

HB

31

<TARGET><BILL>HB 31</BILL><SUBJECT>HB
31</SUBJECT><COMM>HEDC28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 373-1842
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Session:

State Capitol Building
Juneau, Alaska 99801-1182
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REPRESENTATIVE WES KELLER DISTRICT 7

Committee Substitute for House Bill 31 Sponsor Statement

"An Act requiring school districts to develop and require completion of a history of American constitutionalism curriculum and segment; and providing for an effective date."

The Spanish American philosopher George Santayana once said, "Those who cannot remember the past are condemned to repeat it."¹ It would be an unthinkable tragedy to repeat the human oppression that existed before our country's greatest gift to humankind: The gift of awareness that we all have fundamental rights that belong to us by virtue of the fact that we are human and that the only valid government is what is allowed by the governed. These and other profound foundational truths need to be understood and preserved.

House Bill 531 presumes we are in danger of forgetting, and requires American History education to include teaching of "**American Constitutionalism**" as defined by six founding documents that established the most prosperous and powerful nation on earth: the Declaration of Independence; Early State Constitutions; the Articles of Confederation; The US Constitution, the Federalist, and the Bill of Rights.

HB 31 requires Alaska's School Districts to teach American Constitutionalism and assure student's knowledge in this discipline. District administrators and school boards will establish a curriculum and a standard student proficiency measurement tools. Presumably, the majority of established curriculum material is available digitally, on-line, in a format that will be usable to students, teachers, and school administrators anywhere in Alaska, any time of the day. School districts will have the option of using these resources as a curriculum or as a supplement to enhance existing district curricula to enable compliance.

The goal of House Bill 31 is to keep Alaska and America strong and to preserve the principles that have provided the greatest prosperity and liberty this world has ever known.

¹ *Life of Reason, Reason in Common Sense, Scribner's, 1905, page 284*"

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REPRESENTATIVE WES KELLER DISTRICT 7 MEMO

To: Members of the Alaska Legislature

Date: January 17, 2013

Re: Sectional of CS for House Bill 31

House Bill 31 is broken into four sections:

1. Establish the title of the Act.
2. Legislative Findings that stress the importance of the founding documents to this country. Those documents include the Declaration of Independence, the first state's constitutions, the Articles of Confederation, the Constitution of the United States, the Federalists Papers and the Bill of Rights. It is critical that students understand these documents and their historical context as part of their education.
3. Local school districts will establish a curriculum that contains segment standards that strive to teach these documents and historical context which will supplement the U.S. government course.
4. Effective date

Please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

E-Mail: [Representative Wes Keller@legis.state.ak.us](mailto:Representative_Wes_Keller@legis.state.ak.us)
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Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 31
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB031-EED-TLS-3-21-13
Title: CONSTITUTIONAL HISTORY CURRICULUM
Sponsor: KELLER
Requester: House Education Committee

Department: Department of Education and Early Development
Appropriation: Teaching and Learning Support
Allocation: Student and School Achievement
OMB Component Number: 2796

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By: Paul Prussing
Division: Teaching & Learning Support
Approved By: Mike Hanley
Commissioner

Phone: (907)465-8721
Date: 03/21/2013 11:30 AM
Date: 03/21/13

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB031

Analysis

Section 3 of HB31 amends AS 14.14.095 by adding a new section requiring a specific topic of American constitutionalism history to be imbedded within an appropriate existing district course. The bill places the responsibility with the local school districts to develop and review the curriculum segment. A student must successfully complete the curriculum segment in order to receive a diploma. A district may not grant a student waiver of this requirement.

This bill requires no oversight by the Department of Education and has no fiscal impact on the department as written.

Section 4 provides for an effective date of July 1, 2013.

Sec. 14.03.075. Secondary student competency testing.

(a) A student may not be issued a secondary school diploma unless the student passes a competency examination in the areas of reading, English, and mathematics or receives a waiver from the governing body. A governing body may not grant a waiver to a student before the student's final semester of attendance. The department shall determine the form and contents of the examination and shall score completed examinations.

(b) A student who fails the examination required under this section shall be retested at least once during a school year on those portions of the examination that the student has not passed.

A student who passes any portion of the test may not retake that portion of the test. A student who, when retested, passes the portions of the test not previously passed and who meets any other graduation requirements shall receive a diploma from the school district. This subsection does not apply to a student who is a child with a disability if the student's individualized education program team recommends that the student not be retested.

(c) Notwithstanding (a) of this section,

(1) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section, with or without accommodation, is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 29 U.S.C. 794; an alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section; this paragraph does not apply to a student unless the department determines that the student has taken and failed to pass the competency examination with or without accommodations and the department approves the student's alternative assessment program described under this paragraph; and

(2) a student who transfers into a public high school in this state shall receive a diploma if the student

(A) meets graduation requirements imposed by the governing body and the state; and

(B) has passed a competency examination in the state from which the student transferred.

(d) A student who fails to qualify for the issuance of a diploma under (a) of this section or a retest under (b) of this section by the end of the student's final semester of attendance, but who has met all other graduation requirements of a governing body and the state, shall be awarded a certificate of achievement. A certificate of achievement may include the following information:

(1) the portions of the examination described under (a) of this section that were passed;

(2) the student's attendance record; and

(3) other information indicating the qualifications of the student that the governing body determines appropriate.

(e) The department shall by regulation establish uniform standards for

(1) pre-examination study materials; and

(2) procedures to be followed during administration of an examination.

(f) The department shall by regulation establish uniform standards for an alternative assessment program required under (c)(1) of this section. The alternative assessment program required under (c)(1) of this section applicable to an individual student may not be changed after February 1 of the student's junior year of study.

(g) In this section,

(1) "child with a disability" has the meaning given in AS 14.30.350;

(2) "individualized education program team" means a group of people that translates child assessment information regarding a child into a practical plan for specially designed instruction and delivery of services for the child, consisting of the persons necessary to qualify the team under appropriate federal regulations applicable to a child with a disability who is eligible for special education services under AS 14.30.

((1 ch 58 SLA 1997; am 2 ch 94 SLA 2001; am 24 ch 35 SLA 2003; am 14 ch 41 SLA 2009))

Administrative Code. - For statewide student assessment, see 4 AAC 6, art. 4.

Effect of amendments. The 2001 amendment rewrote subsections (a) and (b) and added subsections (c)-(g). The amendment to subsections (a) and (b) by section 2, ch. 94, SLA 2001 amended those subsections before they became effective. Sections 7 and 11, ch. 94, SLA 2001 amend 3, ch. 58, SLA 1997 to make this entire section effective February 1, 2004.

The 2003 amendment, effective February 1, 2004, at the end of paragraph (1) of subsection (g), substituted "in AS 14.30.350" for "'children with disabilities' in AS 14.30.350".

The 2009 amendment, effective June 21, 2009, in (g), rewrote (g)(2), which read, "'individualized education program team' has the meaning given in AS 14.30.350."

Effective dates. Section 3, ch. 58, SLA 1997 made this section effective January 1, 2002. However, 7, ch. 94, SLA 2001 changes the effective date of the section to February 1, 2004.

Editor's notes. AS 14.30.350, cited in (g)(2) of this section, was repealed by 41, ch. 67, SLA 2001.

Alaska Education Plan

March 19, 2009

Introduction

Welcome to the Alaska Education Plan. Created by Alaskans from many walks of life, it is the state's first blueprint for public education. The plan provides the basis for accountability to the public.

The plan answers these fundamental questions: What is Alaska's vision for our schools and students? What are our goals? What attributes and skills do we want high school graduates to possess? What actions will allow us to meet these goals and make this vision a reality?

In short, the vision and goals in the Alaska Education Plan are our destination. The actions are the roadmap. Knowing where we want to go, we can determine if our expenditures of money and effort are efficiently and effectively getting us there.

The public, having a clear vision for our schools and students, can measure performance against these goals. The plan, which will periodically be reviewed and revised, encourages Alaskans to participate in the goal-setting process and own the results.

The Alaska Statewide Education Summit, held in November 2008 in Anchorage, initiated the effort to develop the Alaska Education Plan. Nearly 450 participants discussed education topics ranging from preschool to postsecondary, technology to finances, community partnerships to culture.

Two principles guided the summit's structure: focused conversations among those who gather in a common cause will produce a shared vision, and collective wisdom is generated when groups gather in discussion.

Participants met in eight groups, each group discussing a separate topic in education. Each group identified challenges, opportunities, goals and actions for its topic. A ninth group crafted vision and mission statements and graduation outcomes – a list of the desired skills and attributes that Alaska high school graduates should possess as a result of their public education.

The Alaska Education Plan organizes the results from all eight groups at the summit into three topics, in order to provide greater focus. They are World-Class Schools; Community, Culture, and Family; and Student Health and Safety. Other topics discussed at the summit -- such as finance, technology, early education, and partnerships – have been integrated throughout the three remaining topics.

Each topic in the plan includes a rationale for action, a goal, and broadly stated actions for each goal. Groups of Alaskans will continue to meet in 2009 to develop a detailed, prioritized action plan for each goal.

The Alaska Education Plan, related background documents, and its ongoing progress are featured on the web site of the Alaska Department of Education & Early Development at www.eed.state.ak.us/.

Vision

Vision: An Alaska education opens a world of possibilities.

- Our parents and students value and support learning
- Our communities support dreams and create opportunities
- Our schools inspire thinking and creativity
- Our graduates understand the past and build the future

Mission

Mission: Alaska's education system fosters creativity and curiosity, and embraces diversity. Alaska's students have the skills and knowledge to contribute to local, state, national and global communities by understanding the past and present, and they are prepared to create the future.

World-Class Students Graduation Outcomes

Possess a broad knowledge base

- Know and be able to discuss the critical bodies of knowledge in art, science, literature/language arts, history, geography, and health in addition to being skilled in reading, writing, and mathematics
- Apply content knowledge in meaningful and practical ways
- Use prior knowledge to acquire new knowledge, develop new skills, and expand understanding
- Understand issues from a variety of cultural perspectives
- Demonstrate proficiency in a second language

Communicate effectively

- Express ideas clearly, both verbally and in writing
- Communicate through listening and discussion with others
- Read, understand, and respond to written information
- Understand and respond to verbal information

Use technology skills

- Use a broad range of technologies to pursue interests, investigate and solve problems, and communicate and share ideas
- Be personally accountable for the ethical use of technology
- Use the Internet to explore questions; collect, critically evaluate, and select information sources; synthesize conclusions; and communicate the results

Think logically and critically

- Solve problems using questioning, reasoning, and analysis
- Acquire and manage information to understand and solve problems
- Understand and apply decision-making processes in a variety of settings
- Be able to select, analyze, and use information for specific purposes
- Explore, consider, and evaluate divergent viewpoints and ideas

Be healthy

- Apply the knowledge, habits, and attitudes that promote physical and mental health
- Participate in collaborative and responsible relationships
- Make informed and safe choices
- Set and achieve personal goals
- Connect with family and culture values

Recognize, value and use creativity

- Appreciate artistic expression
- Demonstrate creative thinking
- Show self-expression
- Honor traditional art forms

Be a responsible and ethical citizen and community member

- Understand and participate in the democratic process
- Demonstrate respect for people and cultures
- Demonstrate respect for the environment and evaluate the use of resources
- Take responsibility for personal actions and understand the impact those actions have on others
- Demonstrate an ability to approach problems from a global perspective
- Be an effective and responsible decision-maker who contributes to and volunteers in the community
- Adapt to a diverse and changing world

Be an enthusiastic learner

- Make a commitment to create quality work and strive for excellence
- Use a variety of learning strategies, personal skills, and time management skills to enhance learning
- Reflect on and evaluate learning for self-improvement
- Understand the relevance of learning a broad range of skills

World-Class Schools

Rationale for action

World-class schools are the ultimate goal for Alaska's public education system. All the other goals feed into this. These schools will nurture the students described in this plan's graduation objectives as world-class students.

There are many success stories in Alaska's schools, ranging from caring teachers helping struggling students, to the graduates who fill our work places, to creative programs by school districts to teach students independent living skills and the skills for jobs or postsecondary (after high school) education.

And yet there are many gaps in the education of Alaska's children. There are great differences in the academic preparation of children entering kindergarten. As they grow older, roughly a quarter of students are less than proficient in one or more of the fundamental skills of reading, writing and math. Several categories of students are less likely to do well in school -- ethnic minorities, students with disabilities, students from low-income families, and students who are learning English.

At least a third of Alaska students will leave school without a diploma. About 40 percent of recent Alaska high school graduates who attend the University of Alaska need remedial courses. Some Alaska high school graduates have completed their public education yet do not have a direction in life and are not prepared for a career, while well-paying, interesting jobs go unfilled. Additionally, some gifted and talented students are not challenged sufficiently by their school work.

World-class schools will have the support of families and communities. World-class schools will honor local cultures and integrate them into instruction.

World-class schools will have strong academic standards and high expectations for all students, yet these schools will support the varied needs and interests of each student, in academics, the arts and extracurricular activities. World-class schools will have the flexibility to provide alternative pathways to student success. They will offer career and technical courses, preparation and guidance.

World-class schools will attract, prepare and retain quality teachers and administrators. World-class schools will have appropriate facilities and technology. They will build partnerships with entities outside of the schools.

Goal

All students will graduate prepared for careers or postsecondary training and education.

Actions

1. Ensure that families, if they desire, can access in their community affordable, high-quality early care and learning programs for children from birth to age 5.
2. Define an education system, aligned from preschool to postsecondary, that ensures all students are prepared to transition to the next level of education, career, or life path of their choice.
3. Review the state's academic standards to determine alignment with world-class 21st century skills and Alaska's graduation outcomes.
4. Establish partnerships that enhance readiness for postsecondary education, career preparation, and life.
5. Develop a staff development infrastructure that is collaborative, need-based, research-proven, and provides opportunities for continuous growth for new and experienced teachers.
6. Ensure that public and private postsecondary institutions, business and industry, tribal organizations, and state agencies work collaboratively to develop and maintain a coherent educational plan designed to achieve Alaska's high education expectations.
7. Collaborate with Alaska's postsecondary institutions to ensure that education-related degree programs and staff development programs reflect research, best practices, Alaska's diverse cultures, and alignment to academic standards, and are sufficient in scale and scope to meet the public school work force needs.
8. Empower students by providing a learning environment that personalizes their education and engages them as active partners in their own learning through technology.
9. Ensure that teachers have the training to effectively use technology to support instruction.
10. Establish and maintain a statewide public telecommunications network that provides the opportunity for instruction, communication and distance education.
11. Ensure that the state foundation funding program is comprehensible to the public, sufficient to meet world-class performance expectations, responsive to the changing needs of Alaska's work force, and predictable enough to facilitate effective planning.

12. Provide consistent funding for school construction and major maintenance projects.
13. Engage with the community and local organizations to identify local work force skills needed for economic development.
14. Attract and retain quality teachers and administrators; provide quality professional development.
15. Teach work ethic and employability skills.

Community, Culture and Family

Rationale for action

Family engagement has emerged as a central focus in Alaska education. Viewing parents as the first and best teachers of their children goes beyond their role in early education. Engagement means involving families in every aspect of educational planning, implementation, and evaluation throughout their children's education.

Engagement means more than inviting parents to attend school functions or parent conferences or to join the PTA. Parent involvement must be more than asking parents to approve decisions about the school or their children that have already been made. Schools that make adjustments for parents with busy schedules, different backgrounds, and varying comfort levels with schools will enjoy more parental involvement. Relevant parent engagement is recognizing that the school serves the interests of parents.

