supporters continued to introduce it to Congress every year for 49 years. It failed every time. Finally, in 1972, ERA received the needed two-thirds vote in Congress.

PREAMBLE

***ARTICLE 1**. LEGISLATIVE BRANCH*

Sect 1. Congress
Sect 2. House of Representatives
Sect 3. Senate
Sect 4. Meetings and Elections
Sect 5. Rules of Procedure
Sect 6. Privileges and Restrictions
Sect 7. How Bills Become Laws
Sect 8. Powers Delegated to Congress
Sect 9. Powers Denied to the Federal Government
Sect 10. Powers Denied to the States

***ARTICLE 2**. EXECUTIVE BRANCH*

Sect 1. President and Vice President
Sect 2. Powers of the President
Sect 3. Duties of the President
Sect 4. Impeachment and Removal

***ARTICLE 3**. JUDICIAL BRANCH*

Sect 1. Federal Courts
Sect 2. Jurisdiction of Federal Courts
Sect 3. Cases of Treason

***ARTICLE 4**. RELATIONS AMONG THE STATES*

Sect 1. Treatment of Official Acts
Sect 2. Treatment of Citizens
Sect 3. Admission of New States
Sect 4. Guarantees to the States

***ARTICLE 5**. METHODS OF AMENDMENT*

***ARTICLE 6**. NATIONAL SUPREMACY*

***ARTICLE 7**. RATIFICATION*

AMENDMENTS

Amendment 1 (1791)	Religious/political freedoms
Amendment 2 (1791)	Right to bear arms
Amendment 3 (1791)	Quartering of soldiers
Amendment 4 (1791)	Search and seizure
Amendment 5 (1791)	Criminal proceedings; due process
Amendment 6 (1791)	Right to speedy, public jury trial (in criminal prosecutions)
Amendment 7 (1791)	Preserved right of trial by jury in civil trials
Amendment 8 (1791)	Set bail/sentence for crimes
Amendment 9 (1791)	Other rights not enumerated
Amendment 10 (1791)	Reserved certain power the states (and to "the people")
Amendment 11 (1798)	Protected states against suits in federal courts
Amendment 12 (1804)	Changed method of electing president and vice president
Amendment 13 (1865)	Abolished slavery
Amendment 14 (1868)	Conferred citizenship on former slaves
Amendment 15 (1870)	Right of suffrage (established that the right of U.S. citizens to vote cannot be denied on account of race or color)
Amendment 16 (1913)	Gave Congress right to levy taxes on income
Amendment 17 (1913)	Direct election of senators
Amendment 18 (1919)	National prohibition
Amendment 19 (1920)	Women's suffrage (gave women the right to vote)
Amendment 20 (1933)	"Lame Duck" Amendment (changed terminal dates for president, VP, and Congress)
Amendment 21 (1933)	Repealed prohibition
Amendment 22 (1951)	Limited presidential terms
Amendment 23 (1961)	Gave D.C. right to vote
Amendment 24 (1964)	Abolished voting (poll) tax
Amendment 25 (1967)	Established presidential succession (and disability)
Amendment 26 (1971)	Lowered voting age to 18
Amendment 27 (1992)	Limited Congress from voting itself a pay raise

Twenty-eight state legislatures ratified it in the first year. However, as a result of a "Stop ERA" movement in January 1973, the amendment lost momentum. By 1977, 35 states ratified the proposed amendment — three short of the number needed for passage. Five states even withdrew their ratification (although there is still the serious legal question of whether a state can rescind its previous ratification of an amendment). In 1979, Congress extended the seven year deadline for ratification to 1982. However, ERA still did not become law.

The amendment process is still very active in the 1990s. On May 7, 1992, Michigan became the 38th state to ratify an amendment that prevents Congress from giving itself an immediate pay raise. What is most noteworthy about this Twenty-seventh Amendment to the Constitution is that it was pending for 203 years. James Madison wrote it in 1789 to be part of the Bill of Rights, but ratification did not come until two centuries later.

Then, on March 2, 1995, the Senate rejected a proposed balanced-budget amendment by a 65 to 35 vote. It was just two votes shy of the needed 67, or two-thirds majority to send it to the states for ratification. This was the first defeat for the Republican majority in the 104th Congress. However, supporters for this possible Twenty-eighth Amendment vow to reintroduce it at a later date.

CONCLUSION

Although not quoted in the text until now, the basic premise of the Preamble summarizes perfectly one of the intentions of this chapter. Deriving its authority from the people and creating a balance between state and national powers, the Constitution safeguards the freedoms of its citizens. Plus, with its amendment process, it stands as a living document that changes to meet the changing needs of society.

> *"We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."*

THE JUDICIAL BRANCH

adversary concept
appellate jurisdiction
briefs
circuit courts
civil suit (procedure)
criminal suit (procedure)
district courts
diversity
jurisdiction
litigation
magistrates
miranda rights
original jurisdiction
plaintiff
remands
writ of certiorari

INTRODUCTION

The Constitution mentions less about the functions of the judicial branch than either of the other two branches. In fact, the Framers did not foresee the judicial branch being involved in the major policy issues of society or in helping to shape the direction of national policy. As you will see in this chapter, the dynamic and powerful judiciary of today's government would certainly surprise those who authored Article 3 of the Constitution.

JUDICIAL POWERS

Article 3 of the Constitution outlines the judicial branch and the federal judiciary in a few short, vague paragraphs that stipulate "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish" ... and "shall extend to:"

- Cases having to do with the Constitution, the laws and treaties of the United States, ships, and shipping
- Cases in which the federal government is one of the two opposing sides
- Disputes between two or more states or disputes between citizens of different states
- Disputes about claims to grants of land
- Disputes between a state and a foreign country or disputes between an American citizen and a foreign country

Although briefly written, by incorporating these provisions into the Constitution, the Framers overcame one of the major flaws of the Articles of Confederation — the lack of a national judiciary. Recall that before the ratification of the Constitution, state courts interpreted federal laws as they saw fit. This resulted in state courts ignoring or rejecting the decisions of other state courts and a lack of uniformity in enforcing federal laws.

The Framers did not want to replace the state judicial systems functioning under the Articles; instead, they wanted to complement and unify the process of interpreting and applying federal law. Thus, a distinct feature of the U.S. judicial system is

the establishment of federal and state courts that maintain different structures and function within their own jurisdiction.

ORGANIZATION OF THE JUDICIAL BRANCH

The Framers said very little about the organization of the federal judicial system. They gave Congress the authority to establish more federal courts and judgeships, abolish any federal court except the Supreme Court, and decide what cases each kind of federal court will hear. With the Judiciary Act of 1789, Congress created three levels of federal courts which are still in existence today: the Supreme Court, **district courts**, and **circuit courts**.

The district and circuit courts keep the workload of the Supreme Court from becoming too heavy. Congressional laws require that most **litigation** in the federal court system starts in the district courts. Then, if persons in certain kinds of cases are not satisfied with the district court's decision, they can appeal to a higher federal court. Under certain circumstances, persons can take such cases directly to the Supreme Court, although the normal process is to appeal to a court of appeals first. In most cases, the decision of the court of appeals is final, but appeal to the Supreme Court is still possible.

TYPES OF FEDERAL COURTS

There are two categories of lower federal courts: constitutional and legislative. The graphic on the next page shows which courts come under these headings. Courts that exercise the judicial powers specified in Article 3 of the Constitution are constitutional courts. Courts established by Congress for a special purpose are legislative courts. The President appoints judges of constitutional courts (with Senate confirmation) for life, or "good behavior." The president also appoints judges of legislative courts (again with Senate confirmation) to fixed terms of office.

Constitutional Courts

Constitutional courts are the most numerous and have the most complex jurisdiction of the two types of lower federal courts.

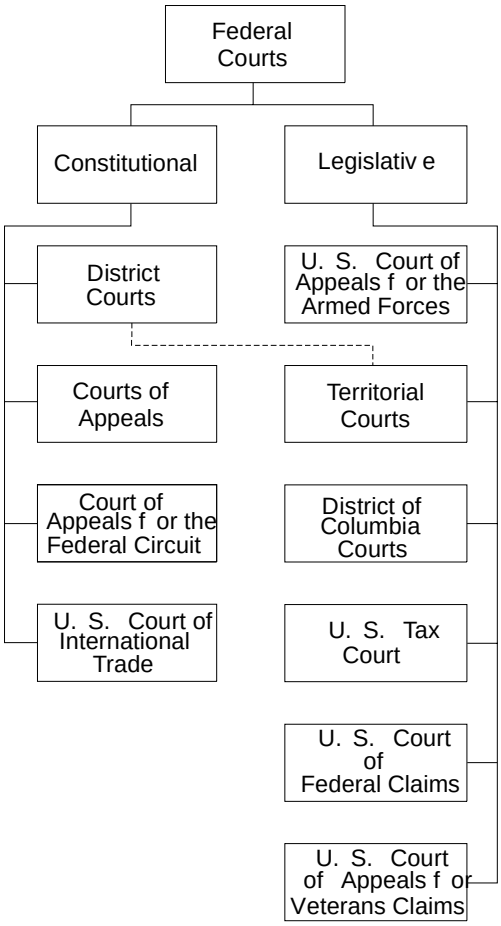
District Courts

District courts are the workhorses of the federal court system, since most federal cases are first tried and decided in these courts. There are 94 district courts in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories of Guam, the Virgin Islands, and the Northern Mariana Islands. Each state, territory, the District of Columbia, and Puerto Rico have at least one district court with the more populated states (California, Texas, New York) having as many as four. (Note: The district courts in the three U.S. territories, known as territorial courts, were created under Article 1, "The Legislative Branch," of the Constitution, and are therefore considered legislative courts.

As of 1998, there are 646 district court judges. As a rule, potential nominees live in their court's district. Party leaders, senators, and House members suggest nominees to the president. The American Bar Association's Committee on the Federal Judiciary evaluates the qualifications of potential and actual nominees and publicizes the findings. This practice discourages mere political appointments and promotes the appointment of qualified, competent, and respected judges.

Each district also has **magistrates**, probation officers, court reporters, a bankruptcy unit with one or more bankruptcy

judges, a clerk's office, and a U.S. Marshal's office supplied by the Department of Justice.



Courts of Appeals

Congress has divided the states, the District of Columbia, the Commonwealth of Puerto Rico, and the three U.S. territories into 12 judicial regions called circuits, with a court of appeals, also known as circuit court, in each circuit. The First through Eleventh Circuits include at least three states, as well as Puerto Rico and the three territories, and the final circuit covers the District of Columbia. There are between 6 and 28 judges in each circuit for a total of 167 judges on the 12 courts of appeals.

Courts of appeals do not have **original jurisdiction**. Cases come to them by appeal from the district courts of their geographic regions, federal administrative agencies, and the U.S. Tax Court. The party submitting an appeal believes that the lower court or agency did not correctly follow the law. A three-judge panel hears most cases; however, all of the judges within a circuit may sit as a group to hear very important cases. The appeals court may uphold or reverse the decision of the lower court, or ask the lower court to retry the case. Recall that in most cases, the decision of a court of appeals is final, although an appeal to the Supreme Court is possible.

Court of Appeals for the Federal Circuit

Established in 1982, this 12-judge court hears appeals in cases from the U.S. Court of International Trade, U.S. Court of Federal Claims, U.S. Court of Appeals for Veterans Claims, as well as from the International Trade Commission, Board of Contract Appeals, Patent and Trademark Office, Merit Systems Protection Board, and the Departments of Agriculture and Commerce. Unlike the 12 regional Courts of Appeals, the jurisdiction for this court covers the entire United States, with its headquarters located in Washington D.C. Similar to the Courts of Appeals, its decisions are final, but an appeal to the Supreme Court is possible.

U.S. Court of International Trade

Created in 1926, this very specialized court originally dealt just with customs cases. However, in 1980, it became responsible for hearing cases arising out of tariff and other trade-related laws. The nine-judge court has its headquarters in New York City but also hears cases in other cities and foreign countries when necessary.

Legislative Courts

As stated earlier, Congress created legislative courts with specific purposes in mind. Consequently, the judges presiding over these courts are knowledgeable of a very specialized area of the law. Although there are far less legislative courts than constitutional courts and they have limited jurisdiction, they fulfill an important need in the federal judicial system.

U.S. Court of Appeals for the Armed Forces

Congress created the Court of Military Appeals in 1951 to establish final **appellate jurisdiction** in the court-martial convictions of military personnel, although appeal of these cases to the Supreme Court is still possible. In 1994, the name of the court became the Court of Appeals for the Armed Forces. It consists of five civilian judges appointed by the president with Senate confirmation for 15-year terms. The court is located in Washington, D.C.

Territorial Courts

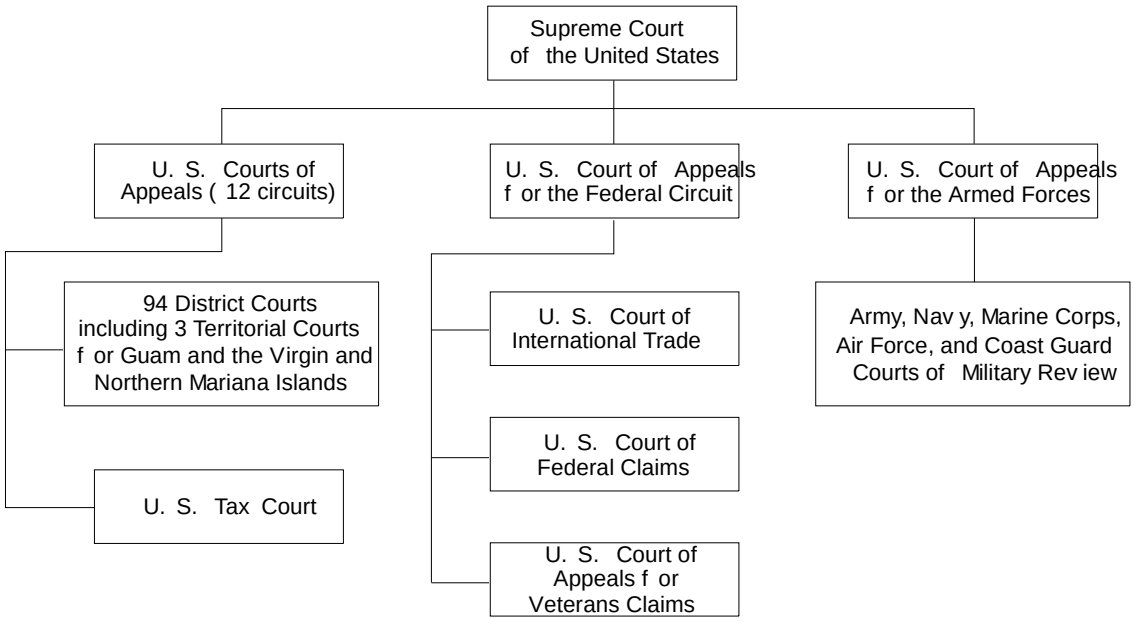
Territorial courts are federal courts located in the districts of Guam and the Virgin and Northern Mariana Islands. Unlike the other district courts, they were created by Congress under Article 1 of the Constitution granting Congress authority over territories. These courts perform their federal role as district courts, but also function similarly to state and local courts. They hear cases arising under federal law as well as those of a local nature. Unlike other district court judges, judges of territorial courts are appointed for 10-year terms.

U.S. Tax Court

Established in 1924 to hear cases related to federal taxes, most cases involve controversies between taxpayers and the Internal Revenue Service over payment of federal income, gift, and estate taxes. The president appoints 19 judges to this court with Senate confirmation for 15-year terms. U.S. Tax Court offices are located in Washington, D.C. and hear cases in approximately 80 cities.

U.S. Court of Federal Claims

The Constitution states that its citizens cannot sue the government in court without first obtaining congressional consent. There-



fore, Congress created this court in 1982 to hear cases of original jurisdiction for people who believe the government owes them money — for example, for tax refunds, private property taken for public use, and injuries from childhood vaccines. Headquartered in Washington, D.C., this court convenes throughout the country. If the court rules in the **plaintiff's** favor, Congress appropriates the money and settles the claim. The court has 16 judges appointed for 15-year terms by the President with Senate consent.

U.S. Court of Appeals for Veterans Claims

Created in 1988, this court decides cases involving veterans' and survivors' benefits, mainly disability benefits, but also educational benefits and loan eligibility. The seven judges on this court are appointed by the President with Senate consent. The court is based in Washington, D.C. but may convene anywhere in the United States.

Jurisdiction

In order for a federal court to hear a case, there must either be a real difference of opinion between two parties or a real situation must exist involving an injury of one party by another. Article 3, Section 2, of the Constitution states that the judicial power of the United States shall extend only to "cases" and "controversies" that involve certain parties and subject matter.

When a federal court handles a real case (or an actual disagreement or conflict instead of a hypothetical one), this is the **adversary concept** of judicial procedure. The court acts as an impartial referee between the two opponents. Both sides present their views and the court acts as an arbiter (referee) to settle the matter according to law. In the situation involving an injury of one party by another, the injury must actually occur before a federal court will hear the case. A court will not rule on a legal controversy that concerns two friendly parties.

The adversary concept is one of four principles of our legal system which influence how courts function. The other three are equal justice under the law, due process of the law, and presumption of innocence. Equal justice refers to the goal of treating all persons alike under the law. That is, all constitutional freedoms apply equally to all persons. Due process refers to the principle that all persons accused of a crime be subject to a standard set of procedures during the arrest, indictment, and trial by a court. Finally, although not found in the Constitution, America's earliest courts in colonial times adopted the English common law principle that a defendant is first and foremost presumed innocent beyond a reasonable doubt.

Before any court can hear a case, it must have the authority to decide the case. Article 3 and the Eleventh Amendment list the kinds of cases that come under the exclusive jurisdiction of the federal courts. There are two basic categories: those concerning federal questions and those involving **diversity** of citizenship.

In the first category, federal questions are those, which address the Constitution, statutes passed by Congress, treaties involving the United States, or maritime matters. Diversity of citizenship applies to cases of:

- Citizens of different states
- A state and one or more citizens of another state
- A state or citizen of a state and a foreign nation or foreign person

Federal and state courts have concurrent jurisdiction in some cases. Concurrent jurisdiction means that either a state or federal court may hear the case. For example, suits between citizens of different states may be heard in either federal or state courts, but the amount in question must exceed $75,000 for the suit to be heard in a federal court.

In another situation, if a person commits a crime that violates state and federal law, the lawyer for the person bringing a **civil suit** and the state and/or federal prosecutors in a **criminal suit** decide where the case should begin. As a result of *Gideon v. Wainwright* in 1963, if a case clearly falls under state court jurisdiction, the person can appeal to the Supreme Court.

Types of jurisdiction are also important to a case. Courts have either original or appellate jurisdiction. Recall that most federal cases begin in the district courts. These courts have original jurisdiction, which means they hear cases for the first time. On the other hand, courts of appeals have appellate jurisdiction.

CATEGORIES OF LAW

Laws are the rules of conduct that governments establish to supervise relations among other governments, groups, and/or individuals. Thus, one function of law is to render justice to society. American law stems from a variety of sources: the three branches of government, special conventions, and the public. Out of this mixture comes a wide variety of rules, regulations, ordinances, and statutes that govern the activities of individuals and groups in society. There are four main categories of law: constitutional, statutory, common, and administrative.

- Constitutional laws come directly from the language of the state and national constitutions and all amendments. These laws take priority over the other types of law. However, if state constitutions conflict in some way with the national Constitution, Article 6 of the latter document states that it is “the supreme law of the land.”

- National, state, county, and city legislatures create statutory laws. The two main types of statutory laws are civil and criminal. Civil laws outline the rights and duties that exist between persons or between citizens and a level of government. Criminal laws handle the crimes or wrongs against society and specify the punishment for them; then, it is the responsibility of courts to impose punishment on convicted persons. The chart on the next page illustrates the typical sequence of events in a criminal case.

- Common laws are less superior to statutory laws and are any “judge-made” laws based on traditions, precedents of past decisions, or current customs, rather than on written statutes or constitutional authority. Only state governments use common laws, but they become void when they conflict with newly enacted state laws.

- Administrative laws consist of decisions, rules, or regulations made by administrative agencies of the government within broad guidelines established by courts and legislative bodies. However, these governmental agencies cannot do whatever they want. The law constrains them to act responsibly. This does not mean that all agencies always act impartially or according to the law. Our legal system, administered impartially,

attempts to safeguard the public against the misuse of power.

GENERAL PROCEDURE IN A CRIMINAL CASE

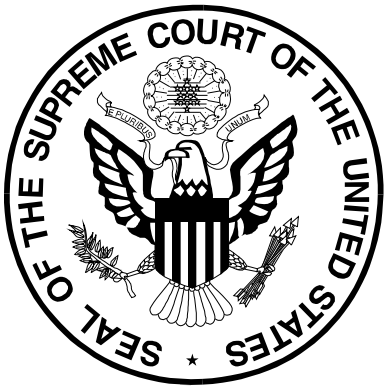
1. Crime committed.
2. Police investigate.
3. Suspect arrested and advised of **Miranda rights**.
4. Suspect booked if police find probable cause to keep in custody.
5. Within 24 hours, or a reasonable time, defendant (suspect) brought before judge for preliminary hearing.
6. Defendant advised of constitutional rights, given use of attorney, and court sets bail.
7. Defendant taken before grand jury; they return a true bill (indictment) or no bill.
8. Defendant arraigned and charges read — must plead guilty or not guilty.
9. If defendant pleads guilty, judge sentences without trial.
10. Defendant can plea bargain, or plead guilty in exchange for lighter sentence or lesser charge.
11. If defendant pleads innocent, case goes to trial. Jury selected.
12. Prosecuting and defense attorneys state cases and present evidence.
13. Judge acquits if found not guilty by jury.
14. **)** If found guilty, judge sentences defendant, who has right to an appeal.
15. **)** If no appeal or appeal denied, court executes sentence.

Miranda Rights

"*You* have the right to remain silent and refuse to answer questions. *Anything* you say may be used against you in a court of law. *You* have the right to consult an attorney before speaking to the police and to have an attorney present during any questioning now or in the future. *If* you cannot afford an attorney, one will be appointed for you without cost. *If* you do not have an attorney available, you have the right to remain silent until you have had an opportunity to consult with one."

THE SUPREME COURT

The Supreme Court is the highest and most important court in the United States. All other federal courts are inferior to the Supreme Court. Although it has original jurisdiction in cases of conflict between states and cases involving ambassadors, consuls, or representatives of foreign governments, most of the time it hears only appellate cases. Congress determines the size of the Supreme Court, which has had as few as five and as many as ten justices. However, since 1869, Congress has set the size at nine, eight associate justices and one chief justice. The chief justice is responsible for assigning the writing of court decisions.



Nominating justices for the Supreme Court is one of the most important duties of any president. It is one of those duties that offers a president the opportunity to indirectly affect public policy for years. Once the president nominates an individual, it is the responsibility of the Senate to carefully review the qualifications of the nominee and to give confirmation. In the history of this Court, there have been over 100 justices. Although most of them have been white, male, and Protestant, others appointed (as of 1996) have been two black males, two white women, six Catholics, and five Jews.

JUDICIAL REVIEW

Nowhere does the Constitution give the Supreme Court the power to declare a law or act unconstitutional. Recall that the case of *Marbury v. Madison* in 1803 first established this power. Judicial review is when the court examines an act of Congress or actions of the president/executive branch to determine if they are in conflict with the Constitution. If the court finds a conflict, it declares the act null and void.

According to Chief Justice John Marshall who wrote the majority decision in *Marbury v. Madison*, "It is emphatically the providence and duty of the Judicial Department to say what the law is." Judicial review remains a controversial doctrine among the three branches of government. Examples of questions concerning the application of this power are: "How should the Court apply it?" "Should the Court actively shape governmental policy with the executive and legislative branches?" "Should the Court give in to the other two branches in cases of policy judgment?"

The two actions taken by the Supreme Court over this issue are judicial activism and judicial restraint.

- Judicial activism supports an active role for the Court in its use of judicial review. During the period from 1954 to 1969, Chief Justice Warren endorsed actively applying the Constitution to social and political questions of racial segregation, rights of criminal defendants, and congressional reapportionment.

- Judicial restraint argues that the Supreme Court should use this power reluctantly. During the period from 1939 to 1962, Associate Justice Frankfurter stressed avoiding constitutional questions and upholding the acts of Congress where possible, unless such acts violated the Constitution. Plus, he stated the Court should avoid political questions that would put it in conflict with either the executive or legislative branches.

FUNCTIONS OF THE SUPREME COURT

The United States court system tries more than 10 million cases each year. Of this number, the originating courts send less than 5,000 cases to the Supreme Court. They hear argument on fewer than 200 of those cases and hand down signed opinions on about 150. It affirms, dismisses, or reverses (by written "memorandum orders") the remaining cases.

Scheduling Cases

There are three ways for cases to reach the Supreme Court: original jurisdiction, appeal, and **Writ of Certiorari**.

The Constitution grants the Supreme Court original, or trial-court, jurisdiction in cases of conflict between states and cases involving foreign diplomats.

About ten percent of the cases come from appeals and usually pertain to the violation of constitutional rights. Four of the nine justices must vote to consider a case or the Court dismisses it. The reasons for dismissal are: the Supreme Court agrees with the lower court, the case does not involve a substantial federal question, or other procedural reasons.

The majority of Supreme Court cases come as petitions for a Writ of Certiorari, or "cert." Certs order a lower court to send the Supreme Court the records of a case for review. The Supreme Court only grants certs to petitions that raise the possibility of important constitutional questions or problems with

statutory interpretations. When the Supreme Court denies a petition, the decision of the lower court stands. The Court denies between 85 to 90 percent of all such petitions.

Once the Supreme Court elects to hear a case, it notifies lawyers for both sides to submit **briefs**. Parties who have an interest in the outcome of the case may, with the Court's permission, submit "friend of the court" briefs. The atmosphere of the court in session is very formal. Federal government lawyers present oral arguments. The Court devotes seven, two-week sessions throughout the term for these arguments. A regular term begins on the first Monday in October and ends in late June. The Court separates these periods of oral arguments with recesses, allowing the justices time to think about the cases.

Each Friday of the term, the justices meet in conference to discuss and vote on cases under consideration and to decide what new petitions and appeals it will accept. The Chief Justice presides over these secret deliberations. They discuss the cases by the order of seniority of the justices, but they vote on them in reverse order of seniority. Sometimes, the vote is less important than the justices' explanations.

Decisions

In most cases, the Supreme Court's decision is not a unanimous one. Therefore, when a majority of the justices vote the same way on the question of affirming or reversing a lower court's decision, they reach an official decision of the Court. When in the majority, the Chief Justice decides who will write the official opinion; otherwise, the most senior justice in the majority assigns the writing.

If a case was relatively insignificant to the Court, they may prepare only a briefly written statement explaining its views. However, in most cases, the majority opinion is the official decision of the Court. This opinion:

- Explains how and why the Court decided in a particular way
- Offers guidance to lower courts in dealing with similar cases later
- Determines whether the decision is a new interpretation of the Constitution or reaffirms an old position

After much deliberation and when the justices agree on the final wording of the majority opinion, they read it in open court. The *United States Reports* then publishes the official record of all Supreme Court decisions. Justices are also free to write a dissenting opinion (if they disagree with the majority) or a concurring opinion (if they agree with the majority but for a different reason). Some cases have two or three dissenting opinions and some of the most eloquent arguments have been dissents.

Although court decisions set precedents for future cases involving the same issue, precedents are merely guidelines. The

Supreme Court rarely overturns an earlier decision; however, it does so when the needs of society make an earlier decision out-of-date. Then, the lower courts must learn to work within the new ruling.

The following five factors can influence the decisions of justices and ultimately how the Supreme Court interprets and applies the law in a given case.

- *Defining the law that is applicable to a case*. When a law is unclear, justices attempt to discover the legislative intent by studying hearings and reports that cover the creation of the law. Precedents also help to determine the intent of the law.

- *Public acceptance*. Public acceptance of Supreme Court decisions is essential, especially since it does not have the power to enforce its rulings. The Court must be careful not to move too far or too fast in front of public attitudes. If it does, Congress could overrule its decisions with a constitutional amendment. An example of this was the proposal and ratification of the Twenty-sixth Amendment that overturned a Court decision that Congress could not lower the legal voting age.

- *New legislation*. This is another way to bring a Court's decision into line with political and public opinion. One example of this influence is the enactment of legislation deeding tideland oil properties to the states after the Court ruled the national government owned the land. In another example, the Court blocked the completion of a dam on the Little Tennessee River in 1978 because it threatened the snail darter. Although the Court was in compliance with the Endangered Species Act, Congress passed new legislation to adjust that act, thereby reversing the Court's decision.

- *Values and political preferences of the justices*. Whether a justice is liberal or conservative is an important factor in case selection and application of laws to a case.

- *Interaction among justices*. The Court shapes its decisions through the negotiation of cases among justices. Sometimes, votes will even change in the negotiation stage of decision-making as one justice tries to persuade another to see a point differently.

THE SUPREME COURT IN THE POLITICAL PROCESS

The legislative and executive branches are in a position to check the Supreme Court's actions in a number of ways. Included are direct checks involving specific judicial decisions and indirect methods designed to affect the general activities of the Supreme Court. You will notice that some of these checks repeat information presented earlier. The following information briefly reemphasizes those areas to show how Congress, the executive branch, lower courts, and state or local agencies can limit or affect Supreme Court's decisions and powers.

THE COURT AND CONGRESS

Congress has the power to affect the Supreme Court directly and has the potential to challenge the Court's power in other situations. Congress can affect the Court's consideration of particular kinds of issues through its power to determine the Court's appellate jurisdiction. Normally, Congress does not take away the Court's jurisdiction over a case it has already heard; instead, it tries to prevent the justices from deciding

certain issues in future legal actions. Congress attempted this approach in the 1950s by denying the Court appellate jurisdiction over a number of issues on which it felt the Court had unduly favored the rights of individuals at the expense of national security.

As previously discussed, Congress can limit the Supreme Court's decisions by passing laws that reverse or modify what the Court has already done on an issue. For example, immediately following a Court decision stipulating that insurance companies come under the control of the national government through its interstate commerce power, Congress passed legislation permitting the states to regulate those companies. Additionally, Congress can initiate constitutional amendments to reverse or modify certain Supreme Court decisions.

A third major area is the control Congress has over Supreme Court personnel. Congress can:

- Tamper with the size of the Court by determining the number of justices.
- Fail to confirm nominees, and the Senate can interject constitutional issues into its consideration of presidential nominees to the Court. In recent years, the Senate Judiciary Committee frequently questions nominees about their judicial philosophy.
- Impeach sitting judges.

Other tactics that Congress has unsuccessfully used against the Supreme Court include:

- Requiring unanimous decisions on cases that invalidate national laws.
- Overruling decisions which the Court passes by majority votes.
- Requiring Supreme Court justices to have previous judicial experience.

THE COURT AND THE PRESIDENCY

Like the Congress, the executive branch has several powers that the President can use to affect actions of the Supreme Court. One such power already discussed is the appointment of justices. On the average, a President appoints one new justice every two years. These appointments instill into the Court the political views which are similar to that of the president's, thereby influencing the general direction of the Court's thinking for years to come.

A second presidential power is one that the executive branch shares with Congress — the power to enact legislation which will affect the Court. Additionally, the President's veto power means that legislation involving the Court may not be successful unless it meets with executive approval.

Finally, the President has the ability to affect Supreme Court decisions that require executive action for implementing. In the 1831 Supreme Court case of *Cherokee Indians v. Georgia*, the Court ruled that Georgia did not have any legal authority over the land occupied by the Cherokee Indian tribe. However, President Jackson refused to take measures to implement that ruling.