When parents join with other community members and the school to determine behavioral expectations or learning goals for their children, they become partners in their children's education. Student achievement data can demonstrate how well a student is progressing toward the state's grade-level expectations, but only parent and student feedback can reveal how positive the learning climate is and how well the school is serving the community's valued interests.

Schools that support and celebrate school choice and family engagement must be committed to sharing information about program options, assessment data, and other information that is critical to evaluating what is best for children. Choice without knowledge has no meaning.

Goal

Schools will form strong partnerships with families and communities, and will respect and embrace local cultures.

Actions

1. Develop and implement strategies that encourage Alaskans to value and support education and lifelong learning.
2. Formulate a shared vision of community-based education that respects culture, school governance, and community ownership.
3. Implement a system of data collection and reporting of prekindergarten-postsecondary programming so parents, communities, and policy makers can make informed decisions.
4. Increase diversity in the teaching profession.

5. Apply Alaska's Standards for Culturally Responsive Schools.
6. Provide new and experienced educators with sufficient training and ongoing support to integrate and instruct within the context of a community's indigenous cultures.
7. Ensure that schools' instruction, organization, and operational procedures reflect and respond to student, family, and community values and needs.
8. Support opportunities for school choice, education alternatives, and distance-delivery options that are high quality, standards-based, and flexible to meet the individual needs of a child or family.
9. Provide support and resources for parents who choose to home school their children.
10. Create a sustainable infrastructure committed to developing and maintaining partnerships that enhance student success.
11. Develop and implement strategies to improve student attendance.

Student Health and Safety

Rationale for action

Creating healthy, safe schools requires healthy families and communities. Children who have a strong connection to family values, customs, and beliefs develop the confidence to reach for a star and the talent to grab one.

If children cannot rely on positive connections at home, they will settle for any substitute that satisfies this longing, including gang affiliation, harmful relationships, violence, and drug and alcohol abuse.

Schools must be proactive, focusing on the prevention of unsafe and unhealthy practices. Several ingredients are necessary to create a safe and healthy school environment. Schools will form partnerships with community entities to achieve these goals.

Schools must take rigorous action to ensure that schools are free from violence, drugs, disruptive behavior, and harassment. Schools must provide support and intervention services for parents and students, a broad range of activities, rigorous academic and vocational programs, and learning alternatives that meet the interests and learning needs of every child and family.

School staff must receive training and support to enforce school expectations. Students, parents, educators, and community members must teach and model a consistent set of values as the basis for every activity, program, lesson or expectation.

Schools should be models of healthy nutrition and physical activity, teaching students good habits. Approximately one in 10 Alaska children is obese. At least half of Alaska's children do not meet recommended levels of physical activity.

Goal

Students will have access to safe schools, where they develop healthy and safe practices for life.

Actions

1. Develop a comprehensive health and safety plan that uses the expertise of parents, communities, tribal organizations, social and civic organizations, state agencies, and school districts.

2. Implement health and wellness programs that improve students' sense of well-being and address substance abuse, suicide, sex education, bullying, Internet safety, mental and physical health, and personal safety.
3. Implement nutrition and physical education programs to ensure that students develop patterns of lifelong healthy behaviors.
4. Ensure that students, staff and community members are provided safe and secure schools.

GOVERNMENT AND CITIZENSHIP

A

A student should know and understand how societies define authority, rights, and responsibilities through a governmental process.

A student who meets the content standard should:

- 1) understand the necessity and purpose of government;
- 2) understand the meaning of fundamental ideas, including equality, authority, power, freedom, justice, privacy, property, responsibility, and sovereignty;
- 3) understand how nations organize their governments; and
- 4) compare and contrast how different societies have governed themselves over time and in different places.

B

A student should understand the constitutional foundations of the American political system and the democratic ideals of this nation.

A student who meets the content standard should:

- 1) understand the ideals of this nation as expressed in the Declaration of Independence, the United States Constitution, and the Bill of Rights;
- 2) recognize American heritage and culture, including the republican form of government, capitalism, free enterprise system, patriotism, strong family units, and freedom of religion;
- 3) understand the United States Constitution, including separation of powers, the executive, legislative, and judicial branches of government, majority rule, and minority rights;
- 4) know how power is shared in the United States' constitutional government at the federal, state, and local levels;
- 5) understand the importance of individuals, public opinion, media, political parties, associations, and groups in forming and carrying out public policy;
- 6) recognize the significance of diversity in the American political system;
- 7) distinguish between constitution-based ideals and the reality of American political and social life;
- 8) understand the place of law in the American political system; and
- 9) recognize the role of dissent in the American political system.

C

A student should understand the character of government of the state.

A student who meets the content standard should:

- 1) understand the various forms of the state's local governments and the agencies and commissions that influence students' lives and property;
- 2) accept responsibility for protecting and enhancing the quality of life in the state through the political and governmental processes;

GOVERNMENT AND CITIZENSHIP

C (continued)

- 3) understand the Constitution of Alaska and Sec. 4 of the Alaska Statehood Act, which is known as the Statehood Compact;
- 4) understand the importance of the historical and current roles of Alaska Native communities;
- 5) understand the Alaska Native Claims Settlement Act and its impact on the state;
- 6) understand the importance of the multicultural nature of the state;
- 7) understand the obligations that land and resource ownership place on the residents and government of the state; and
- 8) identify the roles of and relationships among the federal, tribal, and state governments and understand the responsibilities and limits of the roles and relationships.

D

A student should understand the role of the United States in international affairs.

A student who meets the content standard should:

- 1) analyze how domestic politics, the principles of the United States Constitution, foreign policy, and economics affect relations with other countries;
- 2) evaluate circumstances in which the United States has politically influenced other nations and how other nations have influenced the politics and society of the United States;
- 3) understand how national politics and international affairs are interrelated with the politics and interests of the state;
- 4) understand the purpose and function of international government and non-governmental organizations in the world today; and
- 5) analyze the causes, consequences, and possible solutions to current international issues.

E

A student should have the knowledge and skills necessary to participate effectively as an informed and responsible citizen.

A student who meets the content standard should:

- 1) know the important characteristics of citizenship;
- 2) recognize that it is important for citizens to fulfill their public responsibilities;
- 3) exercise political participation by discussing public issues, building consensus, becoming involved in political parties and political campaigns, and voting;
- 4) establish, explain, and apply criteria useful in evaluating rules and laws;
- 5) establish, explain, and apply criteria useful in selecting political leaders;
- 6) recognize the value of community service; and
- 7) implement ways of solving problems and resolving conflict.

F

A student should understand the economies of the United States and the state and their relationships to the global economy.

A student who meets the content standard should:

- 1) understand how the government and the economy interrelate through regulations, incentives, and taxation;
- 2) be aware that economic systems determine how resources are used to produce and distribute goods and services;
- 3) compare alternative economic systems;
- 4) understand the role of price in resource allocation;
- 5) understand the basic concepts of supply and demand, the market system, and profit;
- 6) understand the role of economic institutions in the United States, including the Federal Reserve Board, trade unions, banks, investors, and the stock market;
- 7) understand the role of self-interest, incentives, property rights, competition, and corporate responsibility in the market economy;
- 8) understand the indicators of an economy's performance, including gross domestic product, inflation, and the unemployment rate;
- 9) understand those features of the economy of the state that make it unique, including the importance of natural resources, government ownership and management of resources, Alaska Native regional corporations, the Alaska Permanent Fund Corporation, the Alaska Housing Finance Corporation, and the Alaska Industrial Development and Export Authority; and
- 10) understand how international trade works.

G

A student should understand the impact of economic choices and participate effectively in the local, state, national, and global economies.

A student who meets the content standard should:

- 1) apply economic principles to actual world situations;
- 2) understand that choices are made because resources are scarce;
- 3) identify and compare the costs and benefits when making choices;
- 4) make informed choices on economic issues;
- 5) understand how jobs are created and their role in the economy;
- 6) understand that wages and productivity depend on investment in physical and human capital; and
- 7) understand that economic choices influence public and private institutional decisions.

HISTORY

A

A student should understand that history is a record of human experiences that links the past to the present and the future.

A student who meets the content standard should:

- 1) understand chronological frameworks for organizing historical thought and place significant ideas, institutions, people, and events within time sequences;
- 2) know that the interpretation of history may change as new evidence is discovered;
- 3) recognize different theories of history, detect the weakness of broad generalization, and evaluate the debates of historians;
- 4) understand that history relies on the interpretation of evidence;
- 5) understand that history is a narrative told in many voices and expresses various perspectives of historical experience;
- 6) know that cultural elements, including language, literature, the arts, customs, and belief systems, reflect the ideas and attitudes of a specific time and know how the cultural elements influence human interaction;
- 7) understand that history is dynamic and composed of key turning points;
- 8) know that history is a bridge to understanding groups of people and an individual's relationship to society; and
- 9) understand that history is a fundamental connection that unifies all fields of human understanding and endeavor.

B

A student should understand historical themes through factual knowledge of time, places, ideas, institutions, cultures, people, and events.

A student who meets the content standard should:

- 1) comprehend the forces of change and continuity that shape human history through the following persistent organizing themes:
 - a. the development of culture, the emergence of civilizations, and the accomplishments and mistakes of social organizations;
 - b. human communities and their relationships with climate, subsistence base, resources, geography, and technology;
 - c. the origin and impact of ideologies, religions, and institutions upon human societies;
 - d. the consequences of peace and violent conflict to societies and their cultures; and
 - e. major developments in societies as well as changing patterns related to class, ethnicity, race, and gender;

B (continued)

- 2) understand the people and the political, geographic, economic, cultural, social, and environmental events that have shaped the history of the state, the United States, and the world;
- 3) recognize that historical understanding is relevant and valuable in the student's life and for participating in local, state, national, and global communities;
- 4) recognize the importance of time, ideas, institutions, people, places, cultures, and events in understanding large historical patterns; and
- 5) evaluate the influence of context upon historical understanding.

C

A student should develop the skills and processes of historical inquiry.

A student who meets the content standard should:

- 1) use appropriate technology to access, retrieve, organize, and present historical information;
- 2) use historical data from a variety of primary resources, including letters, diaries, oral accounts, archeological sites and artifacts, art, maps, photos, historical sites, documents, and secondary research materials, including almanacs, books, indices, and newspapers;
- 3) apply thinking skills, including classifying, interpreting, analyzing, summarizing, synthesizing, and evaluating, to understand the historical record; and
- 4) use historical perspective to solve problems, make decisions, and understand other traditions.

D

A student should be able to integrate historical knowledge with historical skill to effectively participate as a citizen and as a lifelong learner.

A student who meets the content standard should:

- 1) understand that the student is important in history;
- 2) solve problems by using history to identify issues and problems, generate potential solutions, assess the merits of options, act, and evaluate the effectiveness of actions;
- 3) define a personal position on issues while understanding the historical aspects of the positions and roles assumed by others;
- 4) recognize and demonstrate that various issues may require an understanding of different positions, jobs, and personal roles depending on place, time, and context;
- 5) base personal citizenship action on reasoned historical judgment with recognition of responsibility for self and others; and
- 6) create new approaches to issues by incorporating history with other disciplines, including economics, geography, literature, the arts, science, and technology.

Chapter 04 Statewide Goals

4 AAC 04.010. Purposes and responsibilities

(a) This chapter sets out statewide goals for public education, and adopts, by reference, content standards for several subject areas, and performance standards for reading, writing, and mathematics.

(b) The purposes of the goals are to

(1) encourage the school districts to envision and develop local educational plans that are unique to each district's culture, geography, and climate, and that will graduate world-class students;

(2) empower the public with the knowledge that the skills and subjects included in this chapter are of great importance to education so that the public can participate in local educational planning with more authority and effect; and

(3) set standards against which the public, school districts, teachers, and students can measure the quality of education that students receive.

(c) The content standards and goals referred to in this chapter identify student abilities that evidence mastery of a subject area. The content standards are not graduation requirements or components of a curriculum, but they establish what constitutes excellent educational results. The content standards and goals are intentionally broad to allow a school district to tailor its curriculum to the conditions, goals, and expectations of its community. A school district board, working with the public, teachers, and students shall choose and implement effective teaching strategies so that its students will achieve high performance in a subject area. These strategies should be reflected in

(1) the development, selection, and implementation of the school district board policies;

(2) the curriculum and assessment required by 4 AAC 05.080; and

(3) teaching methodology, textbooks and instructional materials, and management practices.

History: Eff. 6/24/93, Register 126; am 1/4/95, Register 133; am 3/2/2000, Register 153

Authority: AS 14.03.015 AS 14.03.120 AS 14.07.020 AS 14.07.050 AS 14.07.060 AS 14.07.165

4 AAC 04.020. Skills for graduating students

(a) A goal of the state public school system is to graduate students who will

- (1) possess a broad knowledge base;
- (2) communicate effectively;
- (3) use technology skills;
- (4) think logically and critically;
- (5) be healthy;
- (6) recognize, value and use creativity;
- (7) be responsible and ethical citizens and community members; and
- (8) be enthusiastic learners.

(b) The department's publication, *World-Class Students Graduation Outcomes*, as revised as of March 19, 2009, is adopted by reference. The goals expressed in *World-Class Students Graduation Outcomes* represent goals of the state public school system.

History: Eff. 6/24/93, Register 126; am 12/13/2009, Register 192

Authority: AS 14.03.015 AS 14.07.020 AS 14.07.060 AS 14.07.165

Editor's note: A copy of *World-Class Students Graduation Outcomes*, adopted by reference in 4 AAC 04.020(b) may be obtained by writing to the Department of Education and Early Development, 801 W. 10th St., Suite 200, Juneau, AK 99801-1894.

4 AAC 04.030. Subjects

A goal of the state public school system is to provide a working knowledge of

- (1) English;
- (2) mathematics;
- (3) science;
- (4) geography;
- (5) history;
- (6) skills for a healthy life;
- (7) government and citizenship;
- (8) fine arts;
- (9) technology; and

(10) world languages.

History: Eff. 6/24/93, Register 126

Authority: AS 14.03.015 AS 14.07.020 AS 14.07.060 AS 14.07.165

4 AAC 04.140. Content standards

(a) The content standards for the subjects listed in this subsection, as set out in the department's publication entitled *Alaska Standards: Content and Performance Standards for Alaska Students*, as revised as of March 2006, are adopted by reference. The subjects are

- (1) English/language arts;
- (2) mathematics;
- (3) science;
- (4) geography;
- (5) government and citizenship;
- (6) history;
- (7) skills for a healthy life;
- (8) arts;
- (9) world languages;
- (10) technology; and
- (11) employability.

(b) The content standards for physical education, as set out in the department's publication entitled *Alaska Physical Education Standards*, as revised as of March 9, 2010, are adopted by reference.

History: Eff. 3/2/2000, Register 153; am 11/10/2005, Register 176; am 5/18/2006, Register 178; am 8/18/2010, Register 195

Authority: AS 14.03.015 AS 14.03.120 AS 14.07.020 AS 14.07.060 AS 14.07.165

Introduction to Alaska History Standards

Unlike the Performance Standards/Grade Level Expectations developed for each grade in reading, writing, mathematics, and science, the Alaska History Standards reflect the cumulative knowledge a student must demonstrate in order to fulfill the Alaska history graduation requirement detailed in regulation 4 AAC 06.075 (g) High school graduation requirements.