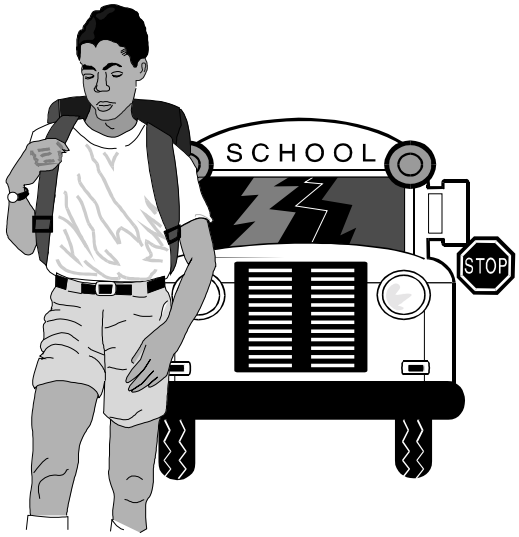
On the other hand, presidential involvement in a court matter can have positive effects. Two examples are: 1) when President Truman ordered Secretary of Commerce Charles Sawyer to return steel mills to their private owners after the Court's decision in *Youngstown Sheet and Tube Company v. Sawyer* that the Chief Executive did not have the power to seize them, and 2) when Presidents Eisenhower and Kennedy

sent federal troops and marshals to enforce school desegregation decisions.

THE COURT AND LOWER COURTS

While Congress and the president have powers they can use to check the Supreme Court, lower courts and other public agencies or officials are frequently able to have a negative effect on it. They can accomplish these negative actions through delaying or avoiding the execution of the Court's decisions. In some cases, the ultimate effectiveness of these rulings depends on what lower courts and individuals in various positions do about implementing them.

A Supreme Court decision does not end a legal controversy. Often, that Court **remands** it to a lower court. Lower courts will more readily alter Supreme Court decisions when those decisions are uncertain and vague. A classic example of this situation was the Supreme Court's 1954 desegregation decision that the federal district courts supervise the integration of public schools in their areas with "all deliberate speed." Due to the vague wording of this ruling, the actual integration in many parts of the South was at an exceedingly slow pace.



In some circumstances, lower courts can also obstruct Supreme Court decisions. The Court ruled in 1958 that Alabama could not require the N.A.A.C.P. (National Association for the Advancement of Colored People) to furnish copies of its membership lists as a condition for operating in the state. Yet, Alabama kept the N.A.A.C.P. from operating for over six years by using a combination of delays and avoidance.

THE COURT AND STATE AND LOCAL OFFICIALS

In many instances, the effectiveness of Supreme Court rulings depends on the manner and degree in which state and local officials implement them. Following the 1954 school desegregation decision, the Governor of Arkansas ordered out the National Guard in 1957 to prevent the enforcement of that order. During that same period of time, communities in Prince Edward County, Virginia, resorted to legal maneuvering to avoid integration. That county closed its public schools and, with state assistance, provided money for students to attend private nonsectarian schools. Other communities established "freedom of choice" laws permitting the children to select the school they wanted to attend.

In other communities, especially in rural areas, boards of education still permit Bible reading and prayer in public schools despite Court decisions outlawing such practices.

As you can see, there are many influences that can affect compliance with Supreme Court rulings. Although attempts to delay and avoid these rulings do occur, the Court will eventually prevail in most cases. In several of the above examples, many schools finally did become integrated and religious activities did disappear in most schools.

CONCLUSION

The Framers of the Constitution vested power in the judicial branch to safeguard the fundamental and constitutional rights of American citizens. They also wanted the national judiciary to help balance the power of the American system of government. The Framers conceived the Supreme Court as the protector of the Constitution. In addition, they authorized the Congress to "ordain and establish" the inferior courts, which led to the creation of the constitutional and legislative courts with their subordinate trial and appeals courts.

Like the other two branches of government, the role of the judicial branch has become increasingly more powerful over the years. The Supreme Court has the constitutional responsibility to explain and interpret laws and has jurisdiction over certain types of cases. Yet, it is probably best known for its decisions and interpretation of the Constitution. This inherent power to find certain governmental actions unconstitutional, known as judicial review, is one to which the Framers made no reference.

Factors exist in the American political process that can check the decisions of the Supreme Court. They include the five major influences which affect how justices interpret and apply laws, certain powers of the executive and legislative branches, and the actions and attitudes of lower courts as well as state and local agencies/officials. Nonetheless, the Supreme Court's ability to intervene and succeed in controversial areas of public policy testifies to the influence that today's federal justice system has on the American way of life.

ORGANIZATION OF STATE AND LOCAL GOVERNMENTS

assessor
boroughs
commissions
executive clemency
incorporation
lieutenant governor
misdemeanors
municipalities
recalls

INTRODUCTION

Although the national Constitution is the supreme law of the land and all states are subject to it, each state is free to organize and operate its government in its own way. State governments provide the structure for this organization and establish the guidelines for local governments. Because local governments have evolved separately from the various state constitutions, the over 80,000 units of local government in this country differ from state to state.

STATE GOVERNMENTS

Each state has its own system of government which parallels that of the national government in many ways. Yet, there are significant differences. The state constitution is the supreme law of the state. It includes a bill of rights and a formal distribution and separation of powers. Among its responsibilities, state governments arrange for the raising of taxes, define legal procedures, and support public health, education, transportation, and other public agencies.

STATE LEGISLATURES

The state legislatures hold most of the reserved powers given to the state by the national Constitution. These legislatures play a major role in state government by creating laws and balancing the power of the state's executive branch.

The constitution of each state determines the structure of its legislature. Forty-nine states have a bicameral structure similar to the U.S. Congress. States always refer to their upper chamber as the Senate, which is usually the smaller of the two chambers. They generally call the lower chamber the House of Representatives, although some states call it the Legislative Assembly or General Assembly.

DID YOU KNOW?

Nebraska is the only state to have a unicameral legislature, with a Senate as its only chamber.

There are many people who feel that the bicameral system is inefficient, complicated, and allows more opportunities for special interest groups to apply their pressures. On the other hand, those favoring the two-chamber system maintain that one chamber checks and balances the power of the other.

Apportionment

The average membership for a state Senate is 40 lawmakers; the average in the lower chamber is 100 members. Every state constitution establishes the distribution and assignment of legislative seats by means of apportionment. As a result of two Supreme Court cases, *Baker v. Carr* in 1962 and *Reynolds v. Sims* in 1964, the Court found

that apportionment based on geographic units is unconstitutional and established population as the only acceptable basis.

Today, apportionment guarantees equal representation in all districts, regardless of the geographic size of the district. Further, most constitutions require states to make any necessary reapportionments every tenth year — following the release of the decennial census. Reapportionment is the redistribution and assignment of legislative seats according to population shifts.

Constitutional Qualifications for and Roles of State Legislators

Each state constitution sets the qualifications for a legislator to hold office. In most states, members of the lower chamber must be at least 21 years old; senators must be 25. The public votes for state legislators in party primaries and elects them in general elections. Once elected, representatives serve for two years and senators for four years. Historically, these positions are part time in nature — leading to a fairly high turnover rate among state legislators.

As in the U.S. Congress, the leader of the lower chamber is known as the speaker. That chamber elects the speaker by majority vote. The main duties of the speaker are to interpret and apply the legislature's rules, refer bills to committees, and appoint chairpersons and members to committees.

In less than half of the states, members of the Senate choose a President; however, in the majority of the states, the **lieutenant governor** serves as president of the Senate. Like the Vice President of the United States, the lieutenant governor does not participate in debates and votes only to break a tie.

A state committee system is responsible for accomplishing most of the legislative workload. They receive bills sent from the floor and review, rewrite, amend, and pass or reject them. Often, they send the measure back to the floor with a recommendation. Although the number differs by state, there are about 20 permanent, standing committees in most legislatures. They handle areas such as health, education, transportation, and labor. Lawmakers can serve on as many as three or four of these committees.

Powers of State Legislatures

A state's legislative power is the right to make any law that does not conflict with the national Constitution, federal law, or its own state constitution. These laws include taxing, spending of state funds, regulating businesses, establishing courts, defining crime, and supporting and maintaining schools.

HOW A BILL BECOMES LAW

INTRODUCTION OF A BILL

1. Most bills introduced by:
   - State Executive Branch
   - Administrative agencies
   - Special interest groups
   - Units of local government
2. The presiding officer of a legislative chamber sends the bill to the appropriate committee.

COMMITTEE/CONFERENCE ACTION

1. The committee reviews, rewrites, and/or amends the bill.
2. If the committee recommends passage, the bill goes to the full chamber for floor action.

3. If one chamber's committee (in a bicameral legislature) makes a change, the bill must go to a conference committee to resolve the differences.

FLOOR ACTION

1. Each chamber places the measure on the calendar for floor debate, possible amendment, and vote. If defeated, it goes no farther.
2. In a bicameral legislature, both chambers must pass the bill in identical form.
3. If passed, legislature sends it to the Governor.

ENACTMENT INTO LAW

The Governor can:

1. Sign the bill into law.
2. Veto the bill (except in North Carolina); but, the legislature can pass it a second time with a 2/3 vote.
3. Sign into law parts of the bill and veto parts of the bill.

A second constitutional responsibility of a state is its police power — a regulatory provision that ensures the health and welfare of its citizens. These laws include school attendance, speed limits, and campaign contributions.

In addition to the above powers, state legislatures also have three non-legislative powers.

- Executive power — the right to appoint state officials and to approve appointments of the governor

- Judicial power — the right to impeach the executive or judicial officers

- Constituent power — the right to amend the constitution.

Amending State Constitutions

State constitutions are flexible documents that enable each generation of its citizens to adapt it to their own times. All states have amended their constitution many times over the years. California has amended its constitution over 445 times.

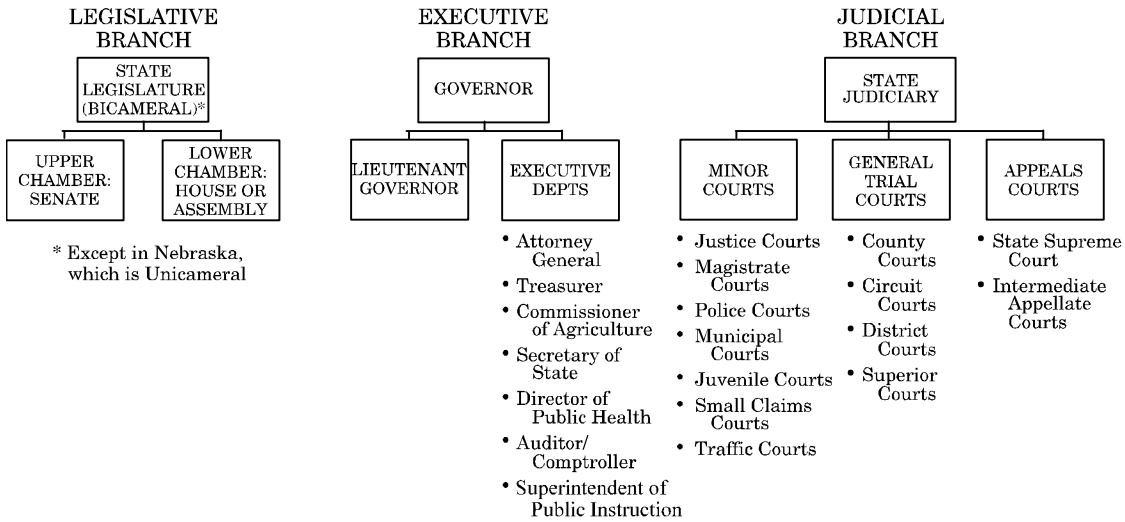
States can amend their constitution in several ways.

- The state legislature may vote to propose adding an amendment to the basic law. Ratification of a proposed amendment requires a simple majority of over 50 percent of the people.

The state can convene a constitutional convention (a body of citizens selected specifically to rewrite the constitution). At least 14 states use this method to adopt a series of amendments and put them before the voters at regular (usually at ten-year) intervals.

- A third method of amending state constitutions is the use of a constitutional commission. This commission is a group of citizens selected by the legislature and/or the governor to study the state's constitution and make recommendations for possible changes.

- The voters in some states can propose amendments through a fourth process, known as the initiative. There are two types of initiative: direct and indirect. Although the initiative process varies from state to state, it must begin with petitions signed by a required number of registered voters.



The direct initiative process requires the people to vote on the proposed amendment following the filing of the petition. For the indirect initiative, the state first sends the petition to the legislature after being filed. If the legislature does not approve the proposal, it then goes before the voters.

Examples of proposed initiatives that states have placed on the ballot are tax reductions, tax limitations, and a host of other complex financial and moral issues. Many observers believe the direct initiative process is too easy and that voters can create a "long ballot" by placing too many initiatives on it. Others who support the use of initiatives believe that it can benefit both government and the citizens, because what is being done is truly being done for and by the people.

THE EXECUTIVE BRANCH

As shown on the above chart, the executive branch includes the governor, lieutenant governor, and various executive departments. The highest and most well-known executive officer is the governor. (*Note*: The executive departments indicated are the most common ones found within the organization of state governments, although their titles may vary somewhat between states. This text will not discuss any of the powers, duties, or responsibilities of these executive departments.)

Roles of and Constitutional Qualifications for the Governor

Since colonial America, the role of the governor has changed dramatically. During the pre-Revolutionary War period, many royal governors abused their authority. Consequently, early state constitutions severely limited the powers and responsibilities of the governor. Not only did the legislatures keep these powers, they also chose the governor and limited the governor's term in office to one year.

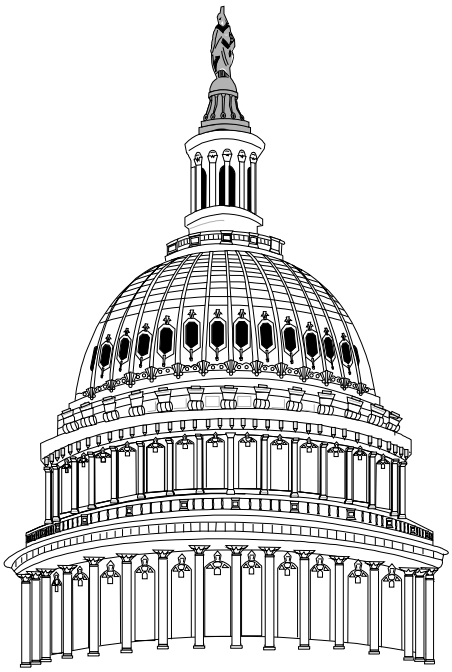
During the nineteenth century, most governors regained some power, such as the right to veto actions of the legislature. However, their authority essentially remained weak. It was not until the turn of the twentieth century that states across the country finally enacted reforms to make their governments more efficient and to strengthen the executive branches.

Although governors' terms range from two to four years, most of them today serve a

four-year term. In over half of the states, there is no limit on the number of terms a governor can serve. In the remaining states, over 20 of them limit governors to just two consecutive terms. Another important change is that state legislatures no longer select the governor. After winning their party's primary election, voters from across the state elect their governor by a majority vote in a general election.

The constitutional qualifications for a governor vary from state to state. However, the standard qualifications are to be a U.S. citizen, a resident of the state for at least five years, and at least 30 years old. The informal qualifications include having significant state and local government experience as well as strong political and popular support.

Governors' salaries vary from state to state. Additionally, they receive office expenses and the state provides a governor's mansion.



Powers of the Governor

Powers of present-day governors vary by state. State constitutions specify some of the governor's powers; other powers are inherent to the duties and responsibilities of that position. Of the five categories of powers the U.S. Constitution grants to the President (executive, military, judicial, diplomatic, and legislative) most governors have all of these except diplomatic.

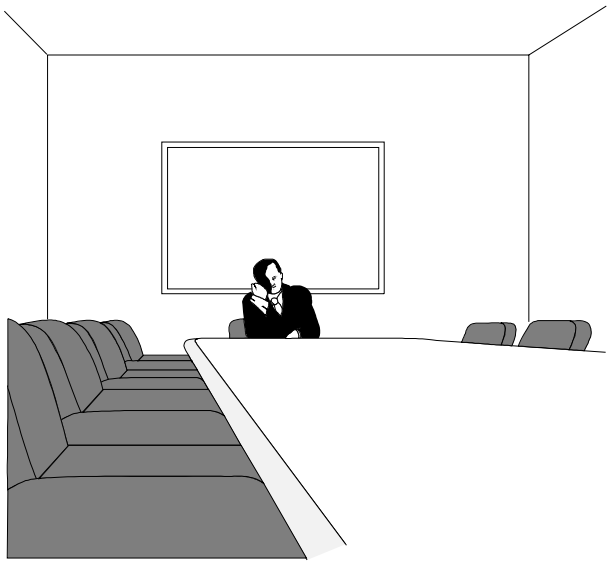
Sharing Executive Powers

In many cases, the governor must share executive powers with the legislative branch and other state agencies. Even though the people of the state hold the governor responsible for the smooth and efficient operation of the state, a governor's success often depends on the cooperation and support of the governor's party, the voters, and the other elected officials.

One of the most important executive powers of the governor is to ensure that state laws are properly enforced. For the governor, this involves administering and supervising the entire executive branch. However, many state constitutions still place restrictions on governors. One such restriction is the ability to appoint cabinet-level administrators.

In some states, the citizens elect these officials, whereas in other states, governmental agencies select them using civil service procedures. In all the states except Maine and New Jersey, the governor must work with at least one top-level elected official. These other elected officials are generally less supportive of the governor's political views and more inclined toward their own, which would not usually be the case if the governor had appointed them.

The governor also shares power with the major departments or agencies that control boards and **commissions**. The people who serve on these boards are often very independent of the governor. This is mainly because either the state legislature appoints them directly to their positions or the population elects them to it.



Governor's come and go, but the people who work and run some of the agencies serve for long periods of time. They may resist a governor's efforts to change the organization and/or the operation of the state's bureaucracy. State constitutions or legislatures in less than 20 states give a governor the power to reorganize this bureaucracy, such as the power to reorganize governmental agencies, remove bureaus, and hire or fire state employees.

Finally, in a majority of the states, governors must share executive powers with a lieutenant governor. In almost half of the states, the citizens elect the lieutenant governor separately from the governor. This means that the lieutenant governor may be of a different party and may not share the same political views as the governor. In most states, the lieutenant governor is the president of the senate and succeeds the governor if that office becomes vacant for any reason.

One way in which the lieutenant governor would succeed the governor is if the state impeaches or **recalls** the governor. All states except Oregon can impeach the governor for misconduct. During such impeachment proceedings, the House of Representatives would make the charge and the Senate would try the governor. In certain states, however, through the use of petitions and special votes, the public has the power of recall — a legal power to force a governor to resign from office.

Military Powers

In contrast to the above limitations on executive powers, the state constitutions and legislatures have granted certain exclusive powers to the governor. The governor's role as commander-in-chief of the state's national guard is one example of an exclusive power. The governor may order out the militia to restore public order or to assist the President of the United States during a national emergency.

Judicial Powers

Governors' judicial powers, in most states, are the right to appoint judges and to exercise **executive clemency**. In certain states, the governor must share some of these powers with special boards, especially the right to parole a prisoner. Under executive clemency, a governor can administer the following actions.

- Parole — to release prisoners before their term is completely served
- Pardon — to release a person from punishment

- Commute — to reduce a person's sentence
- Reprieve a sentence — to grant a delay in order to allow time for an appeal
- Remit — to reduce a fine

Legislative Powers

One of the most valuable legislative powers the governor has is to prepare the state budget. It is through this budget that the governor can decide which agencies will receive funds to continue their work and which agencies will have their funds reduced or eliminated. Most governors do not share this power, although the state legislature must approve it. Traditionally, legislatures pass the governor's budget without significant changes.

We can group the remaining legislative powers into three categories: message power, special sessions, and veto power.

- Message power is the governor's right to recommend legislation to the legislature. The governor does this by way of the State of the State Address, during the submission of the budget, and/or whenever necessary to act on a proposed law.
- The governor can call, or threaten to call, a special session with the intention of motivating the legislature to move more quickly on an action.
- Except for North Carolina, governors can veto any measure passed by the legislature. Additionally, the majority of the governors also have the power to use a line item veto, allowing them to disagree with part of a bill while passing into law other more favorable parts of it. In most states, the legislature must have a two-thirds vote to override a governor's veto. In general, governors veto very few bills and the legislatures override very few vetoes.

The increased powers and flexibility of governors since colonial America have been essential factors in their overall ability to shape programs and policies of state government.

THE JUDICIAL BRANCH

Most state judiciary systems have minor courts, trial courts, and appeals courts that collectively:

- interpret and apply all of the state's laws
- settle disputes between individuals
- punish lawbreakers
- protect citizens' constitutional rights
- act as a check on the powers of the state's governor and legislature.

Minor Courts

Minor courts handle disputes involving relatively small amounts of money or short jail sentences. Some states still have justice courts where a justice of the peace presides over it. These courts try minor civil and criminal cases involving **misdemeanors**, perform marriages, and legalize documents. Other courts similar to the justice courts, but found in cities, are magistrate or police courts. Cities also have municipal courts — courts which the state judicial system organizes into the following specific categories.

- Juvenile Courts — hear cases involving minors (children under 18 years of age)

- Small Claims Courts — handle minor civil cases involving business disputes and individuals' disputes over money

- Traffic Courts — handle traffic and parking violations

The voters usually elect the justices and magistrates to these courts.

General Trial Courts

General trial courts (county, circuit, district, and superior courts) try the majority of the significant civil and criminal cases within the state. The governor in about one-third of the states appoints these judges; the voters popularly elect them in the other two-thirds. Decisions of these courts pertaining to the facts of a case are final. General trial courts normally do not have their decisions reviewed or appealed unless there is a question regarding the proper application of the law.

Appeals Courts

Appeals courts at the state level: 1) decide if the lower courts conducted a trial fairly or applied the law correctly, and 2) will review a case if lower courts find significant new evidence that has a direct bearing on the case. These courts, however, do not hold separate trials for each case.

The two types of state appeals courts are the supreme court and the intermediate appellate courts. The supreme court is the highest and final appeals court in the state. It also interprets the state's constitution and laws. In less than half of the states, the governor appoints the five or more justices that sit on these courts. The voters elect these justices in about half of the states, and in the few remaining states, the legislature selects them.

The state legislatures in almost half of the states created the intermediate appellate courts to reduce the number of cases heard by their supreme courts. Voters elect most of the justices that sit on these courts.

Election of Judges

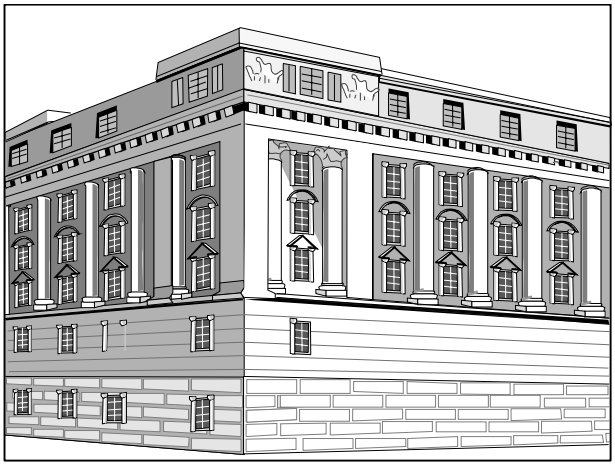
In 13 states, popular election of judges is the only system of selection allowed. Supporters of the election of judges believe this method is the most democratic way of choosing the state's judiciary. However, critics of the direct election method believe that voters may respond more favorably to the qualities of a good campaigner than those of a good judge.

Although legislatures select the judges in only a handful of states, critics consider this method to be the least fair way because of the possible sense of obligation the judges may feel to the legislators. In contrast to this method is the appointment of justices by governors — the procedure used in the majority of the states. Under these circumstances, critics believe that governors may seek to reward supporters of their party or campaign even if they are not the most qualified for the job.

One compromise that satisfies both the critics and the voters who want democratically elected judges is the Missouri Plan. In this plan, the governor chooses judges from a list of candidates prepared by a special judicial commission. Those judges then serve for a one-year term. Upon completion of that year, they must run in the next election, against no opposition, to obtain voter acceptance. If elected, they serve for terms of six to 12 years, depending on the

court. If they do not receive a majority of votes in the election, they step down, the governor selects another judge, and the cycle repeats itself.

Concerning the dismissal of judges, most states have special boards that continually review possible incidents of misconduct. These boards report their findings to the state supreme court, which has the power to suspend or remove a state judge.



The District Building in the District of Columbia houses the mayor's office and other local government offices. Dedicated: July 4, 1908.

LOCAL GOVERNMENTS

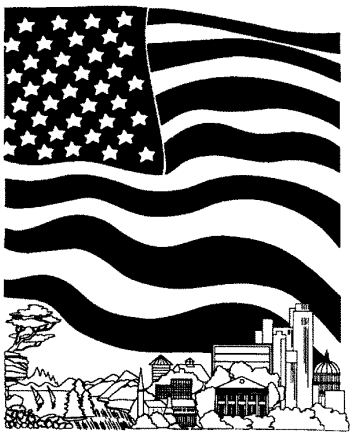
On a monthly basis, we pay our water, sewage, and garbage bills to an office of the local government. We also drive on roads, go to schools, ride on public transportation, attend sporting events at a sports arena, participate in sporting events at public courts or fields, swim in a municipal pool, do homework at a public library, or receive protection from police and fire departments. Your local government provides for all of these services. What, then, are local governments?

ORIGIN AND TYPES OF LOCAL GOVERNMENTS

Recall that the Framers wrote nothing in the U.S. Constitution about local governments. They came into existence as state governments delegated powers to them. The U.S. Supreme Court endorsed this receipt of delegated powers in their ruling on the case of *Merrian v. Moody's Executors* in 1868. The Court added that when any doubt exists as to the level of a power, the courts should rule against the local government in favor of the state.

State and federal judiciaries have upheld this landmark ruling over the years. However, some states have developed a "home rule" approach and other methods to obtain power. Home rule grants certain organizational and structural authority directly to cities. Another approach grants cities a wide range of influence, but allows state legislatures the right to claim any powers they feel should come under state control. Today, many local governments use both, or a combination, of these methods to establish the limits of their authority.

States have many units of local government that fall into four categories: counties, **municipalities**, towns or townships, and special (or school) districts. After the 1980 census, there were approximately 82,000 local governments: over 3,000 counties; 19,000 municipalities; 16,500 towns or townships; 28,500 special districts; and 14,800 school districts.



COUNTY GOVERNMENTS

States created county governments to assist them in carrying out their laws. Of the over 3,000 county governments in the United States, each extremely varied in both geographic size and population, those in rural areas of the country are important providers of local services. On the other hand, those counties in the more populated areas are less important in providing these services. In the populated areas, local municipal governments handle the majority of the governmental issues.

Functions of County Governments

State constitutions determine the functions and responsibilities of county governments. In rural areas with few municipal governments, counties may be responsible for a wide range of functions.

- Collecting taxes
- Maintaining roads
- Administering jails, airports, hospitals, and schools
- Keeping public records
- Overseeing elections

Conversely, counties with urban areas may share with the municipal government functions such as schools, public health, mass transportation, and highway and bridge maintenance. As the rural counties become more populated and towns within those counties grow, the services offered by the county government tend to increase — approaching those offered by city or municipal governments.

Organization of County Governments

County governments differ not only between states, but even within a state. Usually, counties do not have a chief executive officer. They combine executive, legislative, and judicial responsibilities into several bodies: county boards, county officers, and other boards.

County boards range in size from only a few members (usually referred to as boards of commissioners) to over 50. The larger boards that average 15 or more members are boards of supervisors. Voters generally elect the board members to four-year terms.

The smaller county boards normally have legislative and administrative powers, whereas the larger ones have executive and legislative responsibilities. These latter responsibilities include administration of welfare services, courts, jails, hospitals, and roadways; tax collection; appropriation of county funds; and passage of county ordinances.

County boards share their powers and responsibilities with county officers and other boards. County officers include the sheriff, district attorney, superintendent of schools,

county clerk, county **assessor**, county treasurer, and coroner.

The other boards assist the county in the areas of health, planning, hospital, and library services. Recall that these special boards may differ from state to state. In some states, the voters elect members to these boards. In other states, the county boards may appoint them.

Problems Facing County Governments

Several of the biggest problems facing county governments are:

- the inefficiency of having many counties with very small populations when states could consolidate them into larger ones that would cut duplication of services and provide more effective government.

- the lack of executive leadership. With authority divided between county boards, officers, and the other special boards, there is no one person with final responsibility. Counties across the country have initiated the following proposals to improve county government and to correct this deficiency.

  County Manager Plan — currently used by about 2% of the total counties

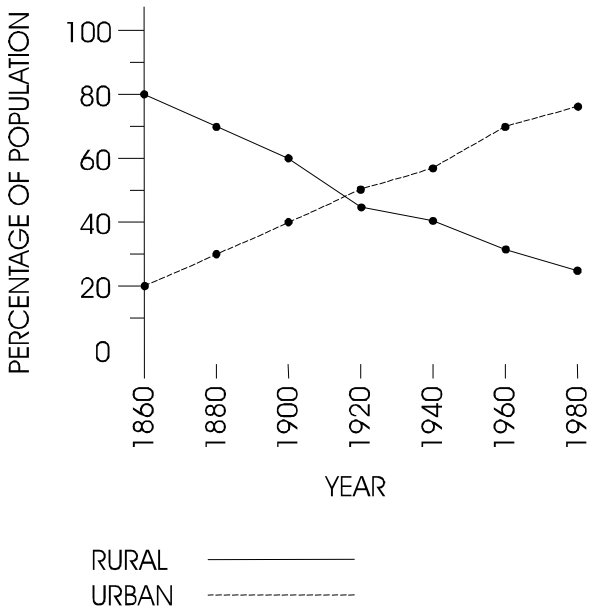
  Chief Administrative Officer Plan — the most popular initiative used by almost 20% of the total counties

  Elected Chief Executive Plan — also used by only 2% of the total counties

- weakness of the counties. As instruments of the state, counties traditionally have little sovereign power. Therefore, as the counties grow and their citizens demand more services, they may be unable to respond because of legal and/or financial limitations.

MUNICIPALITIES

Municipalities vary in size, are a self-governing **incorporation**, and include cities, towns, **boroughs**, and villages. The larger municipalities are the cities and the smaller ones are the towns, boroughs, and villages. However, what one state calls a city might actually be much smaller than what another state calls a village.



Rural and Urban Population, 1860 - 1980
Source: U.S. Bureau of the Census

In early America, most of its citizens lived in rural communities. Today, most Americans live in or near cities or urban areas, and municipal governments service them. Cities and other municipalities become local governments only after the state legislature grants special status through incorporation. To become incorporated, citizens of the city, town, etc., submit a petition to the state legislature. If it meets the state's qualifications, it becomes incorporated. Once a municipality, it receives a

charter and can officially have its own government.

Types of Municipal Charters and Governments

There are four different types of charters and three kinds of municipal governments in use today.

Home Rule Charters. Most of the largest cities in the United States have this type of charter. It grants the municipality the authority to draw up the charter itself, thus giving these large urban governments more freedom to rule themselves. It is a "do-it-yourself" charter.

Special Charters. The state legislatures write these charters for individual cities and must initiate the required legislation to change them. Furthermore, legislators sometimes abuse these charters by favoring one city over another for political reasons. As a result, they are not very practical today, and few cities want that kind of close supervision by the state.

General Charters. State legislatures developed this charter in the nineteenth century as a generic document meant to fit all cities. Later, they adopted it to suit categories of cities grouped by their size. Although many cities still use general charters, one problem with them is that two cities of the same size may have different needs.

Optional Charters. These charters are somewhat of a cross between the first three. Under this charter, the state legislature allows the community to pick their own charter from several kinds already in use in the state, except they cannot select home rule.

Municipal charters detail the type of government the newly approved incorporation will use. The three kinds of municipal governments in operation today are: the mayor-council form, the commission form, and the council-manager form.

The mayor-council system is one of the most common forms of municipal government. Almost half of the nation's cities use it. An elected mayor is the chief executive and elected council members serve as the city's legislature. Most mayors and council members serve four-year terms. A strong mayor may have the power to veto actions by the council, prepare the budget, and make key executive appointments. The council passes ordinances and laws, establishes programs, appropriates money, and imposes taxes. Most councils are unicameral, except for New York City, which is bicameral. These councils normally vary in size from four to as many as 50 members.