The teaching of history should introduce students to the process of historical inquiry. This process requires critical examination of evidence and careful weighing of facts and hypotheses. It provides experience in the kind of reasoned and informed decision-making that should characterize each student's knowledge of and participation in state events and issues. For this reason, the standard for historical inquiry stands alone; the intent is to integrate this standard, where appropriate, into the standards that follow. The objective of the historical inquiry standard is to apply conceptual knowledge and skills as designated in all strands of Alaska History by problem solving, communicating, reasoning, and making connections.

This framework uses the scholarly approach of the historian to define the content of the standards. This approach presents the people, ideas, events, themes, and sources to be included in order for a student to demonstrate competency in Alaska History. While recognizing that knowledge of specifics is important, the framework design emphasizes that knowledge of context is crucial to meaning and understanding.

The framework organizes Alaska history into four central themes that give perspective and meaning to the people, ideas, and events that shaped the state. The framework also divides Alaska history into five chronological periods that structure the sequence of events.

From the statewide perspective, these are the essential learnings. The state encourages districts to add to and enrich the scope of their local Alaska history curriculum.

HISTORY PERFORMANCE STANDARDS (Grade Level Expectations)

Items differentiated with an "i.e." indicate that assessment items may be written only to the content contained with the statement in the parentheses. Items differentiated with an "e.g." do not limit assessment items to that content, but indicate examples of content that may be used in assessment items.

Chronological Period

The first column of each table includes suggested topics for instruction. As this is not an inclusive list, it is expected that other topics will also be explored.

	PEOPLE, PLACES, ENVIRONMENT	CONSUMPTION, PRODUCTION, DISTRIBUTION	INDIVIDUAL, CITIZENSHIP, GOVERNANCE, POWER	CONTINUITY AND CHANGE
Colonial Era— The Russian period (1741-1867) <i>Suggested topics (not an inclusive list)</i> <ul style="list-style-type: none"> Rationale for European explorations Utilization of Alaskan resources Relationships with indigenous peoples Role of significant leaders (e.g. Khatian, Baranov, Veniaminov, Netsvetlov) Missionary activities Russian dependence on Alaska Natives Russia's incentive to sell 	<p>The student demonstrates an understanding of the interaction between the people and their physical environment by:</p> <p>AH. PPE 2 using texts/sources to analyze the similarities and differences in the cultural attributes (e.g., language, hunting and gathering practices, art, music/dance, beliefs, worldview), movement, interactions, and settlement of Alaska Native peoples. [DOK 3] (G, D1, D4) — <i>repeated from Indigenous Alaskans</i></p> <p>AH. PPE 3 using texts/sources to analyze the effect of the historical contributions and/or influences of significant individuals, groups and local, regional, statewide, and/or international organizations. [DOK 3] (H, B4) — <i>repeated in Colonial Era, United States period</i></p>	<p>The student demonstrates an understanding of the discovery, impact, and role of natural resources by:</p> <p>AH. CPD 1 Identifying patterns of growth, transformation, competition, and boom and bust, in response to use of natural resources (e.g., supply and demand of fur, minerals, and whaling). [DOK 2] (G, D1)</p>	<p>The student demonstrates an understanding of the historical rights and responsibilities of Alaskans by:</p> <p>AH. ICGP 2 using texts/sources to analyze the impacts of the relationships between Alaska Natives and Russians (i.e., Russian Orthodox Church, early fur traders, Russian American Companies, enslavement, and Creoles). [DOK 3] (H, B1d)</p>	<p>The student demonstrates an understanding of the chronology of Alaska history by:</p> <p>AH. CC 1 using texts/sources to recognize and explain the interrelationships among Alaska, national, and international events and developments (e.g., international interest, trade, commerce). [DOK 3] (H, B2)</p>

Themes

Depth of Knowledge*

History – Section B – Standard number 4

The coding in parentheses at the end of the standard indicates alignment of the Alaska History standard to existing Alaska Content Standards for social studies. G=Geography; GC=Government and Citizenship; H=History; C=Cultural Standards

* Depth of Knowledge (DOK) is the cognitive demand associated with each item. Briefly, DOK levels reflect the following: DOK 1: Recall of Information; DOK 2: Basic Reasoning; DOK 3: Complex Reasoning; DOK 4: Extended Reasoning. For additional information, please see the accompanying document, *Depth-of-Knowledge (DOK) Levels for Social Studies*.

Because the Alaska History standards are intended to provide the content to which a student demonstrates knowledge of Alaska History, the DOK assigned to each standard should be used as the ceiling to which assessment items are written. When considering the highest DOK Level as the ceiling not the target, the standard has the potential to be assessed at Depth of Knowledge Levels at the ceiling, and up to the ceiling, depending upon the demand of the standard.

Depth-of-Knowledge (DOK) Levels for Social Studies

Descriptors of DOK Levels for Social Studies (based on Webb, *Technical Issues in Large-Scale Assessment*, report published by CCSSO, December 2002)

Level 1 Recall of Information

Level 1 asks students to recall facts, terms, concepts, trends, generalizations and theories or to recognize or identify specific information contained in graphics. This level generally requires students to identify, list, or define. The items at this level usually ask the student to recall who, what, when and where. Items that require students to “describe” and “explain” could be classified at Level 1 or 2 depending on what is to be described and explained. A Level 1 “describe or explain” would recall, recite or reproduce information. Items that require students to recognize or identify specific information contained in maps, charts, tables, graphs or drawings are generally level 1.

Level 2 Basic Reasoning

Level 2 includes the engagement of some mental processing beyond recalling or reproducing a response. This level generally requires students to contrast or compare people, places, events and concepts; convert information from one form to another; give an example; classify or sort items into meaningful categories; describe, interpret or explain issues and problems, patterns, reasons, cause and effect, significance or impact, relationships, points of view or processes. A Level 2 “describe or explain” would require students to go beyond a description or explanation of recalled information to describe or explain a result or “how” or “why.”

Level 3 Complex Reasoning

Level 3 requires reasoning, using evidence, and a higher level of thinking than the previous two levels. Students would go beyond explaining or describing “how and why” to justifying the “how and why” through application and evidence. The cognitive demands at Level 3 are more complex and more abstract than Levels 1 or 2. Items at Level 3 include drawing conclusions; citing evidence; applying concepts to new situations; using concepts to solve problems; analyzing similarities and differences in issues and problems; proposing and evaluating solutions to problems; recognizing and explaining misconceptions or making connections across time and place to explain a concept or big idea.

Level 4 Extended Reasoning

Level 4 requires the complex reasoning of Level 3 with the addition of planning, investigating, or developing that will most likely require an extended period of time. The extended time period is not a distinguishing factor if the required work is only repetitive and does not require applying significant conceptual understanding and higher-order thinking. At this level the cognitive demands should be high and the work should be very complex. Students should be required to connect and relate ideas and concepts *within* the content area or *among* content areas in order to be at this highest level. The distinguishing factor for Level 4 would be evidence through a task or product that the cognitive demands have been met. A Level 4 performance will require students to analyze and synthesize information from multiple sources, examine and explain alternative perspectives across a variety of sources, and/or describe and illustrate how common themes and concepts are found across time and place. In some Level 4 performance students will make predictions with evidence as support, develop a logical argument, or plan and develop solutions to problems.

Many on-demand assessment instruments will not include assessment activities that could be classified as Level 4. However, standards, goals, and objectives can be stated so as to expect students to perform thinking at this level. On-demand assessments that do include tasks, products, or extended responses would be classified as Level 4 when the task or response requires evidence that the cognitive requirements have been met.

HISTORY

Historical Inquiry

The student demonstrates an understanding of the methods of documenting history by:

AH. HI 1 planning and developing history projects, utilizing research tools such as: interviewing protocols, oral history, historical context, pre-interview research, primary sources, secondary sources, proper citation, corroboration, and cause and effect of historical events. [DOK 4] (H. C1-4)

Indigenous Alaskans before western contact (time immemorial–contact)	PEOPLE, PLACES, ENVIRONMENT	CONSUMPTION, PRODUCTION, DISTRIBUTION	INDIVIDUAL, CITIZENSHIP, GOVERNANCE, POWER	CONTINUITY AND CHANGE
<p>Suggested Topics <i>(not an inclusive list)</i></p> <ul style="list-style-type: none"> • Locations • Social organizations • Cultures • Political traditions • Natural resources • Cultural changes • Archeology • Native oral traditions 	<p>The student demonstrates an understanding of the interaction between people and their physical environment by:</p> <p>AH. PPE 1 comparing and contrasting geographic regions of Alaska. [DOK 2] (G. B4, B8)</p> <p>AH. PPE 2 using texts/ sources to analyze the similarities and differences in the cultural attributes (e.g., language, hunting and gathering practices, art, music/ dance, beliefs, worldview), movement, interactions, and settlement of Alaska Native peoples. [DOK 3] (G. D1, D4)</p> <p>AH. PPE 3 using texts/ sources to analyze the effect of the historical contributions and/or influences of significant individuals, groups and local, regional, statewide, international organizations. [DOK 3] (H. B4)</p>		<p>The student demonstrates an understanding of the historical rights and responsibilities of Alaskans by:</p> <p>AH. ICGP 1 identifying and summarizing the structures, functions, and transformation of various attributes (e.g., leadership, decision-making, social and political organization) of traditional Alaska Native governance. [DOK 2] (GC. A4)</p>	

Provided by Rep. Wes Keller

**Colonial Era—
The Russian period
(1741-1867)**

Suggested Topics
[not an inclusive list]

- Rationale for European explorations
- Epidemics
- Utilization of Alaskan resources
- Relationships with Indigenous peoples
- Role of significant leaders (e.g., Katlian, Baranov, Venlaminov, Neisvetov)
- Missionary activities
- Russian dependence on Alaska Natives
- Russia's incentive to sell

**PEOPLE, PLACES,
ENVIRONMENT**

The student demonstrates an understanding of the interaction between people and their physical environment by:

AH. PPE 2 using texts/sources to analyze the similarities and differences in the cultural attributes (e.g., language, hunting and gathering practices, art, music/dance, beliefs, worldview), movement, interactions, and settlement of Alaska Native peoples. [DOK 3] (G. D1, D4)

AH. PPE 3 using texts/sources to analyze the effect of the historical contributions and/or influences of significant individuals, groups and local, regional, statewide, and/or international organizations. [DOK 3] (H. B4)

**CONSUMPTION,
PRODUCTION, DISTRIBUTION**

The student demonstrates an understanding of the discovery, impact, and role of natural resources by:

AH. CPD 1 identifying patterns of growth, transformation, competition, and boom and bust, in response to use of natural resources (e.g., supply and demand of fur, minerals, and whaling). [DOK 2] (G. D1)

**INDIVIDUAL, CITIZENSHIP,
GOVERNANCE, POWER**

The student demonstrates an understanding of the historical rights and responsibilities of Alaskans by:

AH. ICGP 2 using texts/sources to analyze the impacts of the relationships between Alaska Natives and Russians (i.e., Russian Orthodox Church, early fur traders, Russian American Companies, enslavement, and Creoles). [DOK 3] (H. B1d)

**CONTINUITY
AND CHANGE**

The student demonstrates an understanding of the chronology of Alaska history by:

AH. CC 1 using texts/sources to recognize and explain the interrelationships among Alaska, national, and international events and developments (e.g., international interest, trade, commerce). [DOK 3] (H. B2)

**Colonial Era
The United States
Period (1867-1912)**

Suggested Topics
(Not an inclusive list)

- United States' motives for purchasing Russia's interest in Alaska
- Treaty of Cession
- Legal status of Alaska Natives under the Commerce Clause and the Marshall Trilogy
- Mining Law of 1872
- Organic Act of 1884
- Role of Sheldon Jackson
- Resources (e.g., whaling, fur trading, mining, commercial fisheries)
- Gold Rush
- Nelson Act of 1905 and the dual school system
- Creation of National Forests

**PEOPLE, PLACES,
ENVIRONMENT**

The student demonstrates an understanding of the interaction between people and their physical environment by:

AH. PPE 3 using texts/ sources to analyze the effect of the historical contributions and/or influences of significant individuals or groups and local, regional, statewide, and/or international organizations. [DOK 3] (H. B4)

**CONSUMPTION,
PRODUCTION, DISTRIBUTION**

The student demonstrates an understanding of the discovery, impact, and role of natural resources by:

AH. CPD 2 using texts/ source to draw conclusions about the role of the federal government in natural resource development and land management (e.g., jurisdiction, authority, agencies, programs, policies). [DOK 3] (GC. F1)

**INDIVIDUAL, CITIZENSHIP,
GOVERNANCE, POWER**

The student demonstrates an understanding of the historical rights and responsibilities of Alaskans by:

AH. ICGP 3 explaining and analyzing tribal and western concepts of land ownership and how acting upon those concepts contributes to changes in land use, control, and ownership. [DOK 4] (H. C7, C8)

AH. ICGP 4 explaining Alaskans' quest for self-determination (i.e., full rights as U.S. citizens) through the statehood movement. [DOK 1] (GC. C3)

AH. ICGP 5 explaining the impacts of military actions (e.g., Naval bombardment of Angoon, Aleut internment, military expeditions) relative to Native communities. [DOK 2] (H. B1)

ICGP 6 using texts/sources to analyze how the military population and its activities, including administrative, policing, defense, mapping, communication, and construction, have impacted communities. [DOK 3] (H. B2)

AH. ICGP 7 describing the historical basis of federal recognition of tribes, their inherent and delegated powers, the ongoing nature and diversity of tribal governance, and the plenary power of Congress. [DOK 1] (GC. C8)

**CONTINUITY
AND CHANGE**

The student demonstrates an understanding of the chronology of Alaska history by:

AH. CC 2 describing how policies and practices of non-natives (e.g., missionaries, miners, Alaska Commercial Company merchants) influenced Alaska Natives. [DOK 2] (H. B4, B5)

Alaska as a Territory (1912-1959)

Suggested Topics
[Not an inclusive list]

- Territorial Organic Act of 1912
- Native efforts toward civil and land rights (e.g., founding of Alaska Native Brotherhood (ANB), Alaska Native Sisterhood (ANS), and Tanana Chiefs)
- Role of significant individuals (e.g., Judge Wickersham, William Paul, Elizabeth Peratrovich, Ernest Gruening)
- Infrastructure (e.g., railroad, aviation, roads, ships)
- Indian Reorganization Act
- World War II and internment of Aleuts and Japanese Americans
- Cold War
- National Parks and National Forests, resources (e.g., oil, timber, coal)
- Constitutional Convention, constitution, and statehood

PEOPLE, PLACES, ENVIRONMENT

The student demonstrates an understanding of the interaction between people and their physical environment by:

AH. PPE 4 describing how Alaska's strategic location played an important role in military buildup and explaining the interrelated social and economic impacts. [DOK 2] (G. A5)

CONSUMPTION, PRODUCTION, DISTRIBUTION

The student demonstrates an understanding of the discovery, impact, and role of natural resources by:

AH. CPD 3 using texts/sources to draw conclusions about the significance of natural resources (e.g., fisheries, timber, Swanson River oil discovery, "sustained yield" in the Alaska Constitution) in Alaska's development and in the statehood movement. [DOK 3] (G. F1, F4)

INDIVIDUAL, CITIZENSHIP, GOVERNANCE, POWER

The student demonstrates an understanding of the historical rights and responsibilities of Alaskans by:

AH. ICGP 4 explaining Alaskans' quest for self-determination (i.e., full rights as U.S. citizens) through the statehood movement. [DOK 1] (GC. C3)

AH. ICGP 5 explaining the impacts of military actions relative to Native communities (e.g., Naval bombardment of Angoon, Aleut internment, military expeditions). [DOK 2] (H. B1)

AH. ICGP 8 describing how Alaskans, particularly the Native people, challenge the status quo to gain recognition of their civil rights (e.g., appeals to the Russian government, Ward Cove Packing Co. Case, Molly Hootch, anti-discrimination acts, women's suffrage). [DOK 2] (H. B2, GC. B5)

AH. ICGP 9 exploring the federal government's influence on settlements in Alaska (e.g., Matanuska Colony, Anchorage, Adak, Tok, Hydaburg) by establishment of post offices, military facilities, schools, courts, and railroads. [DOK 1] (G. G2, H. B1)

AH. ICGP 10 identifying the role of Alaska Native individuals and groups in actively proposing and promoting federal legislation

and policies (e.g., William Paul, Tanana Chiefs, ANB, ANS) [DOK 1] (H. A1, B2)

AH. ICGP 11 exploring federal policies and legislation (e.g., Alaska Citizenship Act, Tlingit-Haida Jurisdictional Act, Indian Citizenship Act of 1924, Alaska Reorganization Act, ANCSA) that recognized Native rights. [DOK 1] (H. B2)

CONTINUITY AND CHANGE

The student demonstrates an understanding of the chronology of Alaska history by:

AH. CC 3 describing how the roles and responsibilities in Alaska Native societies have been continuously influenced by changes in technology, economic practices, and social interactions. [DOK 2] (G. D4, H. B1b)

**Alaska as a State
(1959-present)**

Suggested Topics
(Not an inclusive list)

- Role of significant individuals (e.g., Eben Hopson, Howard Rock, Ted Stevens, Katie John)
- Controversies of Statehood Act land selections
- Disasters (e.g., 1964 Earthquake, 1967 Interior flood, Exxon Valdez oil spill)
- Formation of Inuit Circumpolar Conference
- Formation of AFN
- Development of public education (e.g., Molly Hootch case)
- Prudhoe Bay and oil pipeline construction
- Permanent Fund
- Alaska Native Claims Settlement Act (ANCSA)
- Marine Mammal Protection Act 1972 (MMPA)
- Alaska National Interest Lands Conservation Act (ANILCA)
- Indian Self-Determination Act 1975
- Indian Child Welfare Act 1978
- Arctic National Wildlife Refuge (ANWR)
- Tourism
- Fiscal issues

**PEOPLE, PLACES,
ENVIRONMENT**

The student demonstrates an understanding of the interaction between people and their physical environment by:

- AH. PPE 4** describing how Alaska's strategic location played an important role in military buildup and explaining the interrelated social and economic impacts. [DOK 2] (G. A5)
- AH. PPE 5** comparing and contrasting the differing perspectives between rural and urban areas. [DOK 2] (H. B1b, C. E4)
- AH. PPE 6** analyzing patterns of movement and settlement. [DOK 2] (H. B4, G. D3)
- AH. PPE 7** using texts/sources to explain the political, social, cultural, economic, geographic, and historic characteristics of the student's community or region. [DOK 3] (H. B1b, C. E2, E8)

**CONSUMPTION,
PRODUCTION, DISTRIBUTION**

The student demonstrates an understanding of the discovery, impact, and role of natural resources by:

- AH. CPD 4** describing the federal government's construction and maintenance of Alaska's infrastructure (e.g., transportation, communication, public health system, education). [DOK 1] (G. D4)
- AH. CPD 5** using texts/sources to analyze the multiple perspectives in the continuing debate between conservation and development of resources. [DOK 3] (G. E4, F3)
- AH. CPD 6** describing the formation of Alaska Native Corporations and their impact on Alaska's economy. [DOK 2] (GC. F9)
- AH. CPD 7** explaining the creation and implementation of the Permanent Fund and how it has impacted the state. [DOK 2] (GC. F9)

**INDIVIDUAL, CITIZENSHIP,
GOVERNANCE, POWER**

The student demonstrates an understanding of the historical rights and responsibilities of Alaskans by:

- AH. ICGP 3** explaining and analyzing tribal and western concepts of land ownership and how acting upon those concepts contributes to changes in land use, control, and ownership (e.g., ANCSA, ANILCA). [DOK 4] (H. C7, C8)
- AH. ICGP 8** describing how Alaskans, particularly the Native people, challenge the status quo to gain recognition of their civil rights (e.g., appeals to the Russian government, Ward Cove Packing Co. Case, Molly Hootch, anti-discrimination acts, women's suffrage). [DOK 2] (H. B2, GC. B5)
- AH. ICGP 10** identifying the role of Alaska Native individuals and groups in actively proposing and promoting federal legislation and policies (e.g., William Paul, Tanana Chiefs, ANB, ANS) [DOK 1] (H. A1, B2)
- AH. ICGP 12** using texts/sources to analyze the evolution of self-government through an examination of organic documents (i.e., Treaty of Cession, Organic Act, Territorial Act, Alaska State Constitution, Statehood Act). [DOK 3] (H. B2, B4)

**CONTINUITY
AND CHANGE**

The student demonstrates an understanding of the chronology of Alaska history by:

- AH. CC 4** giving correct and incorrect examples to explain subsistence as a way of life. [DOK 2] (H. B1b)
- AH. CC 5** defining, describing, and illustrating the economic, political, and social characteristics of the major periods, their key turning points (e.g., implementation of Prudhoe Bay pipeline, Molly Hootch case, ANCSA, ANILCA, ANWR, natural and manmade disasters, establishment of Alaska Native Corporations) and how they interrelate. [DOK 4] (H. B2)
- AH. CC 6** explaining the historical context and the legal foundations (e.g., Alaska Constitution, ANCSA, MMPA, ANILCA, Katie John case) pertinent to subsistence. [DOK 1] (GC. A2, C. A4)
- AH. CC 7** comparing and contrasting the perspectives of sport, commercial, and subsistence users on policies regarding fish and game management. [DOK 2] (G. E4, F5)

Chief Justice Walter L. Carpeneti
Closing Comments To The First Session of The
Twenty-Seventh Alaska Legislature
March 9, 2011

... I would like to close these remarks with a note about a topic that in recent years has become, I believe, central to our democracy: the need to foster civic education and engagement in America ... for the young people who will carry them forward into the future. As citizens in a democracy, we all have a responsibility to understand how our government functions and the role we each play in the success of our country. Yet a recent national poll found that while over two-thirds of America can name at least one judge on the TV program "American Idol", less than one third can name the three branches of government! James Madison, the founding father often hailed as the father of the U.S. Constitution, anticipated the challenge of educating for democracy by reminding us that *"knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives."*

...I would like to conclude today with an invitation to each of you--- legislators and... anyone watching this speech--- to join me in the effort to instill in our young people the same knowledge and respect for the laws and institutions of our country that we are all privileged to share. Log on to civics.org and check out the games, web quests, and lesson plans for yourself. And, after you have done that, let the educators in your communities know about the opportunity and urge them to visit the website and use it in their classrooms... Check it out.

... Thomas Jefferson said that *"the qualifications for self government are not innate.... [T]hey are the result of habit and long training."* As we work together to advance cost-effective justice, we must remember that the greatest guarantee of a strong future for all three branches of government is a citizenry that understands and embraces the fundamental principles of democracy.

Mister President, Mister Speaker, Thank You...

Handouts, Morality and Common Sense

By Walter E. Williams · Wednesday, March 9, 2011

Whether Americans realize it or not, the last decade's path of congressional spending is unsustainable. Spending must be reined in, but what spending should be cut? The Republican majority in the House of Representatives fear being booted out of office and are understandably timid. Their rule for whom to cut appears to be: Look around to see who are the politically weak handout recipients.

The problem is that those cuts won't put much of a dent in overall spending. The absolute last thing a Republican or Democrat congressman wants to do is to cut handouts to, and thereby anger, recipients who vote in large numbers. To spare myself ugly mail, I'm not going to mention that handout group, but members of Congress know of whom I speak.

More than 200 House members and 50 senators have co-sponsored a balanced budget amendment to our Constitution. A balanced budget amendment is no protection against the growth of government and the loss of our liberties. Estimated federal tax revenue for 2011 is \$2.2 trillion and federal spending is \$3.8 trillion leaving us with a \$1.6 trillion deficit. The budget could be balanced simply by taking more of our earnings, making us greater congressional serfs. True protection requires an amendment limiting congressional spending.

You say, "OK, Williams, what would be your rule for getting our fiscal house in order?" We need a rule that combines our Constitution with simple morality and plain common sense. I think it immoral for Congress to forcibly take one American's earnings and give them to another American to whom they do not belong. If a person did the same thing privately, he'd be convicted of theft and jailed. We might ask ourselves whether acts that are clearly immoral and despicable when done privately are any less so when done by Congress. Close to two-thirds of the federal budget, so-called entitlements, represent what thieves do: redistribute income.

Some people might say, "Williams, the programs that you'd cut are vital to the welfare of our nation!" When someone says that, I always ask what did we do before. For example, our nation went from 1787 to 1979 and during that interval produced some of the world's most highly educated people without a Department of Education. Since the department's creation, American primary and secondary education has become a joke among industrialized nations.

What about the Department of Energy; how much energy has it produced?

From our founding in 1787 to 1965, our nation went from a Third World status to building the world's mightiest first-class cities such as New York, Chicago, Los Angeles, Detroit and Philadelphia without the benefit of Department of Housing and Urban Development (HUD). After HUD was created in 1965, many of our formerly great cities are in decline. No one is saying that HUD is responsible for the decline, but neither was HUD responsible for their rise.

There is a distinct group of Americans who bear a large burden for today's runaway government. You ask, "Who are they?" It's the so-called "greatest generation." When those Americans were born, federal spending as a percentage of GDP was about 3 percent, as it was from 1787 to 1920 except during war. No one denies the sacrifices made and the true greatness of a generation of Americans who suffered through our worst depression, conquered the meanest tyrants during World War II and later managed to produce a level of wealth and prosperity heretofore unknown to mankind.

But this generation of Americans also laid the political foundation for the greatest betrayal of our nation's core founding principle: limited federal government exercising only constitutionally enumerated powers. It was on their watch that the foundation was laid for today's massive federal spending that tops 25 percent of GDP.

A good part of that generation is still alive. Before they depart, they might do their share to help us have a federal government exercising only constitutionally enumerated powers.

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Links

108TH CONGRESS
1ST SESSION

H. R. 1078

To establish academies for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2003

Mr. WICKER introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To establish academies for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American History and
5 Civics Education Act of 2003”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **AMERICAN HISTORY AND CIVICS.**—The term
9 “American history and civics” means the key events,

1 key persons, key ideas, and key documents that
2 shaped the institutions and democratic heritage of
3 the United States.

4 (2) CHAIRPERSON.—The term “Chairperson”
5 means the Chairperson of the National Endowment
6 for the Humanities.

7 (3) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the
9 meaning given the term in section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (4) KEY DOCUMENTS.—The term “key docu-
12 ments” means the documents that established or ex-
13 plained the foundational principles of democracy in
14 the United States, including the United States Con-
15 stitution and the amendments to the Constitution
16 (particularly the Bill of Rights), the Declaration of
17 Independence, the Federalist Papers, and the Eman-
18 cipation Proclamation.

19 (5) KEY EVENTS.—The term “key events”
20 means the critical turning points in the history of
21 the United States (including the American Revolu-
22 tion, the Civil War, the world wars of the twentieth
23 century, the civil rights movement, and the major
24 court decisions and legislation) that contributed to

1 extending the promise of democracy in American
2 life.

3 (6) KEY IDEAS.—The term “key ideas” means
4 the ideas that shaped the democratic institutions
5 and heritage of the United States, including the no-
6 tion of equal justice under the law, freedom, individ-
7 ualism, human rights, and a belief in progress.

8 (7) KEY PERSONS.—The term “key persons”
9 means the men and women who led the United
10 States as founding fathers, elected officials, sci-
11 entists, inventors, pioneers, advocates of equal
12 rights, entrepreneurs, and artists.

13 (8) NONPROFIT EDUCATIONAL INSTITUTION.—
14 The term “nonprofit educational institution”—

15 (A) means—

16 (i) an institution of higher education;

17 or

18 (ii) a nonprofit educational research
19 center; and

20 (B) includes a consortium of entities de-
21 scribed in subparagraph (A).

22 (9) STATE.—The term “State” means each of
23 the 50 States and the District of Columbia.

1 SEC. 3. PRESIDENTIAL ACADEMIES FOR TEACHING OF
2 AMERICAN HISTORY AND CIVICS.

3 (a) ESTABLISHMENT.—From amounts appropriated
4 under subsection (j), the Chairperson shall award grants,
5 on a competitive basis, to nonprofit educational institu-
6 tions to establish Presidential Academies for Teaching of
7 American History and Civics (in this section referred to
8 as “Academies”) that shall offer workshops for teachers
9 of American history and civics—

10 (1) to learn how better to teach the subjects of
11 American history and civics; and

12 (2) to strengthen such teachers’ knowledge of
13 such subjects.

14 (b) APPLICATION.—

15 (1) IN GENERAL.—A nonprofit educational in-
16 stitution that desires to receive a grant under this
17 section shall submit an application to the Chair-
18 person at such time, in such manner, and containing
19 such information as the Chairperson may require.

20 (2) CONTENTS.—An application submitted
21 under paragraph (1) shall—

22 (A) include the criteria the nonprofit edu-
23 cational institution intends to use to determine
24 which teachers will be selected to attend work-
25 shops offered by the Academy;

1 (B) identify the individual the nonprofit
2 educational institution intends to appoint to be
3 the primary professor at the Academy; and

4 (C) include a description of the curriculum
5 to be used at workshops offered by the Acad-
6 emy.

7 (c) NUMBER OF GRANTS.—Except as provided in
8 subsection (e)(2)(B), the Chairperson shall award not
9 more than 12 grants to different nonprofit educational in-
10 stitutions under this section.

11 (d) DISTRIBUTION.—In awarding grants under this
12 section, the Chairperson shall ensure that such grants are
13 equitably distributed among the geographical regions of
14 the United States.

15 (e) GRANT TERMS.—

16 (1) IN GENERAL.—Grants awarded under this
17 section shall be for a term of 2 years.

18 (2) GRANTS AFTER FIRST TWO YEARS.—Upon
19 completion of the first 2-year grant term, the Chair-
20 person shall—

21 (A) renew a grant awarded under this sec-
22 tion to a nonprofit educational institution for
23 one more term of 2 years; or

24 (B) award a new grant to a nonprofit edu-
25 cational institution having an application ap-

1 proved under this section for a term of 2 years,
2 notwithstanding the 12 grant award maximum
3 under subsection (c).

4 (f) USE OF FUNDS.—

5 (1) WORKSHOPS.—

6 (A) IN GENERAL.—A nonprofit educational
7 institution that receives a grant under this sec-
8 tion shall establish an Academy that shall offer
9 a workshop during the summer, or during an-
10 other appropriate time, for kindergarten
11 through grade 12 teachers of American history
12 and civics—

13 (i) to learn how better to teach the
14 subjects of American history and civics;
15 and

16 (ii) to strengthen such teachers'
17 knowledge of such subjects.

18 (B) DURATION OF WORKSHOP.—A work-
19 shop offered pursuant to this section shall be
20 approximately 2 weeks in duration.