Only a small percentage of cities uses the commission system. Under this form of government, voters elect commission members who have both legislative and executive responsibilities to run the various departments of the city. One of these members may have the title of mayor, but that commissioner has no more authority than any of the other commissioners. The lack of a separate executive is the reason for this system's limited popularity.

A popular form of municipal government, especially in the smaller cities, is the council-manager system. In this structure, the voters elect a city council, which in turn selects a city manager to oversee the operation of the city. This manager is a professional administrator and not a professional politician. There are two potential problems with this system. First, some people believe that a professional administrator is less effective than a mayor. Second, since the people do not elect that administrator, the city

manager may not be completely responsive to their needs.

Problems Facing Urban America

The problems facing many of today's cities and their local governments are numerous and complex. The following list depicts the most complex of these issues or problems.

- Consequences of changing demographics — that is, a general movement away from the cities to the suburbs and from the older, industrial cities in the northeast and midwest to the "sunbelt" in the south and west
- Shortages of adequate housing
- Problems associated with mass transit
- Growing financial and social difficulties for older cities in areas such as police and fire protection, transit facilities, schools, welfare, and health care — a continuing loss of revenues to pay for these services may result in financial collapse and bankruptcy
- Increasing numbers of urban homeless and the unemployed.

To meet these challenges, many city governments have implemented revitalization programs. The use of tax incentives and restoring decaying or depressed downtown areas have spurred economic growth and improved business opportunities. Through initiatives such as these and others, many cities are successfully improving themselves.

TOWNS/TOWNSHIPS

The earliest town governments in the U.S. began in New England during the colonial period. These towns did not have charters and the states did not incorporate them. They functioned much like counties, handling the various state functions as well as important local services. Consequently, counties never became very important in New England. Its towns served the purpose that counties performed in other regions.

One of the unique practices of New England towns is the "town meeting." Once each year, all adult citizens gather to discuss and make the budget and discuss other town business. Because this system is very difficult to manage in towns with large populations, many larger towns incorporate and elect representatives (called selectmen) to conduct the meetings on behalf of the town's citizens.

Townships

Townships exist in many states from New York to the midwest with governments modeled after the New England town system. For example, the original settlements of the mid-Atlantic states are very similar to their New England counterparts. These townships have responsibilities including education, public health, and police and fire protection.

On the other hand, the midwestern states based their townships on geography and geographic plans drawn up by federal land surveys, not on population. Consequently, these midwestern townships are not important centers of government to their citizens, and town meetings are not like those in New England. Instead, elected officials or boards made up of elected members run the meetings. In these townships, the primary responsibility of government is road building

and maintenance. The county governments in this region provide most of the local services.

SPECIAL DISTRICTS

Special districts provide specialized kinds of service that effectively meet many metropolitan and local government needs. Listed below are the most common special districts.

- School Districts
- Water Supply Districts
- Fire Districts
- Sewage Disposal Districts
- Highway Maintenance Districts
- Public Housing Districts
- Districts that develop and maintain facilities which serve governments in more than one state (for example, a port authority).

School districts, often the largest of the special districts are usually run by elected school boards. They appoint a superintendent to administer the schools, set the budget, approve plans for growth, decide all questions of policy, and raise taxes to pay for their expenses. The state governments check the power of school districts by determining the kind of tax and the tax rate; setting minimum salaries, certification standards, and curriculum; and allocating grants to finance a considerable portion of a school district's costs.

Advantages and Drawbacks of Special Districts

The advantages of special districts are they can usually tax and borrow according to their needs, sell bonds to the public, and charge users' fees for the services they provide. The main drawback is there are so many special districts — over 40,000 nationwide — they make local government more complex. One family living in a city may have to deal with numerous special districts: school, water, fire, and sewage.

CONCLUSION

This chapter gave you the opportunity to examine the types of governments that in many ways have more effect on your daily life than the federal government. We first discussed the characteristics of state governments, then came even closer to home by explaining the various types of local governments and the services they provide. Combined, these two sections present the two tiers of government within which you live, go to school, work, and play.

MODERN POLITICAL AND ECONOMIC SYSTEMS

authoritarian
capitalism
democratic centralism
détente
deterrence
imperialist
republic
satellites
socialism
state

INTRODUCTION

At a little over two centuries old, the United States government is one of the oldest and most stable in the world. By now, you should have a better understanding of how our government operates — three separate but equal branches. Moreover, our citizens elect the officers of two of these branches — the executive and the legislative. With this knowledge, we will compare our form of government with others around the world. Comparing the democracy of the U.S. to other democracies, and to monarchies, oligarchies, and dictatorships, should give you a greater appreciation and admiration for the country in which you live.

RECOGNIZING THE "STATE"

It is very common for people to refer to the territory in which they live as a "country" or "nation," but the correct term is "**state**." A state is a group of people who organize themselves politically, live in a defined territory, and have a government that passes and enforces laws without the approval of any higher authority. On the other hand, a nation is a group of people united by common bonds of race, language, custom, or religion.

A "nation-state" is a nation of people who reside in one particular state. France, for example, is a nation-state because most of its people are of French ancestry, they speak French, and they observe French customs and traditions. The United States is not a nation-state. We are a state of people from many nations.

CHARACTERISTICS OF A STATE

The four essential characteristics of each state are population, territory, sovereignty, and government.

- The only population requirement for a state to exist is that a group of people live together. There are no restrictions placed on its size. Some states in the world have smaller populations than towns in the United States, whereas China has the largest with over one billion citizens. The United States has approximately one-fourth the population of China.

- A state must also have a specific territory with well-defined boundaries. Again, size is not a factor. States range from as small as eight square miles (Nauru, a Pacific island state) to over 17 million square miles (the Commonwealth of Independent States, the former Union of Soviet Socialist Republics). The U.S. has over 3.6 million square miles.

- A state is sovereign if it possesses supreme power within its boundaries. Furthermore, no state has the right to control the internal affairs of another state. To be sovereign, it must decide

its own form of government, structure its own economic system, and establish its own foreign policy. The Declaration of Independence proclaimed the sovereignty of the United States.

- The last characteristic is government — the institution that makes and enforces laws and provides services for its citizens.

DEVELOPED V. DEVELOPING STATES

Developed states have access to natural resources, well-defined industry, and advanced research and technology. People who live in developed states usually have a higher standard of living. Another way you can refer to developed states is as "first world" or "second world" states. The U.S., Great Britain, France, other highly industrialized states in western Europe, and Japan are examples of first world states. The Commonwealth of Independent States and its industrialized allies in eastern Europe are examples of second world states.

Developing states have only begun to develop their industry and technology. Not only do most of the people who live in developing states have a low standard of living, there may also be overpopulation, hunger, and political turmoil. These states represent "third world" and "fourth world" states. Brazil is an example of the third world, and Ethiopia the fourth world.

FORMS OF GOVERNMENTS AROUND THE WORLD

There are over 150 different governments in the world. These governments and the organization of states may change from time to time as political, economic, and/or social events within those states change.

The following three charts illustrate the organizations of seven different states (Great Britain, France, Canada, Mexico, Japan, the former Union of Soviet Socialist Republics, and the People's Republic of China). We have also included the organization of the United States as a point of reference. For comparison purposes, each chart shows the form of government, executive or head of state, legislative structures, and the use of political parties within those states.

ECONOMIC SYSTEMS

An economic system is the way in which a state produces, distributes, and sells its goods and services. There are four major types of economic systems throughout the world today: **capitalism**, **socialism**, a mixed economy, and **communism**.

CAPITALISM

Under capitalism, which uses a process of open competition in a "free market," private individuals or corporations produce and distribute their goods and services. In fact, capitalism allows the individual to exercise the greatest amount of freedom in an economic system by:

- Permitting private ownership of property.
- Permitting the freedom to start and operate any kind of legal enterprise that the individual chooses.
- Not placing limits on how much wealth one individual or a group of individuals may acquire.

Since individuals and corporations compete to sell goods and services in the marketplace, buyers are free to choose between the products of the competing

suppliers. Because of its emphasis on concepts such as individual initiative, competition, supply and demand, and the profit motive, economists often refer to capitalism as the “free-enterprise” system.

In a capitalist system, the factors that can most affect individuals or corporations in the production and distribution of their goods and services are the possession of land, capital, labor, and effective management. Leadership is extremely important in free-enterprise in order to organize, direct, and control the first three factors.

	United States	Mexico	France
Form of Government	Representative Democracy* Constitution is dated 1787.	Federal Republic (Democratic centralization with strong president) Constitution adopted in 1917.	Representative Democracy (Fifth Republic) Constitution is dated 1958.
Executive/Head of State	President and Vice President: elected for 4-year terms; limited to 2 terms	President: 1. Elected for 6-year terms, but cannot be re-elected 2. Has very few restraints on authority — characterizing democracy as presidentially centered.	President: 1. Elected for 7-year terms 2. After the 1958 reform, is the most powerful person in government 3. Can dissolve the National Assembly and call for new elections
Legislature *Lower House:*	Bicameral: House of Representatives — 435 members elected for 2-year term	Bicameral: Chamber of Deputies — 300 members elected and 150 members chosen (by proportional representation) for 3-year terms	Bicameral: National Assembly — 491 members elected for 5-year terms
Upper House:	Senate — 100 members elected for 6-year terms.	Senate — 64 members elected for 6-year terms	Senate — 304 members selected by local councils for 9-year term
Political Parties	Historically a 2 party system: Democratic Party favors substantial reforms in political, economic, and social institutions of society. Republican Party favors self-reliance, personal initiative, and a strong national defense over that of improving welfare programs There has been at least one Third Party in almost every presidential election.	Historically, a 2 party system: PRI, or revolutionary party PAN, a conservative party	Historically has a multi-party system currently with 4 parties: Gullists (conservative) favor stability and strong national government. Independent Republicans (conservative) favor farmers and business interests. Socialists (left) support teachers, skilled workers, and government workers. Communists (left) favor industrial factory workers.
Remarks	A separate judicial branch has powers vested in one Supreme Court plus lower federal courts. Constitution calls for checks and balances and separation of powers.	A Supreme Court is the judicial branch. Constitution calls for checks and balances and separation of powers.	

Note: * A representative is often referred to as a **republic**.

	Great Britain	Canada	Japan
Form of Government	Evolved from Monarchy to Representative Democracy Unwritten Constitution — Government based on Bill of Rights, Magna Carta, and laws.	Evolved from Monarchy to Confederation with Parliamentary Democracy Constitution is dated 1982 — when Britain's rule ended.	Evolved from Monarchy to Parliamentary Democracy Constitution is dated 1947 — after Japan's defeat in WW2.
Executive/Head of State	Prime Minster: 1. Elected by Parliament 2. Remains in office only as long as his/her party maintains majority support in Parliament. 3. Cabinet must resign if their party loses a vote of confidence in the House of Representatives	Prime Minister and Cabinet: 1. Elected by House of Commons 2. Must resign if they lose a key vote in House of Commons Government must hold elections at least once every 5 years; plus House of Commons holds a question period daily during which Prime Minister defends policies.	Prime Minister and Cabinet: 1. Elected by the majority party in House of Representatives 2. Can dissolve the House of Representatives and call for new elections (although this rarely happens because of tight party discipline) 3. Must resign is House of Representatives passes a non-confidence vote.
	King or Queen: once powerful ruler sharing powers with Parliament; now performs only ceremonial duties.	Governor General: Represents British monarch as Head of State; role is largely ceremonial.	Emperor: Once thought to divine power; after WW2, became a ceremonial figure.
Legislature	Bicameral:	Bicameral:	Bicameral:
Lower House:	House of Commons — 650 members elected for 5-year terms (most powerful chamber)	House of Commons — 282 members elected for 5-year terms	House of Representatives — 511 members elected for 4-year terms
Upper House:	House of Lords– 1. Over 1000 total members (inherited titles) — about 100 are working members 2. 9 Lords serve as the equivalent to the U.S. Supreme Court.	Senate — 64 members elected for 6-year terms	Senate — 304 members selected by local councils for 9-year term
Political Parties	Historically a 2 party system: 1. Conservative Party favors business and middle-class. 2. Labour Party favors industrial workers. Third parties are the Social Democratic and Liberal Parties; prior to the rise of the Labour Party, the Liberal Party was one of the two major parties in Britain.	Historically a 2 party system: 1. Conservative Party supports middle-class and business. 2. Liberal Party favors working-class industrial workers. Two minor parties are the New Democratic Party and the Social Credit Party	Historically has a multi-party system but LDP has dominated since 1947: 1. Liberal Democratic Party (LDP) is a middle-class party supported by bureaucrats, business leaders, and farmers — members range from moderate to strong conservative. 2. Two left wing parties are Socialists and Communists.

	Former U.S.S.R	China
Form of Government	Communist Dictatorship (by a small Oligarchy that controlled the Soviet Communist Party)	People's Republic (organized according to principle of **democratic centralism**)
	Constitution spells out **authoritarian** political power.	New party and national constitutions adopted in 1982 — curbed Maoist ideology.
Executive/Head of State	General Secretary: 1. Was the most powerful person of the Party 2. Frequently held the Soviet Government title of Premier, this made him both the top party and top government official.	Premier: 1. Heads the State Council (the executive branch for the People's Republic) 2. Elected by the National People's Congress.
	President: 1. Elected by the Residium (most powerful group in Soviet Government) 2. Represented the state on ceremonial occasions.	President: (former Chairman of the Standing Committee of the National People's Congress, which was a ceremonial post equivalent to the Head of State.) 1. Elected by the National People's Congress 2. Often jointly holds top position (General Secretary) in the Chinese Communist Party (CCP).
Legislature	For the Communist Party:: 1. Politburo — a small group of Party leaders (most powerful group of the Party). 2. All-Union Party Congress — 5000 members that met every few years to elect a Central Committee (of 300 voting and 150 non-voting members) to run the party between sessions.	National People's Congress (the legislative branch of government): 1. Highest organ of State power; supervises the other 2 branches of government: Judicial (with 2 coequal courts) and State Council 2. Has over 3000 delegates (chosen for 5-year terms by indirect, and unequal, elections); meets for annual session; and has a Standing Committee represent it when not in session. 3. Constitutional reform of 1977 no longer made this Congress subordinate to the CCP.
	For the Soviet Government: 1. Presidium — was a 20 member body and always headed by a Politburo member. 2. Council of Ministers — was formed by members who were each ministers of 85 or so agencies that controlled the nation's industries; had little influence on Soviet policy-making; was headed by the Premier. 3. The Supreme Soviet was the closest thing to a national legislature; it was bicameral; had 1500 members, and met only twice per year.	Standing Committee of the Politburo: These 7 members are the ruling Party's inner circle or single most powerful Party body. National Party Congress: Governing organ of CCP; run by a 340-member Central Committee which holds a session every 5 years — last held was the 14th Party Congress in Oct. '92; elects political bureau and standing committees.
Political Parties	Soviet Communist Party: was separate from but dominated every level of government.	Multi-party system, but all legal parties must complement rather than oppose the CCP, which exercises the real leadership over the People's Republic of China.

The government plays an important role in a state's economic system. The government not only regulates interstate commerce, but it also shapes fiscal policy by controlling interest rates on capital. The government also assists the national economy by keeping a vigorous market for its products. Prices, which are set by the law of supply and demand, are a controlling factor in a free-market economy. The higher the demand for a product, the higher the price.

SOCIALISM

In a socialist society, the government, rather than private enterprise, substantially owns and controls the production and distribution of goods. Plus, cooperation (rather than competition) guides economic activity. According to socialists, there should be no private property and no competition between the various producers of goods and services. There are many different theories on socialism. The following list highlights a few of them.

- Some socialists tolerate capitalism, as long as the government maintains the dominant influence over the economy.

- Other socialists insist on a complete abolition of private enterprise.

- Another theory of socialism came about in the middle of the nineteenth century by democratic socialists who worked to organize socialist political parties. Their aim was to take control of the government through democratic means, then to use the power of the government to more equally distribute the wealth of society.

- The ideas of the democratic socialists differed with those of the revolutionary socialists. Karl Marx, the nineteenth century German scholar who envisioned communism, believed that a state could only achieve a socialist society through a violent revolution.

- Some theorists argue that all communists are socialists, but not all socialists are communists.

Democratic socialists advocate government ownership and control of large industries such as railroads, steel mills, banks, airlines, automobile plants, etc. Therefore, instead of a free-enterprise system where demand dictates the supply, the socialist government dictates what and how much the producers will make. Capitalists argue that democratic socialism discourages individual initiative. They also believe that people in a socialist state will not work hard if the government does not allow them to keep the wealth they produce. Furthermore, there is considerable fear that government ownership of these large industries will increase the power of the socialist government.

The Labour Party in Great Britain is an example of a modern-day democratic socialist party. Additionally, all the major democracies in western Europe have socialist parties.

MIXED ECONOMY (Capitalism & Socialism)

In a mixed economy government regulations influence a free market. Since most democratic states, including the United States, have both private property and government regulation, they are mixed economies. For example, private corporations own most large industries, such as steel and airplane manufacturing plants; however, the government regulates them by setting maximum working hours, minimum wages,

and health and safety standards. At times, Congress has felt it necessary to go beyond this regulation of industry and has assumed ownership or operation of major enterprises (such as postal services, air traffic control, and construction of interstate highways).

COMMUNISM

Under communism (and the theories of Karl Marx in *The Communist Manifesto*, 1848), the state commonly owns all means of production, rather than private individuals or corporations. Communism is the ownership of property, or the means of production, distribution, and supply, by the whole of a classless society. In a communist state, people share wealth on the principles of "to each according to his need" and each yielding "according to his ability."

Karl Marx and Friedrich Engels envisioned the inevitability of communism arising from a class war, the overthrow of capitalism, and the creation of a classless society. They believed that workers would eventually become the managers and the producers, and that they would receive the benefits equally. They also included the notion of economic determination, which predicts that the economic conditions of people will ultimately determine the political and social structures of the state.

Because Marx's theories dealt mainly with economics, communist states' received virtually no ideas from him on how to structure their new states. They had to organize their governments without the aid of any Marxist concepts or experiences.

Lenin (a founder of the Soviet Union) applied the doctrine of Marxism and called for a classless society within the Soviet State that would commonly own all means of production. Lenin stressed bold, revolutionary action. He insisted that a Marxist nation needed a strong communist party to direct the efforts of the workers. Lenin argued that the capitalist nations would resort to aggressive **imperialist** moves as they declined, requiring the Marxist nations to be prepared for war.

Eventually, according to Marxism-Leninism, even the rigid governmental structures (that characterized the former Soviet Union and other Marxist nations) would not be necessary — a "withering away of the state" would occur. Today, this withering away is taking place, but not as Marx envisioned. Former communist states are abandoning their rigid governmental structures and struggling to form a market economy and a more representative form of government.

COLD WAR

Following World War II, the United States and Russia emerged as the most powerful nations in the world. The "Cold War" is a term used to describe the political and economic struggle after World War II between the capitalist, democratic western powers and the communist powers. The cold war period involved massive military build-ups (including nuclear weaponry) by both sides; intensive economic competition; and strained, hostile diplomatic relations. Both sides embarked on a policy of **deterrence**, which emphasized maintaining a strong military force that would deter another nation from attacking because of the expected response.

The one "hot war" of the period was the Korean War (1950–1953). Furthermore, the first major post-World War II disagreement between the east and the west was over the reunification of Germany, which proved difficult to resolve and was not accomplished until the end of the Cold War. Commu-

nications between the two sides virtually ceased and an "Iron Curtain" descended between them. The United States rallied the other western powers by sponsoring a series of strategic actions, including the North Atlantic Treaty Organization (NATO) and other regional pacts.

Within the communist bloc, the Soviet Union maintained tight political, economic, and military control over its **satellites**. The Soviet Union suppressed the Hungarian Revolution; instituted the Warsaw Treaty Organization; and supported communist takeovers of China, parts of southeast Asia, and Cuba. By the late 1960s, tensions had relaxed somewhat, and a measure of **détente** — a lessening of tensions — became apparent. Most observers felt that the east and west were entering into a period of more complex relations to which the term Cold War would no longer apply.

Suddenly, in 1989, with very little warning, the Berlin Wall tumbled. The Communist bloc countries began to denounce communism as not being successful in bringing about the social, economical, and political benefits long touted as the new world order.

THE UNITED NATIONS

The United Nations is an international organization established immediately after World War II to replace the League of Nations. The League of Nations was a post-World War I international organization that had no enforcement powers and did little to prevent World War II. The main purposes of the United Nations are to maintain international peace and security and to achieve cooperation in solving economic, social, cultural, and humanitarian problems.

On January 1, 1942, 26 nations joined the Declaration of the United Nations, pledging to continue their joint war effort and not to make peace separately. Then, at a conference held in San Francisco on October 24, 1945, the United Nations drew up its Charter, which contained the following major provisions.

- Outlaw war
- Provide peacekeeping efforts as a peaceful solution to settling disputes
- Serve as a forum for defusing international conflicts and encourage cooperation among nations
- Provide economic and technological development to developing nations

Since being chartered in 1945, the United Nations has gone from 50 member nations to 184 in 1994, virtually representing all of the countries in the world.

ORGANIZATION OF THE UNITED NATIONS

The United Nations is a modern-day example of an international confederation. In this body, the member nations are the

component governments, while the United Nations itself is the central political unit. This organization possesses the basic features of a confederation.

- It exercises only those powers granted to it by its members.
- Its governmental authority is narrow compared to that retained by its members.
- It depends on voluntary contributions of money and military forces from its members for its operations.
- It cannot force its provisions on individual members.
- Its members are free to withdraw from it at any time.

The principal organs, as specified in the Charter, are the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice (or World Court), and the Secretariat. The Secretariat, with the Secretary General at its head, handles all administrative functions.

General Assembly

- Primary responsibility: Chief deliberative body of U.N.
- Membership: All member nations represented and have one vote each.
- Duties: Studies political, social, and economic issues; makes recommendations, but no advisements on issues under Security Council consideration; and passes U.N. budget.

Security Council

- Primary responsibility: Preserve peace.
- Membership: 15 members — five permanent "big powers" (United States, Russia, China, Great Britain, and France) and ten members chosen (five each year) by the General Assembly for two-year terms.
- Duties: Makes recommendations on disputes, takes action (economic sanctions or military action) on threats to peace/acts of aggression, and approves all applications for membership to the U.N.
- Note: During the 48th General Assembly, the member nations debated enlarging the number of countries with permanent seats on this council. Most frequently mentioned were Germany and Japan.

Economic and Social Council

- Primary responsibility: Investigates economic and social questions/issues.
- Membership: 54 members — General Assembly elects 18 each year for three-year terms.
- Duties: Works to encourage higher standards of living; better health, cultural, and educational cooperation among nations; and observance of human rights.

International Court of Justice (World Court)

- Primary responsibility: Settles legal disputes submitted to it by member nations.
- Membership: 15 judges (five are from the "big powers") chosen by the General Assembly and Security Coun-

cil for nine-year terms; five re-elected every third year.

- Duties: Issues advisory opinions on matters represented by U.N. organs. Has limited jurisdiction in disputes between states involving: questions of international law, violations of international obligations, and restitution for such violations. Rulings are binding; nations cannot appeal them.

The Trusteeship Council

The purpose of the Trusteeship Council, made up of the five permanent members of the Security Council, is to oversee the administration of trust territories and help them become self-governing or independent. This council suspended operation on November 1, 1994, having fulfilled its aim when the last remaining trust territory, the U.S.-administered Pacific Island territory of Micronesia, gained independence. In the future, the council will meet only as required.

EFFECTIVENESS OF GOALS

At the outset, all members expected close cooperation. However, the Cold War soon dashed those hopes by hammering at the functions of the many U.N. organs. Although the objective to outlaw war has not happened, the United Nations has intervened in numerous conflicts and furnished such peacekeeping forces as the member nations were willing to provide. The member nations have never agreed to a standing peacekeeping force. Instead, they evaluate each new problem on its own merit.

The first major test was Korea, followed by the mobilization of peacekeeping forces for the Congo, Cyprus, the Middle East, and one of the more recent conflicts, the Persian Gulf War (Desert Storm). Late in 1993, the United Nations had some 76,000 military and civilian police (peacekeeping forces) from 75 countries deployed around the world (in places such as the Balkans, Somalia, Cambodia, Angola, and Haiti) at a cost of $3.6 billion for the year.

In recent years, the United Nations has been successful in providing humanitarian assistance (Mozambique and Rwanda); monitoring conditions in the former Soviet republic of Georgia; monitoring cease-fire agreements, elections, and peace accords (Angola and El Salvador); monitoring conditions along borders (Iraq-Kuwait and Uganda-Rwanda); and monitoring the fighting in Liberia.

UNITED STATES POLICY TOWARD THE UNITED NATIONS

The United States has provided a major part of the finances and military forces needed to run the United Nations. This may partially be attributed to the fact that in many circumstances, the objectives of both were similar.

When an action of the United Nations threatens the policy of one or more of its member nations, there is often a negative response from those nations. For example, for many years the Soviet Union and other communist bloc countries would not pay their fare share of the cost of operations because the objectives of the United Nations were at cross purposes with them.

Desert Storm was different. There was an unusual degree of cooperation among the majority of the member nations, including the former Soviet Union and its satellite countries. This cooperation has strengthened the position of the United Nations in the world community.

CONCLUSION

With only two centuries of operation, the United States government is nevertheless, one of the oldest and most stable in the world. It stands as a model for other countries to follow. World War II devastated much of Europe and Japan. Afterwards, the international community searched for a way to resolve its conflicts without resorting to war.

Glossary

A

Abolitionist. A person who wanted to do away with slavery in the United States.

abridge. To shorten, especially by leaving out less important parts; condense.

acceptance. The act of accepting the beliefs of others.

acquired immune deficiency syndrome. (AIDS) Caused by a virus called Human Immunodeficiency Virus (HIV), which destroys the body's immune systems. Without an immune system, AIDS patients die from other diseases, infections, and cancers, which their bodies can no longer resist.

acquit. To free or clear from a charge (such as when a jury or judge indicates that a person is not guilty of a crime as charged); to exonerate.

active listening. Listening with your eyes and ears. It requires you to be completely focused on the communicator, looking into their eyes and watching their facial expressions and gestures.

admiralty. Pertaining to maritime law or a court that exercises jurisdiction over all maritime questions.

admissible. Capable of being allowed or accepted (as in a court of law); worthy of being admitted.

admonition. Cautionary advice or criticism for a fault; a mild censure. (See **censure**.)

adversaries. Two parties who oppose each other, such as in a court case.

adversary concept. When two conflicting parties each present their side of a case as persuasively as possible to a judge who must decide who is telling the truth.

agenda. A list of tasks or a schedule to be followed.

aggression. An unprovoked attack or invasion.

air superiority. The advantage in an air war when the air power of one side is able to control the skies over the battlefield and reduce the effectiveness of the other side's air power.

allegiance. Loyalty, or the obligation of loyalty, as to a country, government, ruler, group, cause, and/or item (such as a symbol of the country).

Allies. The nations that joined together against the Central Powers in World War I, especially the United States, Great Britain, Russia, and France.

amendment. A formal change made by constitutional procedure.

amphibious. A military action carried out by the coordinated efforts of land, sea, and air forces.

annex. To take possession of (territory etc.) and incorporate it into an existing country/state.

Anti-Federalists. The early political leaders who were against the ratification of the *Constitution* because they thought it gave too much power to the national government and did not protect the political rights of the people.

antitrust. Consisting of laws to protect trade and commerce from unlawful restraints and monopolies or unfair business practices.

apathy. A lack of emotion or interest; indifference. (**apathetic**. Feeling or showing little or no emotion.)

appeasement. The policy of granting concessions to potential enemies to maintain peace.

appellate jurisdiction. A higher court's authority to accept appeals and review the decisions of lower courts.

apportion (**-ment**). To assign legislative seats according to a preexisting plan; the assignment of a certain number of legislative seats to states based on state population.

aristocracy. A system of government in which a small privileged or upper class, usually made up of hereditary nobility, holds power. (**aristo-cratic**. Pertaining to an upper class of society or having the characteristics of an upper class.)

armistice. A temporary suspension of hostilities by agreement between the opponents; truce.

arraign (**-ed**). To call (a defendant) before a court to answer to an indictment; to charge or accuse.

Article 15. The least severe and most commonly used punitive measure for minor military offenses. Though called non-judicial punishment, the accused's company or battalion commander (who usually imposes non-judicial punishment) act in a quasi-judicial capacity.

Articles of Confederation. The first constitution of the United States, adopted by the 13 original colonies in 1781; it was replaced by the present *Constitution* in 1788.

ascribed. To think of something as belonging to; to regard as belonging to something as a quality or attribute.

assessor. One who sets values on resident's property for purposes of taxation.

atoll. A ring-like coral island and reef that nearly or entirely encloses a lagoon.

authoritarian (**-ism**). Characterized by or favoring absolute obedience to authority, as against individual freedom.

axis powers. The alliance of Germany and Italy (in 1936), later including Japan and other nations, that opposed the Allies in World War II.

B

bail. Security, usually a sum of money, given to a court to obtain the temporary release of a person under arrest, as a guarantee of that person's appearance for trial.

balance. One of seven citizenship skills (Citizenship Skill 7) that involves understanding there is more than one side to every issue and having the ability to come to agreement and resolve differences by using either compromising or harmonizing solutions.

Balkan. Of or pertaining to the Balkan nations or the Balkan Peninsula in southeastern Europe, consisting of Yugoslavia, Rumania, Greece, Bulgaria, and Albania during World War II.

ballistic. Of or pertaining to projectiles (ammunition), their motion (flight characteristics), or their effects, as well as the firing characteristics of firearms.

barrage. A heavy bombardment of artillery fire placed in front of friendly troops to screen and protect them; any rapid, concentrated discharge of missiles and/or other munitions.

battery. The basic artillery unit equivalent to a company in other branches of the army.

beachhead. A fortified position (area) on an enemy-held shoreline first seized and held by invading troops to allow for the further landing of troops and supplies and for advance inland.

besiege (**-ing**). To surround (or lay siege to) a town or fortress with an aggressive intent to capture it.

bicameral. Having two legislative houses or chambers.

blitzkrieg. [German word for "lightning war."] A swift, massive invasion usually by combined air and armored forces to achieve a quick victory over the enemy.

blockade. The closing off of a city, coast, harbor, or other area to traffic (people or supplies) and communication by hostile ships or forces; the forces employed to close such an area.

borough. A self-governing, incorporated town or administrative unit of a city.

breach (**-ed)**. To create an opening over or through an obstacle (i.e. minefield, barrier, etc.).

brief. A written statement summarizing the lower court's decision and setting forth the facts, legal arguments, and precedents of a case that parties to a legal action file to persuade a court to rule in their favor.

C

cadet ride. The study of an American historic battlefield site (or other significant historic event/monument) by a Senior ROTC Battalion by conducting a detailed terrain walk (or tour) of it. The study includes extensive preliminary, execution, and evaluation phases for a thorough analysis/understanding of the campaign/historic event.

capitalism. An economic system characterized by open competition in a free market for goods and services, and private or corporate control of production and distribution; economic growth depends upon the accumulation and reinvestment of profits.

carbine. A lightweight automatic or semi-automatic rifle with a short barrel that is normally fired from the shoulder.

caucus. A closed meeting of a group of persons belonging to the same political party usually to select candidates for office or to decide on policy.

censure. An opinion or judgment that criticizes or condemns sternly.

Central Powers. The alliance comprising of Germany, Austria-Hungary, Bulgaria, and Turkey (Ottoman Empire) that opposed the Allies in World War I.

chief justice. The highest honor at the end of the game is to become Chief Justice. The game will come to an end when one law firm has reached the level of Supreme Court. The cadets are then asked to confirm a Chief Justice by secret ballot.

circuit court. An appeals court (a court with appellate jurisdiction).

citizen. A person who is born in a country or who chooses to become a member of a country by law, and who owes allegiance to and is granted rights and privileges by its government, especially one with a republican form of government.

civil case. A case that seeks to enforce the rights of private individuals or groups through compensation for past wrongs or the prevention of future ones.

civil suit (procedure). A case which seeks to enforce the rights of private individuals or groups through compensation for past wrongs or the prevention of future ones.

close-air support. The use of military aircraft to provide direct fire support for friendly ground forces, consisting of attacks with guns, bombs, guided missiles, or rockets on unfriendly ground forces, their installations, or vehicles.

coalition. A temporary alliance of distinct parties, persons, or states for a joint action.

coercion. The act, process, or power of forcing someone to act or think in a given manner, such as by using force or threats as a form of control.