21 (2) ACADEMY STAFF.—

22 (A) PRIMARY PROFESSOR.—Each Academy
23 shall be headed by a primary professor identi-
24 fied in the application submitted under sub-
25 section (b) who shall—

1 (i) be accomplished in the field of
2 American history and civics; and

3 (ii) design the curriculum for and lead
4 the workshop.

5 (B) CORE TEACHERS.—Each primary pro-
6 fessor shall appoint an appropriate number of
7 core teachers. At the direction of the primary
8 professor, the core teachers shall teach and
9 train the workshop attendees.

10 (3) SELECTION OF TEACHERS.—

11 (A) IN GENERAL.—

12 (i) NUMBER OF TEACHERS.—Each
13 year, each Academy shall select approxi-
14 mately 300 kindergarten through grade 12
15 teachers of American history and civics to
16 attend the workshop offered by the Acad-
17 emy.

18 (ii) FLEXIBILITY IN NUMBER OF
19 TEACHERS.—An Academy may select more
20 than or fewer than 300 teachers depending
21 on the population in the region where the
22 Academy is located.

23 (B) TEACHERS FROM SAME REGION.—In
24 selecting teachers to attend a workshop, an
25 Academy shall select primarily teachers who

1 teach in schools located in the region where the
2 Academy is located.

3 (C) TEACHERS FROM PUBLIC AND PRI-
4 VATE SCHOOLS.—An Academy may select
5 teachers from public schools and private schools
6 to attend the workshop offered by the Academy.

7 (g) COSTS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), a teacher who attends a workshop offered
10 pursuant to this section shall not incur costs associ-
11 ated with attending the workshop, including costs
12 for meals, lodging, and materials while attending the
13 workshop.

14 (2) TRAVEL COSTS.—A teacher who attends a
15 workshop offered pursuant to this section shall use
16 non-Federal funds to pay for such teacher's costs of
17 transit to and from the Academy.

18 (h) EVALUATION.—Not later than 90 days after com-
19 pletion of all of the workshops assisted in the third year
20 grants are awarded under this section, the Chairperson
21 shall conduct an evaluation to—

22 (1) determine the overall success of the grant
23 program authorized under this section; and

24 (2) highlight the best grantees' practices in
25 order to become models for future grantees.

1 (i) NON-FEDERAL FUNDS.—A nonprofit educational
2 institution receiving Federal assistance under this section
3 may contribute non-Federal funds toward the costs of op-
4 erating the Academy.

5 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$7,000,000 for each of fiscal years 2004 through 2007.

8 **SEC. 4. CONGRESSIONAL ACADEMIES FOR STUDENTS OF**
9 **AMERICAN HISTORY AND CIVICS.**

10 (a) ESTABLISHMENT.—From amounts appropriated
11 under subsection (j), the Chairperson shall award grants,
12 on a competitive basis, to nonprofit educational institu-
13 tions to establish Congressional Academies for Students
14 of American History and Civics (in this section referred
15 to as “Academies”) that shall offer workshops for out-
16 standing students of American history and civics to broad-
17 en and deepen such students’ understanding of American
18 history and civics.

19 (b) APPLICATION.—

20 (1) IN GENERAL.—A nonprofit educational in-
21 stitution that desires to receive a grant under this
22 section shall submit an application to the Chair-
23 person at such time, in such manner, and containing
24 such information as the Chairperson may require.

1 (2) CONTENTS.—An application submitted
2 under paragraph (1) shall—

3 (A) include the criteria the nonprofit edu-
4 cational institution intends to use to determine
5 which students will be selected to attend work-
6 shops offered by the Academy;

7 (B) identify the individual the nonprofit
8 educational institution intends to appoint to be
9 the primary professor at the Academy; and

10 (C) include a description of the curriculum
11 to be used at workshops offered by the Acad-
12 emy.

13 (c) NUMBER OF GRANTS.—Except as provided in
14 subsection (e)(2)(B), the Chairperson shall award not
15 more than 12 grants to different nonprofit educational in-
16 stitutions under this section.

17 (d) DISTRIBUTION.—In awarding grants under this
18 section, the Chairperson shall ensure that such grants are
19 equitably distributed among the geographical regions of
20 the United States.

21 (e) GRANT TERMS.—

22 (1) IN GENERAL.—Grants awarded under this
23 section shall be for a term of 2 years.

1 (2) GRANTS AFTER FIRST TWO YEARS.—Upon
2 completion of the first 2-year grant term, the Chair-
3 person shall—

4 (A) renew a grant awarded under this sec-
5 tion to a nonprofit educational institution for
6 one more term of 2 years; or

7 (B) award a new grant to a nonprofit edu-
8 cational institution having an application ap-
9 proved under this section for a term of 2 years,
10 notwithstanding the 12 grant award maximum
11 under subsection (c).

12 (f) USE OF FUNDS.—

13 (1) WORKSHOPS.—

14 (A) IN GENERAL.—A nonprofit educational
15 institution that receives a grant under this sec-
16 tion shall establish an Academy that shall offer
17 a workshop during the summer, or during an-
18 other appropriate time, for outstanding stu-
19 dents of American history and civics to broaden
20 and deepen such students' understanding of
21 American history and civics.

22 (B) DURATION OF WORKSHOPS.—A work-
23 shop offered pursuant to this section shall be
24 approximately 4 weeks in duration.

25 (2) ACADEMY STAFF.—

1 (A) PRIMARY PROFESSOR.—Each Academy
2 shall be headed by a primary professor identi-
3 fied in the application submitted under sub-
4 section (b) who shall—

5 (i) be accomplished in the field of
6 American history and civics; and

7 (ii) design the curriculum for and lead
8 the workshop.

9 (B) CORE TEACHERS.—Each primary pro-
10 fessor shall appoint an appropriate number of
11 core teachers. At the direction of the primary
12 professor, the core teachers shall teach the
13 workshop attendees.

14 (3) SELECTION OF STUDENTS.—

15 (A) IN GENERAL.—

16 (i) NUMBER OF STUDENTS.—Each
17 year, each Academy shall select approxi-
18 mately 300 eligible students to attend the
19 workshop offered by the Academy.

20 (ii) FLEXIBILITY IN NUMBER OF STU-
21 DENTS.—An Academy may select more
22 than or fewer than 300 eligible students
23 depending on the population in the region
24 where the Academy is located.

1 (B) ELIGIBLE STUDENTS.—A student shall
2 be eligible to attend a workshop offered by an
3 Academy if the student—

4 (i) is recommended by the student's
5 secondary school principal (or other head
6 of such student's secondary school) to at-
7 tend the workshop; and

8 (ii) will be a junior or senior in a pub-
9 lic or private secondary school in the aca-
10 demic year following attendance at the
11 workshop.

12 (C) STUDENTS FROM SAME REGION.—In
13 selecting students to attend a workshop, an
14 Academy shall select primarily students who at-
15 tend secondary schools located in the region
16 where the Academy is located.

17 (g) COSTS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), a student who attends a workshop offered
20 pursuant to this section shall not incur costs associ-
21 ated with attending the workshop, including costs
22 for meals, lodging, and materials while attending the
23 workshop.

24 (2) TRAVEL COSTS.—A student who attends a
25 workshop offered pursuant to this section shall use

1 non-Federal funds to pay for such student's costs of
2 transit to and from the Academy.

3 (h) EVALUATION.—Not later than 90 days after com-
4 pletion of all of the workshops assisted in the third year
5 grants are awarded under this section, the Chairperson
6 shall conduct an evaluation to—

7 (1) determine the overall success of the grant
8 program authorized under this section; and

9 (2) highlight the best grantees' practices in
10 order to become models for future grantees.

11 (i) NON-FEDERAL FUNDS.—A nonprofit educational
12 institution receiving Federal assistance under this section
13 may contribute non-Federal funds toward the costs of op-
14 erating the Academy.

15 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$14,000,000 for each of fiscal years 2004 through 2007.

18 **SEC. 5. NATIONAL ALLIANCE OF TEACHERS OF AMERICAN**
19 **HISTORY AND CIVICS.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—From amounts appropriated
22 under subsection (e), the Chairperson shall award a
23 grant to an organization for the creation of a na-
24 tional alliance of elementary school and secondary
25 school teachers of American history and civics.

1 (2) PURPOSE.—The purpose of the national al-
2 liance is—

3 (A) to facilitate the sharing of ideas among
4 teachers of American history and civics; and

5 (B) to encourage best practices in the
6 teaching of American history and civics.

7 (b) APPLICATION.—An organization that desires to
8 receive a grant under this section shall submit an applica-
9 tion to the Chairperson at such time, in such manner, and
10 containing such information as the Chairperson may re-
11 quire.

12 (c) GRANT TERM.—A grant awarded under this sec-
13 tion shall be for a term of 2 years and may be renewed
14 after the initial term expires.

15 (d) USE OF FUNDS.—An organization that receives
16 a grant under this section may use the grant funds for
17 any of the following:

18 (1) Creation of a website on the Internet to fa-
19 cilitate discussion of new ideas on improving Amer-
20 ican history and civics education.

21 (2) Creation of in-State chapters of the national
22 alliance, to which individual teachers of American
23 history and civics may belong, that sponsors Amer-
24 ican history and civics activities for such teachers in
25 the State.

1 (3) Seminars, lectures, or other events focused
2 on American history and civics, which may be spon-
3 sored in cooperation with, or through grants award-
4 ed to, libraries, States' humanities councils, or other
5 appropriate entities.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$4,000,000 for each of fiscal years 2004 through 2007.

○

108TH CONGRESS
1ST SESSION

S. 504

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2003

Referred to the Committee on Education and the Workforce

AN ACT

To establish academies for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American History and
5 Civics Education Act of 2003”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AMERICAN HISTORY AND CIVICS.**—The term
4 “American history and civics” means the key events,
5 key persons, key ideas, and key documents that
6 shaped the institutions and democratic heritage of
7 the United States of America.

8 (2) **CHAIRMAN.**—The term “Chairman” means
9 the Chairman of the National Endowment for the
10 Humanities.

11 (3) **EDUCATIONAL INSTITUTION.**—The term
12 “educational institution”—

13 (A) means—

14 (i) an institution of higher education;

15 (ii) an educational institution created
16 by a legislative act of a State for the ex-
17 press purpose of teaching American history
18 and civics to elementary school and sec-
19 ondary school students; or

20 (iii) a nonprofit educational institu-
21 tion, library, or research center; and

22 (B) includes a consortium of entities de-
23 scribed in subparagraph (A).

24 (4) **INSTITUTION OF HIGHER EDUCATION.**—The
25 term “institution of higher education” has the

1 meaning given the term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (5) KEY DOCUMENTS.—The term “key docu-
4 ments” means the documents that established or ex-
5 plained the foundational principles of democracy in
6 the United States, including the United States Con-
7 stitution and the amendments to the Constitution
8 (particularly the Bill of Rights), the Declaration of
9 Independence, the Federalist Papers, and the Eman-
10 cipation Proclamation.

11 (6) KEY EVENTS.—The term “key events”
12 means the critical turning points in the history of
13 the United States (including the encounter of Native
14 Americans with European settlers, the American
15 Revolution, the Civil War, the world wars of the
16 twentieth century, the civil rights movement, and the
17 major court decisions, legislation, literature, and the
18 arts) that established democracy and extended its
19 promise in American life.

20 (7) KEY IDEAS.—The term “key ideas” means
21 the ideas that shaped the democratic institutions
22 and heritage of the United States, including the no-
23 tions of liberty, equal opportunity, individualism,
24 laissez faire, the rule of law, federalism and e

1 pluribus unum, the free exercise of religion, the sep-
2 aration of church and state, and a belief in progress.

3 (8) KEY PERSONS.—The term “key persons”
4 means the men and women who led the United
5 States as Founding Fathers, Native American lead-
6 ers, elected officials, scientists, inventors, pioneers,
7 advocates of equal rights, entrepreneurs, and artists.

8 (9) STATE.—The term “State” means each of
9 the 50 States and the District of Columbia.

10 (10) TEACHERS OF AMERICAN HISTORY AND
11 CIVICS.—The term “teachers of American history
12 and civics” means kindergarten through grade 12
13 teachers who teach American history, government,
14 or civics, or who incorporate such subjects into their
15 teaching.

16 **SEC. 3. PRESIDENTIAL ACADEMIES FOR TEACHING OF**
17 **AMERICAN HISTORY AND CIVICS.**

18 (a) ESTABLISHMENT.—From amounts appropriated
19 under subsection (j), the National Endowment for the Hu-
20 manities shall award grants, on a competitive basis, to
21 educational institutions to establish Presidential Acad-
22 emies for Teaching of American History and Civics (in
23 this section referred to as “Academies”) that shall offer
24 workshops for teachers of American history and civics—

1 (1) to strengthen such teachers' knowledge of
2 the subjects of American history and civics; and

3 (2) to learn how better to teach such subjects.

4 (b) APPLICATION.—

5 (1) IN GENERAL.—An educational institution
6 that desires to receive a grant under this section
7 shall submit an application to the National Endow-
8 ment for the Humanities at such time, in such man-
9 ner, and containing such information as the Na-
10 tional Endowment for the Humanities may require.

11 (2) CONTENTS.—An application submitted
12 under paragraph (1) shall—

13 (A) include the criteria that will be used to
14 determine which teachers will be selected to at-
15 tend workshops offered by the Academy;

16 (B) identify the individual the educational
17 institution intends to appoint to be the primary
18 scholar at the Academy;

19 (C) include a description of the curriculum
20 to be used at workshops offered by the Acad-
21 emy; and

22 (D) provide an assurance that the recruit-
23 ment plan for which teachers will be selected to
24 attend workshops offered by the Academy will
25 include teachers from schools receiving assist-

1 ance under part A of title I of the Elementary
2 and Secondary Education Act of 1965 (20
3 U.S.C. 6311 et seq.), particularly those schools
4 with high concentrations of students described
5 in section 1124(e) of such Act.

6 (c) NUMBER OF GRANTS.—The National Endowment
7 for the Humanities shall award not more than 12 grants
8 to different educational institutions under this section.

9 (d) DISTRIBUTION.—The Chairman shall encourage
10 equitable distribution of grants under this section among
11 the geographical regions of the United States.

12 (e) GRANT TERMS.—Grants awarded under this sec-
13 tion shall be for a term of 2 years.

14 (f) USE OF FUNDS.—

15 (1) WORKSHOPS.—

16 (A) IN GENERAL.—An educational institu-
17 tion that receives a grant under this section
18 shall establish an Academy that shall offer a
19 workshop during the summer, or during an-
20 other appropriate time, for teachers of Amer-
21 ican history and civics—

22 (i) to strengthen such teachers' knowl-
23 edge of the subjects of American history
24 and civics; and

1 (ii) to learn how better to teach such
2 subjects.

3 (B) DURATION OF WORKSHOP.—A work-
4 shop offered pursuant to this section shall be
5 approximately 2 weeks in duration.

6 (2) ACADEMY STAFF.—

7 (A) PRIMARY SCHOLAR.—Each Academy
8 shall be headed by a primary scholar identified
9 in the application submitted under subsection
10 (b) who shall—

11 (i) be accomplished in the field of
12 American history and civics; and

13 (ii) design the curriculum for and lead
14 the workshop.

15 (B) CORE TEACHERS.—Each primary
16 scholar shall appoint an appropriate number of
17 core teachers. At the direction of the primary
18 scholar, the core teachers shall teach and train
19 the workshop attendees.

20 (3) SELECTION OF TEACHERS.—

21 (A) IN GENERAL.—

22 (i) NUMBER OF TEACHERS.—Each
23 year, each Academy shall select kinder-
24 garten through grade 12 teachers of Amer-

1 ican history and civics to attend the work-
2 shop offered by the Academy.

3 (ii) FLEXIBILITY IN NUMBER OF
4 TEACHERS.—Each Academy shall select
5 not more than 300 and not less than 50
6 teachers under clause (i).

7 (B) TEACHERS FROM PUBLIC AND PRI-
8 VATE SCHOOLS.—An Academy may select
9 teachers from public schools and private schools
10 to attend the workshop offered by the Academy.

11 (g) COSTS.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), a teacher who attends a workshop offered
14 pursuant to this section shall not incur costs associ-
15 ated with attending the workshop, including costs
16 for meals, lodging, and materials while attending the
17 workshop, and may receive a stipend to cover such
18 costs.

19 (2) TRAVEL COSTS.—A teacher who attends a
20 workshop offered pursuant to this section shall use
21 non-Federal funds to pay for such teacher's costs of
22 transit to and from the Academy.

23 (h) EVALUATION.—

24 (1) IN GENERAL.—At the completion of all of
25 the workshops assisted in the third year grants are

1 awarded under this section, the National Endow-
2 ment for the Humanities shall conduct an evaluation
3 and submit a report on its findings to the relevant
4 committees of Congress.

5 (2) CONTENT OF EVALUATION.—The evaluation
6 conducted pursuant to paragraph (1) shall—

7 (A) determine the overall success of the
8 grant program authorized under this section;
9 and

10 (B) highlight the best grantees' practices
11 in order to become models for future grantees.

12 (i) NON-FEDERAL FUNDS.—An educational institu-
13 tion receiving Federal assistance under this section may
14 contribute non-Federal funds toward the costs of oper-
15 ating the Academy.

16 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$7,000,000 for each of fiscal years 2004 through 2007.

19 **SEC. 4. CONGRESSIONAL ACADEMIES FOR STUDENTS OF**
20 **AMERICAN HISTORY AND CIVICS.**

21 (a) ESTABLISHMENT.—From amounts appropriated
22 under subsection (j), the National Endowment for the Hu-
23 manities shall award grants, on a competitive basis, to
24 educational institutions to establish Congressional Acad-
25 emies for Students of American History and Civics (in this

1 section referred to as “Academies”) that shall offer work-
2 shops for outstanding students of American history and
3 civics to broaden and deepen such students’ understanding
4 of American history and civics.

5 (b) APPLICATION.—

6 (1) IN GENERAL.—An educational institution
7 that desires to receive a grant under this section
8 shall submit an application to the National Endow-
9 ment for the Humanities at such time, in such man-
10 ner, and containing such information as the Na-
11 tional Endowment for the Humanities may require.

12 (2) CONTENTS.—An application submitted
13 under paragraph (1) shall—

14 (A) include the criteria that will be used to
15 determine which students will be selected to at-
16 tend workshops offered by the Academy;

17 (B) identify the individual the educational
18 institution intends to appoint to be the primary
19 scholar at the Academy;

20 (C) include a description of the curriculum
21 to be used at workshops offered by the Acad-
22 emy; and

23 (D) include a description of how the edu-
24 cational institution will—

1 (i) inform students from schools re-
2 ceiving assistance under part A of title I of
3 the Elementary and Secondary Education
4 Act of 1965 (20 U.S.C. 6311 et seq.), par-
5 ticularly those schools with high concentra-
6 tions of students described in section
7 1124(c) of such Act, of the Academy; and

8 (ii) provide such students with infor-
9 mation on how to apply to attend work-
10 shops offered by the Academy so that such
11 students may attend the workshops.

12 (c) NUMBER OF GRANTS.—The National Endowment
13 for the Humanities shall award not more than 12 grants
14 to different educational institutions under this section.

15 (d) DISTRIBUTION.—The Chairman shall encourage
16 equitable distribution of grants under this section among
17 the geographical regions of the United States.

18 (e) GRANT TERMS.—Grants awarded under this sec-
19 tion shall be for a term of 2 years.

20 (f) USE OF FUNDS.—

21 (1) WORKSHOPS.—

22 (A) IN GENERAL.—An educational institu-
23 tion that receives a grant under this section
24 shall establish an Academy that shall offer a
25 workshop during the summer, or during an-

1 other appropriate time, for outstanding stu-
2 dents of American history, government, and
3 civics to broaden and deepen such students' un-
4 derstanding of American history and civics.

5 (B) DURATION OF WORKSHOP.—A work-
6 shop offered pursuant to this section shall be
7 approximately 4 weeks in duration.

8 (2) ACADEMY STAFF.—

9 (A) PRIMARY SCHOLAR.—Each Academy
10 shall be headed by a primary scholar identified
11 in the application submitted under subsection
12 (b) who shall—

13 (i) be accomplished in the field of
14 American history and civics; and

15 (ii) design the curriculum for and lead
16 the workshop.

17 (B) CORE TEACHERS.—Each primary
18 scholar shall appoint an appropriate number of
19 core teachers. At the direction of the primary
20 scholar, the core teachers shall teach the work-
21 shop attendees.

22 (3) SELECTION OF STUDENTS.—

23 (A) NUMBER OF STUDENTS.—Each year,
24 each Academy shall select between 100 and 300

1 eligible students to attend the workshop offered
2 by the Academy.

3 (B) ELIGIBLE STUDENTS.—A student shall
4 be eligible to attend a workshop offered by an
5 Academy if the student—

6 (i) is recommended by the student's
7 secondary school principal (or other head
8 of such student's academic program) to at-
9 tend the workshop; and

10 (ii) will be a junior or senior in the
11 academic year following attendance at the
12 workshop.

13 (g) COSTS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), a student who attends a workshop offered
16 pursuant to this section shall not incur costs associ-
17 ated with attending the workshop, including costs
18 for meals, lodging, and materials while attending the
19 workshop.

20 (2) TRAVEL COSTS.—A student who attends a
21 workshop offered pursuant to this section shall use
22 non-Federal funds to pay for such student's costs of
23 transit to and from the Academy.

24 (h) EVALUATION.—

1 (1) IN GENERAL.—At the completion of all of
2 the workshops assisted in the third year grants are
3 awarded under this section, the National Endow-
4 ment for the Humanities shall conduct an evaluation
5 and submit a report on its findings to the relevant
6 committees of Congress.

7 (2) CONTENT OF EVALUATION.—The evaluation
8 conducted pursuant to paragraph (1) shall—

9 (Λ) determine the overall success of the
10 grant program authorized under this section;
11 and

12 (B) highlight the best grantees' practices
13 in order to become models for future grantees.

14 (i) NON-FEDERAL FUNDS.—An educational institu-
15 tion receiving Federal assistance under this section may
16 contribute non-Federal funds toward the costs of oper-
17 ating the Academy.

18 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$14,000,000 for each of fiscal years 2004 through 2007.

21 **SEC. 5. NATIONAL ALLIANCE OF TEACHERS OF AMERICAN**
22 **HISTORY AND CIVICS.**

23 (a) ESTABLISHMENT.—

24 (1) IN GENERAL.—From amounts appropriated
25 under subsection (e), the National Endowment for

1 the Humanities shall award 1 or more grants to or-
2 ganizations for the creation of a national alliance of
3 elementary school and secondary school teachers of
4 American history and civics.

5 (2) PURPOSE.—The purpose of the national al-
6 liance is—

7 (A) to facilitate the sharing of ideas among
8 teachers of American history and civics; and

9 (B) to encourage best practices in the
10 teaching of American history and civics.

11 (b) APPLICATION.—An organization that desires to
12 receive a grant under this section shall submit an applica-
13 tion to the National Endowment for the Humanities at
14 such time, in such manner, and containing such informa-
15 tion as the National Endowment for the Humanities may
16 require.

17 (c) GRANT TERM.—A grant awarded under this sec-
18 tion shall be for a term of 2 years and may be reapplied
19 after the initial term expires.

20 (d) USE OF FUNDS.—An organization that receives
21 a grant under this section may use the grant funds for
22 any of the following:

23 (1) Creation of a website on the Internet to fa-
24 cilitate discussion of new ideas on improving Amer-
25 ican history and civics education.

1 (2) Creation of in-State chapters of the national
2 alliance, to which individual teachers of American
3 history and civics may belong, that sponsors Amer-
4 ican history and civics activities for such teachers in
5 the State.

6 (3) Seminars, lectures, or other events focused
7 on American history and civics, which may be spon-
8 sored in cooperation with, or through grants award-
9 ed to, libraries, States' humanities councils, or other
10 appropriate entities.

11 (4) Coordinate activities with other nonprofit
12 educational alliances that promote the teaching or
13 study of subjects related to American history and
14 civics.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section,
17 and for any administrative costs associated with carrying
18 out sections 3 and 4, \$4,000,000 for each of fiscal years
19 2004 through 2007.

Passed the Senate June 20, 2003.

Attest:

EMILY J. REYNOLDS,

Secretary.



Published on *Washington Examiner* (<http://washingtonexaminer.com>)
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By *Mark Tapscott*
Created *Mar 9 2011 - 9:05pm*

Individual liberty cannot survive a republic of dunces

In an era noteworthy for Muslim terrorists plotting future 9/11s and nukes in the hands of fanatical nut jobs like Iran's Mahmoud Ahmadinejad and North Korea's Kim Jong il, you might think there couldn't possibly be a more serious problem to ponder.

You would be wrong.

Consider what happened recently when the Intercollegiate Studies Institute gave a 60-question civic literacy test to more than 28,000 college students:

"Less than half knew about federalism, judicial review, the Declaration of Independence, the Gettysburg Address, and NATO. And this was a multiple-choice test, with the answers staring them right in the face," said political scientist Richard Bake, co-chairman of ISI's Civic Literacy Board.

"Ten percent thought that 'we hold these truths to be self-evident, that all men are created equal' came from the Communist Manifesto," Bake added during a recent interview with my *Examiner* colleague Barbara Hollingsworth.

Even the smart kids at Harvard failed the test, scoring on average 69, which is a D. Since the vast majority of the students tested are products of public schools, the results represent a comprehensive indictment of public education, the National Education Association and the American Federation of Teachers.

These are the people who year after year graduate classes in which one of every four kids cannot read at even a basic level. If you can't read the Constitution, or the Declaration, or The Federalist Papers, you won't understand their essential concepts or why they represent so much wisdom.

When even our elite colleges and universities aren't teaching the next generation the basic concepts of the American republic like federalism or the difference between Thomas Jefferson and Karl Marx, it ought to be obvious that American public education is failing American democracy.

Does anybody on America's college faculties remember or care that once liberty is lost, it is almost never regained?

As with so much else, James Madison captures in a wonderfully succinct couple of sentences the profoundly serious implications of raising a generation that is politically crippled by its gross civic ignorance. Madison wrote of the difference between Europe and America, saying: "In Europe, charters of liberty have been granted by power. America has set the example ... of charters of power granted by liberty."

If you don't grasp how Madison's simple equation makes all the difference in the world for the manner in which this country is governed, then you probably don't understand why liberals and conservatives disagree on just about everything that is fundamental to contemporary public policy.

Take health care. Liberals love the European welfare state, epitomized by Britain's National Health Service, aka a "single-payer system" or the "public option." That is why Obamacare erects hundreds of new bureaucratic agencies to regulate every detail of health care research, delivery and pricing.

That includes hiring thousands of new Internal Revenue Service agents to enforce the individual mandate federal District Judge Roger Vinson just declared unconstitutional. And those 1,040 waivers granted so far under Obamacare are the modern illustration of those European "charters of liberty ... granted by power."

For conservatives, the ideal health care reform is embodied in the Health Savings Account that puts the power of choice in the hands of individuals. That makes insurance providers compete to satisfy customers instead of government bureaucrats.

The bureaucrats are limited to enforcing contracts honestly made and assuring sufficient transparency of services and products to enable individuals to make informed choices. Or, as Madison would say, those with liberty grant a limited charter of power to government to do specific things and only those things.

But a generation that is not taught to recognize the irreconcilable differences represented by the Declaration of Independence and the Communist Manifesto, between Madison and Marx, the Federalist Papers and Rules for Radicals is doomed to be ruled, not to rule.

Individual liberty will not long survive in a republic of civic dunces.

Mark Tapscott is editorial page editor of The Washington Examiner and proprietor of Tapscott's CopyDesk blog on washingtonexaminer.com

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The Price They Paid

Claim: Essay outlines the fates of the signers of the Declaration of Independence.

MIXTURE OF TRUE AND FALSE INFORMATION

Example: *[Collected via e-mail, 1999]*

THE PRICE THEY PAID

Have you ever wondered what happened to the 56 men who signed the Declaration of Independence?

Five signers were captured by the British as traitors and tortured before they died.

Twelve had their homes ransacked and burned.

Two lost their sons serving in the Revolutionary Army, another had two sons captured.

Nine of the 56 fought and died from wounds or hardships of the Revolutionary War.

They signed and they pledged their lives, their fortunes, and their sacred honor.

What kind of men were they?

Twenty-four were lawyers and jurists. Eleven were merchants, nine were farmers and large plantation owners; men of means, well educated. But they signed the Declaration of Independence knowing full well that the penalty would be death if they were captured.

Carter Braxton of Virginia, a wealthy planter and trader, saw his ships swept from the seas by the British Navy. He sold his home and properties to pay his debts, and died in rags.

Thomas McKeam was so hounded by the British that he was forced to move his family almost constantly. He served in the Congress without pay, and his family was kept in hiding. His possessions were taken from him, and poverty was his reward.

Vandals or soldiers looted the properties of Dillery, Hall, Clymer, Walton, Gwinnett, Heyward, Rutledge, and Middleton.

At the battle of Yorktown, Thomas Nelson, Jr., noted that the British General Cornwallis had taken over the Nelson home for his headquarters. He quietly urged General George Washington to open fire. The home was destroyed, and Nelson died bankrupt.

Francis Lewis had his home and properties destroyed. The enemy jailed his wife, and she died within a few months.



who will you discover?

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John Hart was driven from his wife's bedside as she was dying. Their 13 children fled for their lives. His fields and his gristmill were laid to waste. For more than a year, he lived in forests and caves, returning home to find his wife dead and his children vanished. A few weeks later, he died from exhaustion and a broken heart.

Norris and Livingston suffered similar fates.

Such were the stories and sacrifices of the American Revolution. These were not wild-eyed, rabble-rousing ruffians. They were soft-spoken men of means and education. They had security, but they valued liberty more.

Standing tall straight, and unwavering, they pledged: "For the support of this declaration, with firm reliance on the protection of the divine providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor."

They gave you and me a free and independent America. The history books never told you a lot about what happened in the Revolutionary War. We didn't fight just the British. We were British subjects at that time and we fought our own government!

Some of us take these liberties so much for granted, but we shouldn't.

So, take a few minutes while enjoying your 4th of July Holiday and silently thank these patriots. It's not much to ask for the price they paid. Remember: Freedom is never free!

I hope you will show your support by please sending this to as many people as you can. It's time we get the word out that patriotism is NOT a sin, and the Fourth of July has more to it than beer, picnics, and baseball games.