Cold War. A state of intense political or economic rivalry, stopping short of actual warfare, between the Soviet and American blocs of nations following World War II.

Colonist. An original settler or founder of a colony.

commissions. The granting or entrusting of authority or certain powers; an official document conferring such authorization (specifically military rank and authority) to an officer of the U.S. armed forces.

committee executive. An executive branch of government where several persons each hold power in different areas.

communism. A political, economic, or social doctrine aimed at the establishment of a classless society, often achieved by revolutionary methods.

compromise. Give and take in a relationship, so that both parties can be satisfied.

concurrent power. A power granted to both the national and state governments, which may be exercised at the same time but within their own jurisdictions.

concurring opinion. A statement written by a justice when he or she agrees with the Supreme Court's decision (ruling) but for different reasons.

Confederate. (1) Of or pertaining to the Confederate States of America during the Civil War; (2) The alliance of states that seceded from the Union of the United States of America; (3) A person who supported the Confederate States of America during the Civil War.

confer (**-ring**). To bestow or give to someone.

confrontation. The act of facing an opposition with hostility, such as the clashing of forces or engaging one another with strategic weapons.

congressional elaboration. Congress's informal process of amending of the *Constitution* through the passage of laws.

conscription. Compulsory enlistment for military service; a draft.

consensus. a process by which everyone in a Citizen Action Group accepts a decision. It is

not necessary for everyone to agree to the decision to reach a consensus, but that everyone accepts the decision and/or the manner in which it was made and thus will not oppose or undermine the result.

consequences. Actions that result from an action or condition.

conservative. One who favors individual initiative, self-reliance, and a strong national defense rather than government welfare programs, which are viewed as wasteful and ineffective; on a political spectrum, is described as "the Right."

constituent. A person who is represented by an elected official.

constitution. The document that contains the laws of a nation and guarantees the rights of its citizens.

constitutional court. A federal court that exercises the judicial powers specified in Article 3 of the Constitution. These courts are the most numerous and have the most complex jurisdiction of the two types of federal courts.

containment. The policy, process, or result of preventing the expansion of a hostile power; for example, the policy developed by the Truman administration to limit the spread of communism.

contra. [Prefix meaning against or opposite.] A term frequently used by the Reagan administration to represent the guerrilla fighters in Nicaragua fighting to overthrow the Marxist government.

contraband. Goods prohibited by law from being imported or exported; the illegal traffic of such goods .

conventional forces. Non-nuclear military forces (i.e., tanks and infantry).

cooperation. One of seven citizenship skills (Citizenship Skill 1) that involves the art of working together as a group toward a common goal. Cooperation is shown in an attitude of group awareness and willingness to help each other reach a common goal.

counterguerilla warfare. Military tactics used to oppose the methods of fighting by guerrilla forces.

coup d'etat. A sudden, violent overthrow of a government.

courage. The strength to stand up for one's beliefs.

criminal case. A case that seeks to enforce crimes committed against federal laws or the rights of society against violators, with such enforcement taking the form of a fine, imprisonment, or death, if the violation is serious enough.

criminal suit (procedure). A case which seeks to enforce the rights of society against violators, with such enforcement taking the form of a fine, imprisonment, or death, if the violation is serious enough.

cross examine. To question the witness or opposing side.

customs. A tax imposed on imported, and less commonly, exported goods.

cultivate. To promote the growth or development of; nurture; foster.

culture. The concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period or civilization.

Czar. (1) A title used by Russian rulers from 1547 to 1721; it then remained in common use until 1917 although the official title of the Russian ruler from 1721 to 1917 was emperor; (2) A tyrant; autocrat.

D

decennial census. A count of the national population by the government every ten years.

decision making. The process through which a decision is made.

defendant. A person (or party) against whom a legal action (such as a charge or charges) is brought; a person (or party) required to make answer in a legal action or suit.

delegate. A person given authority to represent or act for another or others; representative; deputy.

deliberation. A period of time given to a jury to discuss and determine a ruling in a case.

demilitarized. To prohibit (as a zone) from being used for military purposes or potential; to rid of military characteristics, uses, or organizations (forces).

demobilization. Actions taken to disband a military force from a state of war to one of peace, such as reducing its size.

democracy. Government by the people; rule of the majority; a government in which the people hold the supreme power and exercise that power either directly by themselves or indirectly through a system of representation.

democratic centralization. A democracy where voters elect the government in a democratic fashion, but most of the government's power is centralized in one branch.

denaturalization. The act of depriving a person of the rights of naturalization or citizenship.

denied power. A power not granted by the Constitution to the national government.

deployment. To send military forces overseas to participate in military or humanitarian actions.

depression. (1) A sunken or low place in the ground; (2) In low spirits; dejection; sadness.

détente. An attempt to relax the tension between states as a means of reducing the possibility of war and achieving peaceful coexistence between different social and political systems (such as between the U.S. and the Soviet Union in the 1970s).

deterrence. A military capability sufficiently strong to discourage any would-be aggressor from starting a war because of the fear of retaliation.

deterrent. The maintaining of vast military power and weaponry in order to discourage war.

dictator. A ruler who has absolute power and authority over the government of a state, especially one who is considered cruel or unjust.

dissenting opinion. A statement written by a justice disagreeing with the Supreme Court's majority opinion.

district court. A trial court (a court with original jurisdiction).

diversity. Having various forms or qualities; differing from one another.

double jeopardy. The situation prohibited by the Constitution of being tried twice for the same crime, and thus being twice put in jeopardy of life and limb.

doughboy. The nickname give to American infantrymen in World War I.

draft. The process of selecting individuals for required military service.

due process. The principle required by the Constitution that a person accused of a crime be tried fairly and according to set procedures.

duty (**-ies**). A tax charged by a government, especially on imports.

E

education. Knowledge obtained through the act of learning.

elastic clause. The clause of the Constitution that grants Congress the power to make any and all laws deemed "necessary and proper" for carrying out its explicit functions; thus, allowing Congress to adjust to the changing political and social conditions (see also **implied powers clause**).

electoral college. A body of electors, representing their individual states, who formally elect the president and vice president.

electoral vote. A vote that each state can cast in the electoral college which is equal to the number of its representatives and senators.

elite. A superior group.

Emancipation Proclamation. A proclamation issued by Abraham Lincoln effective 1 January 1863, declaring the freedom of all slaves in territory still at war with the Union.

embargo. An order by a government forbidding or prohibiting the movement of (merchant) ships of a foreign power from leaving or entering a port.

eminent domain. The right of a government to appropriate private property for public use, usually with compensation to the owner.

equality. Listening and being fair to others.

espionage. The practice of spying or the use of spies to obtain information about the plans and activities of a foreign government.

establishment clause. A part of the First Amendment that forbids Congress from passing laws that violate the "separation of church and state," thus "respecting the establishment of religion."

ethnic cleansing. The elimination of an ethnic group from a region or society

executive agreement. A decree, made between heads of state, that does not require legislative ratification.

executive clemency. A state governor's judicial power or right to administer administrative acts of mercy or leniency.

executive branch. The branch of government responsible for administering laws and for managing the affairs of a nation.

executive order. A presidential decree that does not have to be approved by Congress, yet it has the force of laws.

executive power. A presidential power that is granted but not defined in the Constitution, which includes enforcing the nation's laws.

exile. A person who has been separated from his or her native country.

expansionist. A person who favors the territorial or economic growth of a country by absorbing the countries or territories surrounding it.

expatriation. The act of willingly renouncing one's citizenship to reside in another country.

expressed power. A power granted to the national government that is stated explicitly in the Constitution (also called an enumerated power).

Federal. A supporter of the Union during the Civil War; especially, a Union soldier.

fairness. One of seven citizenship skills (Citizenship Skill 3) designed to help people temper their individual desires with the needs of society as a whole.

fascist. A person who supports a philosophy or system of government that calls for a dictatorship of the extreme right, typically through the state control of the economy, strong emphasis on nation and race, and suppression of all opposition (such as the governmental system of Italy under Benito Mussolini from 1922-1943).

federals

federal government. A form of government in which the people of a particular area give their power to an individual state. The state, along with all the other states, turns its power over to the national government.

federalism. The principles or system of federal government; the system under which a national government shares some of its powers and responsibilities with its smaller governmental components (such as the states).

Federalist. A person who supported the ratification of the Constitution, advocated a strong central government, believed in or supported a federal system of government, and belonged to or supported the Federalist party; an advocate of federalism.

Federal(s). A supporter of the Union during the Civil War; especially, a Union soldier.

felony. A serious crime such as murder, rape, or burglary for which the punishment in federal and/or state law may be death or imprisonment usually for more than one year.

fifth column. A clandestine subversive organization working within a country to further an invading enemy's military and political aims.

"flexible response." A doctrine developed by the Kennedy administration that meant the U.S. would be in a constant state of readiness to respond to any level of hostile military action, but would not use nuclear weapons in cases of limited aggression.

forensic. Pertaining to the application of medical facts as they relate to police lab work or legal matters.

forum. A place or opportunity for open discussion and participation.

Framers. (Founding Fathers) One of the people who wrote the U.S. Constitution.

free exercise clause. A clause of the First Amendment of the Constitution that protects the rights of the people to practice (worship), or to abstain from, a religion of their choice.

freedom. Political independence or immunity from arbitrary exercise of authority; the condition of being without restraints; the

capacity to exercise one's choice; exception from unpleasant or onerous conditions.

"friendly fire." A situation where military personnel receive direct or indirect fire from their own or other allied forces.

G

garrison. Refers to a military post or to station soldiers in a town or post.

general court-martial. The highest level of trial courts in the military justice system, which tries the most serious kinds of cases with authority to impose a dishonorable discharge or capital punishment.

general police powers. The responsibility of state law enforcement agencies to enforce all state laws anywhere within the state.

grand jury. A jury, consisting of six to 23 persons, chosen to hear charges brought against an accused person, along with supporting evidence, in order to decide whether a trial is necessary and to bring an indictment against the accused person. (See also **indict**.)

Great Compromise. The plan (which was also know as the Connecticut Compromise) that was finally adopted at the Philadelphia Convention of 1787 that settled the differences between the Virginia and New Jersey Plans; it became the basis for the Constitution of the United States.

green card. A document, issued by the United States, that allows aliens to work within the country.

ground rules. A specific rules designated for the You the People educational series.

H

hamlet. A very small village.

hara-kiri. The Japanese act of ritual suicide by disembowelment (cutting open the abdomen) with a knife or sword; it was originally reserved to men of samurai rank in disgrace or condemned to death.

harmony. Combining the best qualities of all sides to develop a better solution.

homicide. The killing of one person by another.

I

ideological. Pertaining to the way an individual, group, or culture thinks about economic, political, or social concepts.

immigration. The act of entering into a country of which one is not a native for permanent residence.

immunities. A special exemption, as from laws, taxes, military service, etc.

imperialism. The practice of extending military, political or economic control over other countries or colonies, or the process of acquiring distant colonies for economic advantage.

implied powers clause. Powers of the national government that are not mentioned in the text of the Constitution, but are suggested by the wording of the powers that are expressed (see also **elastic clause**).

impressments. The act of forcing a person (or confiscating property) for public service or use, especially the navy, by illegal means.

inaugurate. To induct into an office by a formal ceremony.

incited. To urge or provoke someone to action.

incorporation. The establishment by charter of a city or town.

incumbent. The current holder of an office.

indict. To formally accuse of a crime or other offense; to charge. (**indictment**. The formal charge made by a grand jury asserting that there is sufficient evidence to bring an accused person to trial.)

individual desire. Your personal wants or needs.

infiltrate. To gradually move by secret, clandestine, or stealthy means into an enemy-held area.

inflation. An economic condition marked by a decline in the value of a nation's money and an increase in the prices of that nation's goods and services.

inherent power. A power that is essential to and cannot be separated from the character and make-up of a job.

initiative. A quality of seeing what has to be done and taking the necessary action in the absence of clearly defined orders.

Isolationism. The policy of a nation to avoid participation in world affairs and alliances with other countries, as practiced by the U.S. throughout the 19th and early 20th Centuries.

insurgency. A revolt or movement that is less than an organized revolution against an established government, generally to overthrow that government.

interest group. A group that has shared attitudes on specific issues and organizes to influence governmental policies with respect to those issues.

internet. A network that links computers worldwide.

ironclad. A 19th century warship having the sides completely or partially armored with metal plates.

J

John Marshall. The case of Marbury v Madison in 1803 provided Supreme Court justice John Marshall with the opportunity to set the precedent for judicial review.

judge. A high ranking court officer who supervises and gives a decision on an action or court case.

judicial activism. Frequent use of the Supreme Court's power of judicial review.

judicial branch. The branch of government that has the power to interpret and apply the law.

judicial restraint. Infrequent use of the Supreme Court's power of judicial review.

judicial review. The Supreme Court's power to declare an act of Congress or a presidential action as unconstitutional.

jurisdiction. The limits within which judicial or other authority may be exercised; the range or extent of authority; the territory over which authority is exercised; the power, right, or authority to interpret and apply the law.

jury. A select group of individuals chosen to listen and render a verdict in a court case.

jury foreman. A person who conducts the jury deliberation and speaks for the jury.

jus sanguinis. By right of blood; a rule that a person's citizenship is determined by the parents' citizenship.

jus soli. By right of the soil; a rule that the citizenship of a person is determined by the place of birth.

K

keynote address. The first major speech at a national party nominating convention designed to present the issues of primary interest and to arouse unity and enthusiasm.

L

law firms. A group of lawyers.

League of Nations. An international organization created in 1920 to promote international cooperation, peace, and security. It had 49 original members and 13 other nations joined later. Although President Wilson was one of the chief architects of its organization, the U.S. Congress refused to join. The League lacked the means to enforce its decisions and was unable to prevent World War II. It was dissolved in 1946 and succeeded by the United Nations.

learn to listen. The process of learning to listen to the thoughts and ideas of others.

leftist. A person with political leanings toward liberalism, socialism, and/or communism, and radically opposed to an established government.

legislative court. A federal court established by Congress for a specific purpose; it has a limited jurisdiction and its judges mainly handle a specialized area of the law.

legislative branch. The branch of government that has the power to make or pass laws.

liberal. One who favors substantial reforms in the political, economic, and social institutions of society, often by willingness to risk new and innovative government programs; on a political spectrum, described as being "the Left."

lieutenant governor. An elected state official ranking just below the governor.

line item veto. The power to reject particular portions of a bill.

litigant. One who is engaged in a lawsuit.

litigation. A legal action or process.

lobbying. Communicating with political decision makers to try to influence them on a political matter.

M

magistrate. A local judiciary official who assists U.S. district court judges in getting cases ready for trial; has limited original jurisdiction, especially in criminal cases, but may decide some criminal and civil trials when both parties agree to have the case heard by a magistrate judge instead of a judge.

majority opinion. A ruling agreed upon by the majority of the justices on the Supreme Court.

maneuver. To perform a movement in military tactics (or in drill) normally to secure an advantage.

Manifest Destiny. The mid-19th-century doctrine that the U.S. had the right and duty to expand throughout the North American continent.

Marshall Plan. Another name for the European Economic Recovery Program that provided economic aid to war-ravaged European countries after World War II. It was announced in 1947 by U.S. Secretary of State George Marshall.

Marxist. One who believes in or follows (supports) the socialist and communist theories of Karl Marx; a militant communist.

"massive retaliation." A doctrine adopted by the Eisenhower administration that meant the U.S. would respond to communist aggression immediately, through whatever means available, including nuclear weapons.

materiel. The equipment, apparatus, and supplies, such as guns and ammunition, of a military force.