Origins: In the waning years of their lengthy lives, former presidents (and Founding Fathers) John Adams and Thomas Jefferson reconciled the political differences that had separated them for many years and carried on a voluminous correspondence. One of the purposes behind their exchange of letters was to set the record straight regarding the events of the American Revolution, for as author Joseph J. Ellis noted, they (particularly Adams, whom history would not treat nearly as kindly as Jefferson) were keenly aware of the "distinction between history as experienced and history as remembered":

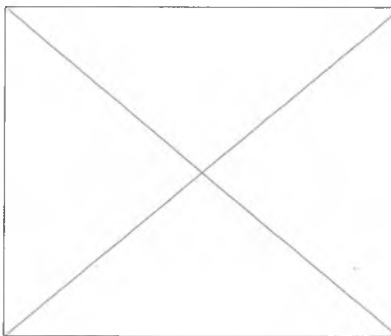
Adams realized that the act of transforming the American Revolution into history placed a premium on selecting events and heroes that fit neatly into a dramatic formula, thereby distorting the more tangled and incoherent experience that participants actually making the history felt at the time. Jefferson's drafting of the Declaration of Independence was a perfect example of such dramatic distortions. The Revolution in this romantic rendering became one magical moment of inspiration, leading inexorably to the foregone conclusion of American independence.

Evidently Adams was right: So great is our need for simplified, dramatic events and heroes that even the real-life biographies of the fifty-six men who risked their lives to publicly declare American independence are no longer compelling enough. Through multiple versions of pieces like the one quoted above, their lives have been repeatedly embellished with layers of fanciful fiction to make for a better story. As we often do, we'll try here to strip away those accumulated layers of fiction and get down to whatever kernel of truth may lie underneath:

• ***Five signers were captured by the British as traitors and tortured before they died.***

It is true that five signers of the Declaration of Independence were captured by the British during the course of the Revolutionary War. However, none of them died while a prisoner, and four of them were taken into custody not because they were considered "traitors" due to their status as signatories to that document, but because they were captured as prisoners of war while actively engaged in military operations against the British: George Walton was captured after being wounded while commanding militia at the Battle of Savannah in December 1778, and Thomas Heyward, Jr., Arthur Middleton, and Edward Rutledge (three of the four Declaration of Independence signers from South Carolina) were taken prisoner at the Siege of Charleston in May in 1780. Although they endured the ill treatment typically afforded to

prisoners of war during their captivity (prison conditions were quite deplorable at the time), they were not tortured, nor is there evidence that they were treated more harshly than other wartime prisoners who were not also signatories to the Declaration. Moreover, all four men were eventually exchanged or released; had they been considered traitors by the British, they would have been hanged.



Richard Stockton of New Jersey was the only signer taken prisoner specifically because of his status as a signatory to the Declaration, "dragged from his bed by night" by local Tories after he had evacuated his family from New Jersey, and imprisoned in New York City's infamous Provost Jail like a common criminal. However, Stockton was also the only one of the fifty-six signers who violated the pledge to support the Declaration of Independence and each other with "our Lives, our Fortunes, and our sacred Honor," securing a pardon and his release from imprisonment by recanting his signature on the Declaration and signing an oath swearing his allegiance to George III.

- ***Twelve had their homes ransacked and burned.***

It is true that a number of signers saw their homes and property occupied, ransacked, looted, and vandalized by the British (and even in some cases by the Americans). However, as we discuss in more detail below, this activity was a common (if unfortunate) part of warfare. Signers' homes were not specifically targeted for destruction — like many other Americans, their property was subject to seizure when it fell along the path of a war being waged on the North American continent.

- ***Two lost their sons serving in the Revolutionary Army, another had two sons captured.***

Abraham Clark of New Jersey saw two of his sons captured by the British and incarcerated on the prison ship *Jersey*. John Witherspoon, also of New Jersey, saw his eldest son, James, killed in the Battle of Germantown in October 1777. If there was a second signer of the Declaration whose son was killed while serving in the Continental Army, we have yet to find him.

- ***Nine of the 56 fought and died from wounds or hardships of the Revolutionary War.***

This statement is quite misleading as phrased. Nine signers died during the course of the Revolutionary War, but none of them died from wounds or hardships inflicted on them by the British. (Indeed, several of the nine didn't even take part in the war.) Only one signer, Button Gwinnett of Georgia, died from wounds, and those were received not at the hands of the British, but of a fellow officer with whom he duelled in May 1777.

- ***Carter Braxton of Virginia, a wealthy planter and trader, saw his ships swept from the seas by the British Navy. He sold his home and properties to pay his debts, and died in rags.***

Before the American Revolution, Carter Braxton was possessed of a considerable fortune through inheritance and favorable marriages. While still in his teens he inherited the family estate, which included a flourishing Virginia tobacco plantation, upon the death of his father. He married a wealthy heiress who died when he was just 21, and within a few years he had remarried, this time to the daughter of the Receiver of Customs in Virginia for the King. As a delegate representing Virginia in the Continental Congress in 1776, he was one of the minority of delegates reluctant to support an American declaration of independence, a move which he viewed at the time as too dangerous:

[Independence] is in truth a delusive Bait which men inconsiderably catch at, without knowing the hook to which it is affixed ... America is too defenceless a State for the declaration, having no alliance with a naval Power nor as yet any Fleet of consequence of her own to protect that trade which is so essential to the prosecution of the War, without which I know we cannot go on much longer.

Braxton invested his wealth in commercial enterprises, particularly shipping, and he endured severe financial reversals during the Revolutionary War when many of the ships in which he held interest were either appropriated by the British government (because they were British-flagged) or were sunk or captured by the British. He was not personally targeted for ruin because he had signed the Declaration of Independence,

however; he suffered grievous financial losses because most of his wealth was tied up in shipping, "that trade which is so essential to the prosecution of the War" and which was therefore a prime military target for the British. Even if he hadn't signed the Declaration of Independence, Braxton's ships would have been casualties of the war just the same.

Although Braxton did lose property during the war and had to sell off assets (primarily landholdings) to cover the debts incurred by the loss of his ships, he recouped much of that money after the war but subsequently lost it again through his own ill-advised business dealings. His fortune was considerably diminished in his later years, but he did not by any stretch of the imagination "die in rags."

• ***Thomas McKeam was so hounded by the British that he was forced to move his family almost constantly. He served in the Congress without pay, and his family was kept in hiding. His possessions were taken from him, and poverty was his reward.***

As one biography describes Thomas McKean (not "McKean"):

Thomas McKean might just represent an ideal study of how far political engagement can be carried by one man. One can scarcely believe the number of concurrent offices and duties this man performed during the course of his long career. He served three states and many more cities and county governments, often performing duties in two or more jurisdictions, even while engaged in federal office.

Among his many offices, McKean was a delegate to the Continental Congress (of which he later served as president), President of Delaware, Chief Justice of Pennsylvania, and Governor of Pennsylvania. The above-quoted statement regarding his being "hounded" by the British during the Revolutionary War is probably based upon a letter he wrote to his friend John Adams in 1777, in which he described how he had been "hunted like a fox by the enemy, compelled to remove my family five times in three months, and at last fixed them in a little log-house on the banks of the Susquehanna, but they were soon obliged to move again on account of the incursions of the Indians."

However, it is problematic to assert that McKean's treatment was due to his being a signer of the Declaration of Independence. (His name does not appear on printed copies of that document authenticated in January 1777, so it is likely he did not affix his name to it until later.) If he was targeted by the British, it was quite possibly because he also served in a military capacity as a volunteer leader of militia. In any case, McKean did not end up in "poverty," as the estate he left behind when he died in 1817 was described as consisting of "stocks, bonds, and huge land tracts in Pennsylvania."

• ***Vandals or soldiers looted the properties of Dillery, Hall, Clymer, Walton, Gwinnett, Heyward, Rutledge, and Middleton.***

First of all, this passage has a couple of misspellings: the signers referred to are William Ellery (not "Dillery") and Edward Rutledge (not "Rutledge"). Secondly, this sentence is misleading in that it implies a motive that was most likely not present (i.e., these men's homes were looted because they had been signers of the Declaration of Independence).

The need to forage for supplies in enemy territory has long been a part of warfare, and so it was far from uncommon for British soldiers in the field to appropriate such material from private residences during the American Revolution. (Not only were homes used as sources of food, livestock, and other necessary supplies, but larger houses were also taken over and used to quarter soldiers or to serve as headquarters for officers.) In some cases, even American forces took advantage of the local citizenry to provision themselves. Given that many more prominent American revolutionaries who were also signers of the Declaration of Independence (e.g., Samuel Adams, John Hancock, Benjamin Franklin, James Wilson, Benjamin Rush, Robert Morris) had homes in areas that were occupied by the British during the war, yet those homes were not looted or vandalized, it's hard to make the case that the men named above were specifically targeted for vengeance by the British rather than unfortunate victims whose property fell in the path of an armed conflict being waged on American soil.

It's also a common misconception that the signing of the Declaration of Independence was the event that triggered the Revolutionary War, so the signers were directly responsible for whatever misfortunes befell them (and their fellow Americans) as a result of that war. The war actually began more than a year before the signing of the Declaration of Independence — revolutionary events involving armed conflict, such as the battles of Lexington and Concord, the seizure of Fort Ticonderoga by Ethan Allen and his "Green Mountain Boys," the Battle of Bunker Hill, and the capture of Montreal by General Richard Montgomery, all took place in 1775.

- *At the battle of Yorktown, Thomas Nelson, Jr., noted that the British General Cornwallis had taken over the Nelson home for his headquarters. He quietly urged General George Washington to open fire. The home was destroyed, and Nelson died bankrupt.*

The tale about Thomas Nelson's urging or suggesting the bombardment of his own house is one of several Revolutionary War legends whose truth may never be known. Several versions of this story exist, one of which (as referenced above) holds that Nelson encouraged George Washington to shell his Yorktown home after British Major General Charles Cornwallis had taken it over to use as his headquarters in 1781:

Cornwallis had turned the home of Thomas Nelson, who had succeeded Jefferson as governor of Virginia, into his headquarters. Nelson, a signer of the Declaration of Independence, had led three Virginia brigades, or 3,000 men, to Yorktown and, when the shelling of the town was about to begin, urged Washington to bombard his own house. And that is where Washington, with his experienced surveyor's eye, reputedly pointed the gun for the first (and singularly fatal) allied shot. Legend has it that the shell went right through a window and landed at the dinner table where some British officers, including the British commissary general, had just sat down to dine. The general was killed and several others wounded as it burst among their plates.

Other versions of the story have Nelson directing the Marquis de Lafayette to train French artillery on his home:

The story goes that the new Virginia Governor Thomas Nelson (who'd been held at Yorktown but released under a flag of truce) was with American forces that day. Lafayette invited Nelson to be present when Captain Thomas Machin's battery first opened fire, as both a compliment and knowing Nelson lived in Yorktown and would know the localities in the riverport area. "To what particular spot," Lafayette reportedly asked Nelson, "would your Excellency direct that we should point the cannon." Nelson replied, "There, to that house. It is mine, and . . . it is the best one in the town. There you will be almost certain to find Lord Cornwallis and the British headquarters."

"A simultaneous discharge of all the guns in the line," Joseph Martin wrote, was "followed [by] French troops accompanying it with 'Huzza for the Americans.'" Sounding much like the Nelson legend, Martin's account added that "the first shell sent from our batteries entered an elegant house formerly owned or occupied by the Secretary of State under the British, and burned directly over a table surrounded by a large party of British officers at dinner, killing and wounding a number of them."

Still other accounts maintain this legend is a conflation of two separate events: Thomas Nelson, acting as commander in chief of the Virginia militia, ordered a battery to open fire on his *uncle's* home, where Cornwallis was then ensconced. Later, Nelson supposedly made a friendly bet with French artillerymen in which he challenged them to hit his home, one of the more prominent landmarks in Yorktown.

Whatever the truth, the Nelson home was certainly not "destroyed" as claimed. The house stands to this day as part of Colonial National Historical Park, and the National Park Service's description of it notes only that "the southeast face of the residence does show evidence of damage from cannon fire."

- *Francis Lewis had his home and properties destroyed. The enemy jailed his wife, and she died within a few months.*

Francis Lewis represented New York in the Continental Congress, and shortly after he signed the Declaration of Independence his Long Island estate was raided by the British, possibly as retaliation for his having been a signatory to that document. While Lewis was in Philadelphia attending to congressional matters, his wife was taken prisoner by the British after disregarding an order for citizens to evacuate Long Island. Mrs. Lewis was held for several months before being exchanged for the wives of British officials captured by the Americans. Although her captivity was undoubtedly a hardship, she had already been in poor health for some time and died a few years (not months) later.

- *John Hart was driven from his wife's bedside as she was dying. Their 13 children fled for their lives. His fields and his gristmill were laid to waste. For more than a year, he lived in forests and caves, returning home to find his wife dead and his children vanished. A few weeks later, he died from exhaustion and a broken heart.*

John Hart's New Jersey farm was looted in the course of the Revolutionary War, and he did have to remain in hiding for a while afterwards. However, the claim that he was "driven from his [dying] wife's bedside" as his "13 children fled for his lives" is dramatic fiction. The British overran the area of New Jersey where he resided in late November

of 1776, but his wife had already died on 8 October, and most of their children were adults by then. He also did not die "from exhaustion and a broken heart" a mere "few weeks" after emerging from hiding — he was twice re-elected to the Continental Congress, served as Speaker of the New Jersey assembly, and invited the American army to encamp on his New Jersey farmland in June 1778 before succumbing to kidney stones in May 1779.

• *Norris and Livingston suffered similar fates.*

Lewis Morris (not Norris) indeed saw his Westchester County, New York, home taken over in 1776 and used as a barracks for soldiers, and the horses and livestock from his farm commandeered by military personnel, but he suffered those deprivations at the hands of the Continental Army, not the British. Shortly afterwards his home was appropriated by the British, but Morris and his wife reclaimed the property and restored their home after the war.

Philip Livingston lost several properties to the British occupation of New York and sold off others to support the war effort, and he did not recover them because he died suddenly in 1778, before the end of the war.

What should we take from all of this? The signers of the Declaration of Independence did take a huge risk in daring to put their names on a document that repudiated their government, and they had every reason to believe at the time that they might well be hanged for having done so. That was a courageous act we should indeed remember and honor on the Fourth of July amidst our "beer, picnics, and baseball games." But we should also not lose sight of the fact that many men (and women) other than the fifty-six signers of the Declaration of Independence — some famous and most not — risked and sacrificed much (including their lives) to support the revolutionary cause. The hardships and losses endured by many Americans during the struggle for independence were not visited upon the signers alone, nor were they any less ruinous for having befallen people whose names are not immortalized on a piece of parchment.

Last updated: 3 July 2010

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**ACTS OF CONGRESS
HELD UNCONSTITUTIONAL IN WHOLE OR
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ACTS OF CONGRESS HELD UNCONSTITUTIONAL IN WHOLE OR IN PART BY THE SUPREME COURT OF THE UNITED STATES

1. Act of Sept. 24, 1789 (1 Stat. 81, § 13, in part).

Provision that “. . . [the Supreme Court] shall have power to issue . . . writs of mandamus, in cases warranted by the principles and usages of law, to any . . . persons holding office, under authority of the United States” as applied to the issue of mandamus to the Secretary of State requiring him to deliver to plaintiff a commission (duly signed by the President) as justice of the peace in the District of Columbia held an attempt to enlarge the original jurisdiction of the Supreme Court, fixed by Article III, § 2.