Mercenaries. (1) One who serves or works merely for monetary gain; a hireling. (2) A professional soldier hired for service in a foreign army.

militia. A citizen army — as distinct from a regular army or a body of full-time, professional soldiers — that is usually controlled by the individual states and subject to call during an emergency by the government of a country.

Miranda Rights (Warning). A written and oral statement advising a suspect at the time of arrest of that person's rights against self-incrimination and to consult an attorney.

misdemeanor. A minor offense (crime) for which punishment may be a fine and/or imprisonment in a local rather than a state institution (and generally for terms less than a year).

moderate. One who favors seeking compromises and finding practical solutions to the national political problems; on a political spectrum, described as being "the Middle" or "in the mainstream."

monopoly. Exclusive control by one company of a service or product.

mortar. A small, muzzle-loading cannon that fires projectiles with low muzzle velocities at high trajectories (angles).

mouldered. Slowly broken down or crumbled into dust.

multinational. Of, relating to, or involving more than two nations in an alliance.

municipal. Of or pertaining to a city or its government.

municipality (**-ies**). A city, town, borough, or village incorporated for local government, that has the powers of self-government.

MX missile. [Abbreviation for Missile Experimental.] A very large and powerfully armed long-range land-based intercontinental ballistic missile initially under development in the late 1960s and eventually deployed in 1987 onwards in fixed underground silos across the U.S. mid-west.

N

Nationalism. (1) Strong loyalty to one's nation; (2) In countries under foreign political or economic domination, the desire for national independence.

Nationalist. A person or member of a group who advocates a desire for national independence, free from outside dominance by other nations and to maintain that position against threats to it.

naturalization. The process of conferring the rights of citizenship upon people who wish to become Americans.

Nazi. [Short for *Na*(tional-so)*zi*(alist) — using German phonetics.] A member of the National Socialist German Workers Party founded in Germany in 1919 and brought to power in 1933 by Adolf Hitler. The Nazi Party practiced the policy of state control over the economy, racist nationalism, and national expansion.

neutral. Not taking either side in a conflict.

neutralizing. To successfully counterbalance or act against the effects of another force; to make ineffective.

New Jersey Plan. A plan sponsored by the New Jersey delegates at the Philadelphia Convention of 1787 as their proposal for a new constitution. This plan was supported by the less populated states of the Union, who endorsed the protection of a state's sovereignty.

non-legislative power. A power invested in a legislature that does not involve law-making.

notion. An idea, conception, or theory; a general impression or feeling.

O

obstacle. Someone or something that stands in the way of achieving a task or goal.

opening statements. Statements that state the opinion of one side in the beginning of a court case.

oppression. Brutal, unjust, or cruel exercise of authority or power, such as the tyrannical actions taken by a government to control its populace.

ordinance. An authoritative command or order, such as a regulation or law.

original jurisdiction. The power of a court to hear a case for the first time.

P

panoply. A display of all appropriate and legal accessories or accomplishments.

paramilitary. A potential auxiliary military force formed in a military manner, such as a non-professional military organization of civilian personnel who are placed in squad to battalion-size units and possess weapons.

participate (**-ing**). To take part in or share with others in some activity, enterprise, etc.

party platform. A document that states a political party's beliefs, positions, and goals.

patience. One of seven citizenship skills (Citizenship Skill 2) in which one learns the proper timing for acting on an idea or decision.

Patriot. A colonist who supported (and fought for) the American Revolution and independence from Britain.

patriotism. The love for or devotion to one's country.

perimeter. The fortified outer limits or boundary protecting a position.

perseverance. adhering to a course of action, a belief, or a purpose; steadfastness.

petit jury. A jury of 12 persons that hears civil and/or criminal trials (also called a trial jury).

petition. A written document requesting action or information from a person or group.

pillbox. A small, concrete structure built into and just above the ground with guns to defend a border, coast, etc. (i.e., bunker).

plaintiff. A person who institutes (files) a suit in a court of law.

plea bargain (**-ing**). Negotiation between a defense attorney in a criminal action and the prosecutor for a reduced sentence in exchange for a plea of guilty.

plural executive. The executive branch of a government in which two or more persons share powers equally.

plurality. In a political election, the number of votes that separates winning candidates from their opponents; an excess of votes over those cast for an opposing candidate.

political party (**-ies**). An organization that runs candidates for public office under its label and for directing the policies of government.

political refugee. A person who is being politically persecuted in his/her own country and flees to another country to seek refuge.

pontoon. A flat-bottomed boat or other structure (such as a barge) used to support a temporary floating bridge, dock, or platform.

posterity. All generations of the future.

posthumous. Coming after a person's death.

preamble. An introductory statement that explains the purpose or intention of a document.

precedence. The act or right of preceding or placing in order according to rank or importance; priority.

precedent. A judicial decision that may be used as a standard in subsequent similar cases.

precinct. A subdivision of a county, town, or city for election purposes.

pressure group. The older term for an interest group which implies that such a group is selfish and uses improper means (force, bribery, or threats) to achieve its purposes.

primary election. An election in which qualified voters nominate or express a preference for a particular candidate or group of candidates for political office, choose party officials, or select delegates for a party convention.

primary source. A main or central source for information.

Privateers. A privately owned and manned ship commissioned by a government during wartime to attack and capture enemy ships or to run a blockade.

privilege. A right or freedom that is granted as a benefit, advantage, or special right.

pro tempore. Temporarily; for the time being.

probable cause. Reasonable grounds for belief that an accused person is guilty as charged or that a crime has been committed.

proletariat. The lowest or poorest of working people in society, especially (in Marxist theory) the class of industrial wage earners who, possessing neither capital nor production means, must earn their living from their labor power.

propaganda. Information and/or opinions, especially prejudiced ones, spread to influence people in favor of or against a doctrine or idea; the material disseminated (such as leaflets) that contains such information or opinions.

prosecutor. One who initiates and carries out a legal action (especially criminal proceedings) in a court of law.

Protracted. To draw out or lengthen in time; prolong: *disputants who needlessly protracted the negotiations.*

public opinion. The ideas or attitudes about a certain issue or set of issues that are held by a representative part of a society.

puppet government. A government in one country that is under complete control of a government of another country.

Q

quorum. The minimum number of members of a committee, usually a majority, who must be present for the valid transaction of business.

R

ratification. The act of officially approving, sanctioning, or confirming an important document.

reapportionment. The redistribution of representatives in a legislative body, especially the reallotment of U.S. Congressional seats as required by the Constitution.

Rebel. A Confederate soldier in the Civil War.

recall. To bring back (recollect) to the mind or memory information or experiences.

Reconstruction. The period immediately following the Civil War (1865-1877) during which military authority was placed over the former Confederate states and forced them to modify their political and social institutions before they could be readmitted to the Union.

redress. To set right; remedy or rectify; to make amends to or for.

refugee. A person who flees his or her native country to seek safety from persecution.

registrar. An official recorder or keeper of records (in this case, for official voting registration records).

remand. To send back a case to another court or agency for further action.

renounce. To give up, reject, or disown by formal declaration.

reparations. The money or services paid by a defeated nation to other nations as compensation for the destruction and loss (deaths) it inflicted during the war.

representation. The right or privilege of being represented by delegates having a voice in a legislative body.

representative democracy. A system of government run by officials who have been elected by the people to represent them and to implement their will.

representative group session. One of two types of Citizen Action Groups in which small groups elect representatives to discuss and decide on issues in front of a class or other gathering.

representative group session agenda. A list of tasks or a schedule to be followed during a Representative Group Session.

reprieve. The postponement of a legally imposed punishment; to grant a delay in imposing a legal punishment.

republic. *Historical definition*: A system of government in which the will of the people is mediated by representatives, who might be wiser and better educated than the average person; *Modern definition*: A form of government in which power is explicitly vested in the people, who in turn exercise their power through elected representatives.

reserved power. Any power not delegated by the Constitution to the national government, or definitely taken away from the states, that belongs to the states and to the people; also called a "police power" which delegates power to a state for the welfare of its citizens.

resident trooper. A state or county police law enforcement officer assigned by the state to protect a city that does not have its own police department (this person will oftentimes live in the community he/she is assigned to protect).

resistance. An organization (usually guerrillas or underground groups) engaged in a struggle for national liberation either in a country under military occupation or against an oppressive government.

respect. one of seven citizenship skills (Citizenship Skill 4) that involves accepting the differences in others and respecting those differences.

responsibility (plur. **-ies**). The condition of being legally or ethically accountable for the care or welfare of others; a duty or obligation involving personal accountability to act without guidance or superior authority; being the source or cause of things; answerable for one's own behavior; being reliable.

restricted police powers. The responsibility of state law enforcement agencies to enforce limited (or specific) laws or areas, such as highway safety.

rider. A provision, usually having little relevance to the main issue and without wide congressional support, that is attached as an amendment to a popular bill in order to obtain passage.

right. A just, legal, or moral claim guaranteed by law.

run. A small, fast-flowing stream or brook.

S

sabotage. Actions taken by an enemy to damage or destroy buildings, equipment, or other property in order to hinder a nation's war effort.

salient. The area of a battle line, trench, fortification, or other military defense that projects closest to the enemy.

sanction. A coercive measure taken by one or a number of nations against another nation for violating international law.

sanctuary (**-ies**). A place where one can seek refuge or protection.

satellite. (1) A country that is dominated or controlled by a more powerful country; (2) A man-made object designed to orbit a celestial body.

satellite country. A country that is dominated or controlled politically and economically by another more powerful country.

search and destroy. A tactic used by U.S. ground forces in Vietnam where they would enter an area of suspected enemy activity to destroy enemy hideouts, capture documents, and defeat enemy troops.

search warrant. A court order authorizing the search of a house or other building for wanted persons or for stolen or unlawfully held property.

secede. To withdraw formally from an organization or alliance, usually to form an alternative organization.

secondary source. An additional source of information.

segregation. The policy and practice of imposing the social separation of races, as in schools, housing, and industry, especially discriminatory practices against nonwhites in a predominantly white society.

seize (**-d**). (1) To take into legal custody; confiscate; (2) To take quick and forcible possession; to capture or arrest.

self-improvement. one of seven citizenship skills (Citizenship Skill 6) that involves a desire by citizens to continually learn new skills and improve on others so that they better serve themselves and those around them.

simple majority. A show of hands in the voting process.

skirmish (**-es**). A minor military battle or encounter between forces, often a part of larger actions in war.

small group leader. Leader of a YTP Small Group.

small group meeting. one of two types of Citizen Action Groups where a small group of five to nine persons meets periodically to discuss and decide on various issues and actions.

small group representative. A member of a small group that is elected to represent their group at the Representative Group Session.

"smart weapon." A target-seeking weapon having some form of guidance system (e.g., laser or television guided) to increase its accuracy and effectiveness.

socialism. An economic system in which the production and distribution of goods are controlled substantially by the government rather than by private enterprise, and in which cooperation rather than competition guides economic activity. (**socialist**. An advocate of socialism; a member of a Socialist Party.)

sortie (**-ies**). One mission or attack by a single aircraft.

sovereign (**-ty**). (1) Self-governing; independent; (2) A chief of state in a monarchy; (3) Freedom from external control, a government's power to exercise supreme authority to rule within a certain territory.

special court-martial. The intermediate level of trial courts in the military justice system, which tries offenses not punishable by death; if convened by a general court-martial convening authority and a punitive discharge is specifically authorized, it has the authority to impose a bad-conduct discharge to enlisted members. It does not have the authority to dismiss or confine commissioned officers.

sphere of influence. (1) A territorial area within which the political influence or the interests of one nation are held to be more or less paramount; (2) A region that is politically

unstable or has an underdeveloped economy that is colonized or under the control of a more powerful nation.

standing committee. A permanent committee in a legislature.

state. 1) A group of people who are organized politically, live in a defined territory, and have a government capable of passing and enforcing laws without needing the approval of any higher authority; 2) One of the constituent units of a nation having a federal (sovereign) government <the United States of America>.

stealth. The deliberate means of reducing the chances of modern military aircraft from being detected by enemy radar through the use of materials developed for the exterior of the aircraft that can absorb radar beams rather than reflect them.

stereotype. A fixed, rigid idea associated with a mental picture that is held in common by members of a group and that represents an oversimplified opinion, attitude, or judgment.

strafe. To attack ground troops with fire at close range, especially with machine-gun or rocket fire from low-flying aircraft.

strength. one of seven citizenship skills (Citizenship Skill 5) that involves the willingness of citizens to stand up for what they believe in, to denounce what's wrong, and to admit when they've made a mistake.

subversive. Intended or serving to undermine or overthrow an established government.

succession. The order or sequence in which one person replaces another to an office or position.

summary court-martial. The lowest level of trial courts in the military justice system, which provides for the disposition of minor offenses under a simple procedure when nonpunitive measures and punishment are inappropriate or ineffective. It may try only enlisted personnel; its punishment is less severe for senior enlisted personnel; and it does not have the authority to impose a dishonorable discharge of any kind.

suppress. (1) To hold back or keep in check; curtail; prohibit; (2) To put an end to forcibly; subdue.

sympathize. The ability to share feelings or interests of others.

T

tactical nuclear weapon. A nuclear weapon designed for small-scale actions that cover shorter distances on the battlefield; its effects are of a much less magnitude than strategic nuclear weapons.

tax. A contribution for the support of a government required of persons, groups, or businesses within the domain of that government

terrain walk. The act of touring an historical site.

the common good. An action, plan or goal that will benefit the majority of individuals.

tort. A wrongful act, damage, or injury done willfully, negligently, or in circumstances involving strict liability, but not involving breach of contract, for which a civil suit can be brought.

Tory. Any American who during the period of the American Revolution remained loyal to the British crown and opposed to the Revolution.

trial. An examination of facts and law in a court of law.

tyranny. (1) Absolute power; (2) An oppressive or unjust government.

U

UCMJ. [**U**niform **C**ode of **M**ilitary **J**ustice.] The basis for all military law in the U.S. Armed Forces. Established by Congress in 1951.

ultimatum. A final statement of terms made by one party to another, especially in diplomatic negotiations, a statement that expresses or implies the threat of serious penalties if the terms are not accepted.

undocumented alien. A person who still owes political allegiance to another country or government, but has entered into the United States illegally, or in violation of immigration laws.

Union. (1) The emblem on a flag symbolizing unity, such as the blue rectangle and stars on the U.S. flag; (2) Those states that remained loyal to the government of the U.S. during the Civil War; (3) Of or pertaining to the North (or those who supported the federal government) during the Civil War (such as "Union" soldiers).

Unionist. An advocate of (or one who adheres to the policy of) a firm federal union between the states of the United States.

usurp. To seize and hold (or exercise authority of) an office, place, or power in possession by force or without right.

V

verdict. The decision rendered by a judge or jury in a court case.

Viet Cong. [Short for Viet(nam) Cong (Sam).] The members of the Vietnamese communist movement in South Vietnam who formed the National Liberation Front in 1960 and fought against the democratic government of Saigon and the U.S. military forces using guerrilla warfare tactics.

Vietnamization. The policy or process whereby the U.S. government turned over the conduct of military operations in South Vietnam to the South Vietnamese government.

Virginia Plan. A plan sponsored by the Virginia delegates at the Philadelphia Convention of 1787 as their plan for a new constitution. This plan was supported by the more populated states of the Union, and it favored a strong central government.

W

warhead. The forward portion of a projectile, such as a guided missile, torpedo, or bomb, containing the explosive charge.

watch. (1) [Early American.] A watchman or body of watchmen formerly assigned to patrol the streets of a town, announce the hours, and act as police; (2) A person or group of people serving, especially at night, to guard or protect an area (usually in addition to efforts by local law enforcement agencies).

weakness. Exhibiting a lack of strength or power.

welfare state. A state in which the welfare of the citizens is promoted largely by the organized efforts of the government, rather than by private institutions.

whip. A member of a legislative body charged by party leadership to enforce discipline, maintain party practices, ensure attendance, and assist with floor procedures.

Writ of Certiorari. A written order from the Supreme Court to have a lower court send it the records of a specific case for review.

Writ of Mandamus. A court order requiring a government official to perform a certain action or actions.

X

xenophobia. A person unduly fearful or contemptuous of that, which is foreign, especially of strangers or foreign peoples.