Marbury v. Madison, 5 U.S. (1 Cr.) 137 (1803).

2. Act of Feb. 20, 1812 (2 Stat. 677).

Provisions establishing board of revision to annul titles conferred many years previously by governors of the Northwest Territory were held violative of the due process clause of the Fifth Amendment.

Reichart v. Felps, 73 U.S. (6 Wall.) 160 (1868).

3. Act of Mar. 6, 1820 (3 Stat. 548, § 8, proviso).

The Missouri Compromise, prohibiting slavery within the Louisiana Territory north of 36° 30' except Missouri, held not warranted as a regulation of Territory belonging to the United States under Article IV, § 3, clause 2 (and see Fifth Amendment).

Scott v. Sandford, 60 U.S. (19 How.) 393 (1857).

Concurring: Taney, C.J.

Concurring specially: Wayne, Nelson, Grier, Daniel, Campbell, Catron.

Dissenting: McLean, Curtis.

4. Act of Feb. 25, 1862 (12 Stat. 345, § 1); July 11, 1862 (12 Stat. 532, § 1); March 3, 1863 (12 Stat. 711, § 3), each in part only.

“Legal tender clauses,” making noninterest-bearing United States notes legal tender in payment of “all debts, public and private,” so far as applied to debts contracted before passage of the act, held not within express or implied powers of Congress under Article I, § 8, and inconsistent with Article I, § 10, and Fifth Amendment.

Hepburn v. Griswold, 75 U.S. (8 Wall.) 603 (1870); overruled in *Knox v. Lee* (*Legal Tender Cases*), 79 U.S. (12 Wall.) 457 (1871).

Concurring: Chase, C.J., Nelson, Clifford, Grier, Field.

Dissenting: Miller, Swayne, Davis.

5. Act of May 20, 1862 (§ 35, 12 Stat. 394); Act of May 21, 1862 (12 Stat. 407); Act of June 25, 1864 (13 Stat. 187); Act of July 23, 1866 (14 Stat. 216); Revised Statutes Relating to the District of Columbia, Act of June 22, 1874, (§§ 281, 282, 294, 304, 18 Stat. pt. 2).

Provisions of law requiring, or construed to require, racial separation in the schools of the District of Columbia, held to violate the equal protection component of the due process clause of the Fifth Amendment.

Bolling v. Sharpe, 347 U.S. 497 (1954).

6. Act of Mar. 3, 1863 (12 Stat. 756, § 5).

"So much of the fifth section . . . as provides for the removal of a judgment in a State court, and in which the cause was tried by a jury to the circuit court of the United States for a retrial on the facts and law, is not in pursuance of the Constitution, and is void" under the Seventh Amendment.

The Justices v. Murray, 76 U.S. (9 Wall.) 274 (1870).

7. Act of Mar. 3, 1863 (12 Stat. 766, § 5).

Provision for an appeal from the Court of Claims to the Supreme Court--there being, at the time, a further provision (§ 14) requiring an estimate by the Secretary of the Treasury before payment of final judgment, held to contravene the judicial finality intended by the Constitution, Article III.

Gordon v. United States, 69 U.S. (2 Wall.) 561 (1865). (Case was dismissed without opinion; the grounds upon which this decision was made were stated in a posthumous opinion by Chief Justice Taney printed in the appendix to volume 117 U.S. 697.)

8. Act of June 30, 1864 (13 Stat. 311, § 13).

Provision that "any prize cause now pending in any circuit court shall, on the application of all parties in interest . . . be transferred by that court to the Supreme Court. . .," as applied in a case where no action had been taken in the Circuit Court on the appeal from the district court, held to propose an appeal procedure not within Article III, § 2.

The Alicia, 74 U.S. (7 Wall.) 571 (1869).

9. Act of Jan. 24, 1865 (13 Stat. 424).

Requirement of a test oath (disavowing actions in hostility to the United States) before admission to appear as attorney in a federal court by virtue of any previous admission, held invalid as applied to an attorney who had been pardoned by the President for all offenses during the Rebellion--as ex post facto (Article I, § 9, clause 3) and an interference with the pardoning power (Article II, § 2, clause 1).

Ex parte Garland, 71 U.S. (4 Wall.) 333 (1867).

Concurring: Field, Wayne, Grier, Nelson, Clifford.
 Dissenting: Miller, Swayne, Davis, Chase, C.J.

10. Act of Mar. 2, 1867 (14 Stat. 484, § 29).

General prohibition on sale of naphtha, etc., for illuminating purposes, if inflammable at less temperature than 110° F., held invalid "except so far as the section named operates within the United States, but without the limits of any State," as being a mere police regulation.

United States v. Dewitt, 76 U.S. (9 Wall.) 41 (1870).

11. Act of May 31, 1870 (16 Stat. 140, §§ 3, 4).

Provisions penalizing (1) refusal of local election official to permit voting by persons offering to qualify under State laws, applicable to any citizens; and (2) hindering of any person from qualifying or voting, held invalid under Fifteenth Amendment.

United States v. Reese, 92 U.S. 214 (1876).

Concurring: Waite, C.J., Miller, Field, Bradley, Swayne, Davis, Strong.
 Dissenting: Clifford, Hunt.

12. Act of July 12, 1870 (16 Stat. 235).

Provision making Presidential pardons inadmissible in evidence in Court of Claims, prohibiting their use by that court in deciding claims or appeals, and requiring dismissal of appeals by the Supreme Court in cases where proof of loyalty had been made otherwise than as prescribed by law, held an interference with judicial power under Article III, § 1, and with the pardoning power under Article II, § 2, clause 1.

United States v. Klein, 80 U.S. (13 Wall.) 128 (1872).

Concurring: Chase, C.J., Nelson, Swayne, Davis, Strong, Clifford, Field.
 Dissenting: Miller, Bradley.

13. Act of Mar. 3, 1873 (ch. 258, § 2, 17 Stat. 599, recodified in 39 U.S.C. § 3001(e)(2)).

Comstock Act provision barring from the mails any unsolicited advertisement for contraceptives, as applied to circulars and flyers promoting prophylactics or containing information discussing the desirability and availability of prophylactics, violates the free speech clause of the First Amendment.

Bolger v. Youngs Drug Products Corp., 463 U.S. 60 (1983).

Justices concurring: Marshall, White, Blackmun, Powell, Burger, C.J.
 Justices concurring specially: Rehnquist, O'Connor, Stevens.

14. Act of June 22, 1874 (18 Stat. 1878, § 4).

Provision authorizing federal courts, in suits for forfeitures under revenue and custom laws, to require production of documents, with allegations expected to be proved therein to be taken as proved on

failure to produce such documents, was held violative of the search and seizure provision of the Fourth Amendment and the self-incrimination clause of the Fifth Amendment.

Boyd v. United States, 116 U.S. 616 (1886).

Concurring: Bradley, Field, Harlan, Woods, Matthews, Gray, Blatchford.

Concurring specially: Miller, Waite, C.J.

15. Revised Statutes 1977 (Act of May 31, 1870, 16 Stat. 144).

Provision that "all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts . . . as is enjoyed by white citizens . . .," held invalid under the Thirteenth Amendment.

Hodges v. United States, 203 U.S. 1 (1906), overruled in *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 441-43 (1968).

Concurring: Brewer, Brown, Fuller, Peckham, McKenna, Holmes, Moody, White, C.J.

Dissenting: Harlan, Day.

16. Revised Statutes 4937-4947 (Act of July 8, 1870, 16 Stat. 210), and Act of August 14, 1876 (19 Stat. 141).

Original trademark law, applying to marks "for exclusive use within the United States," and a penal act designed solely for the protection of rights defined in the earlier measure, held not supportable by Article I, § 8, clause 8 (copyright clause), nor Article I, § 8, clause 3, by reason of its application to intrastate as well as interstate commerce.

Trade-Mark Cases, 100 U.S. 82 (1879).

17. Revised Statutes 5132, subdivision 9 (Act of Mar. 2, 1867, 14 Stat. 539).

Provision penalizing "any person respecting whom bankruptcy proceedings are commenced . . . who, within 3 months before the commencement of proceedings in bankruptcy, under the false color and pretense of carrying on business and dealing in the ordinary course of trade, obtains on credit from any person any goods or chattels with intent to defraud . . .," held a police regulation not within the bankruptcy power (Article I, § 4, clause 4).

United States v. Fox, 95 U.S. 670 (1878).

18. Revised Statutes 5507 (Act of May 31, 1870, 16 Stat. 141, 4).

Provision penalizing "every person who prevents, hinders, controls, or intimidates another from exercising . . . the right of suffrage, to whom that right is guaranteed by the Fifteenth Amendment to the Constitution of the United States, by means of bribery . . .," held not authorized by the Fifteenth Amendment.

James v. Bowman, 190 U.S. 127 (1903).

Concurring: Brewer, Fuller, Peckham, Holmes, Day, White, C.J.

Dissenting: Harlan, Brown.

19. Revised Statutes 5519 (Act of Apr. 20, 1871, 17 Stat. 13, § 2).

Section providing punishment in case "two or more persons in any State . . . conspire . . . for the purpose of depriving . . . any person . . . of the equal protection of the laws . . . or for the purpose of preventing or hindering the constituted authorities of any State . . . from giving or securing to all persons within such State . . . the equal protection of the laws . . .," held invalid as not being directed at state action proscribed by the Fourteenth Amendment.

United States v. Harris, 106 U.S. 629 (1883).

Concurring: Woods, Miller, Bradley, Gray, Field, Matthews, Blatchford, White, C.J.

Dissenting: Harlan.

20. Revised Statutes of the District of Columbia, § 1064 (Act of June 17, 1870, 16 Stat. 154, § 3).

Provision that "prosecutions in the police court [of the District of Columbia] shall be by information under oath, without indictment by grand jury or trial by petit jury," as applied to punishment for conspiracy, held to contravene Article III, § 2, clause 3, requiring jury trial of all crimes.

Callan v. Wilson, 127 U.S. 540 (1888).

21. Act of Mar. 1, 1875 (18 Stat. 336, §§ 1, 2).

Provision "That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations . . . of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude"--subject to penalty, held not to be supported by the Thirteenth or Fourteenth Amendments.

Civil Rights Cases, 109 U.S. 3 (1883), as to operation within States.

Concurring: Bradley, Miller, Field, Woods, Matthews, Gray, Blatchford, Waite, C.J.

Dissenting: Harlan.

22. Act of Mar. 3, 1875 (18 Stat. 479, § 2).

Provision that "if the party [i.e., a person stealing property from the United States] has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against [the] receiver that the property of the United States therein described has been embezzled, stolen, or purloined," held to contravene the Sixth Amendment.

Kirby v. United States, 174 U.S. 47 (1899).

Concurring: Harlan, Gray, Shiras, White, Peckham, Fuller, C.J.
Dissenting: Brown, McKenna.

23. Act of July 12, 1876 (19 Stat. 80, § 6, in part).

Provision that "postmasters of the first, second, and third classes . . . may be removed by the President by and with the advice and consent of the Senate," held to infringe the executive power under Article II, § 1, clause 1.

Myers v. United States, 272 U.S. 52 (1926).

Concurring: Taft, C.J., Van Devanter, Sutherland, Butler, Sanford, Stone.
Dissenting: Holmes, McReynolds, Brandeis.

24. Act of Aug. 11, 1888 (25 Stat. 411).

Directive, in a provision for the purchase or condemnation of a certain lock and dam in the Monongahela River, that ". . . in estimating the sum to be paid by the United States, the franchise of said corporation to collect tolls shall not be considered or estimated . . .," held to contravene the Fifth Amendment.

Monongahela Navigation Co. v. United States, 148 U.S. 312 (1893).

25. Act of May 5, 1892 (27 Stat. 25, § 4).

Provision of a Chinese exclusion act, that Chinese persons "convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period not exceeding 1 year and thereafter removed from the United States . . ." (such conviction and judgment being had before a justice, judge, or commissioner upon a summary hearing), held to contravene the Fifth and Sixth Amendments.

Wong Wing v. United States, 163 U.S. 228 (1896).

Concurring: Shiras, Harlan, Gray, Brown, White, Peckham, Fuller, C.J.
Concurring in part and dissenting in part: Field.

26. Joint Resolution of August 4, 1894 (28 Stat. 1018, No. 41).

Provision authorizing the Secretary of the Interior to approve a second lease of certain land by an Indian chief in Minnesota (granted to lessor's ancestor by art. 9 of a treaty with the Chippewa Indians), held an interference with judicial interpretation of treaties under Article III, § 2, clause 1 (and repugnant to the Fifth Amendment).

Jones v. Meehan, 175 U.S. 1 (1899).

27. Act of Aug. 27, 1894 (28 Stat. 553-60, §§ 27-37).

Income tax provisions of the tariff act of 1894. "The tax imposed by §§ 27 and 37, inclusive . . . so far as it falls on the income of real estate and of personal property, being a direct tax within the meaning of the Constitution, and, therefore, unconstitutional and void because not apportioned according to representation [Article I, § 2, clause 3],

all those sections, constituting one entire scheme of taxation, are necessarily invalid" (158 U.S. 601, 637).

Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (1895), and rehearing, 158 U.S. 601 (1895).
 Concurring: Fuller, C.J., Gray, Brewer, Brown, Shiras, Jackson.
 Concurring specially: Field.
 Dissenting: White, Harlan.

28. Act of Jan. 30, 1897, (29 Stat. 506).

Prohibition on sale of liquor ". . . to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government. . .," held a police regulation infringing state powers, and not warranted by the commerce clause, Article I, § 8, clause 3.

Matter of Heff, 197 U.S. 488 (1905), overruled in *United States v. Nice*, 241 U.S. 591 (1916).
 Concurring: Brewer, Brown, White, Peckham, McKenna, Holmes, Day, Fuller, C.J.
 Dissenting: Harlan.

29. Act of June 1, 1898 (30 Stat. 428).

Section 10, penalizing "any employer subject to the provisions of this act" who should "threaten any employee with loss of employment . . . because of his membership in . . . a labor corporation, association, or organization" (the act being applicable "to any common carrier . . . engaged in the transportation of passengers or property . . . from one State . . . to another State . . .," etc.), held an infringement of the Fifth Amendment and not supported by the commerce clause.

Adair v. United States, 208 U.S. 161 (1908).
 Concurring: Harlan, Brewer, White, Peckham, Day, Fuller, C.J.
 Dissenting: McKenna, Holmes.

30. Act of June 13, 1898 (30 Stat. 448, 459).

Stamp tax on foreign bills of lading, held a tax on exports in violation of Article I, § 9.

Fairbank v. United States, 181 U.S. 283 (1901).
 Concurring: Brewer, Brown, Shiras, Peckham, Fuller, C.J.
 Dissenting: Harlan, Gray, White, McKenna.

31. Same (30 Stat. 448, 460).

Tax on charter parties, as applied to shipments exclusively from ports in United States to foreign ports, held a tax on exports in violation of Article I, § 9.

United States v. Hooslef, 237 U.S. 1 (1915).

32. Same (30 Stat. 448, 461).

Stamp tax on policies of marine insurance on exports, held a tax on exports in violation of Article I, § 9.

Thames & Mersey Marine Ins. Co. v. United States, 237 U.S. 19 (1915).

33. Act of June 6, 1900 (31 Stat. 359, § 171).

Section of the Alaska Code providing for a six-person jury in trials for misdemeanors, held repugnant to the Sixth Amendment, requiring "jury" trial of crimes.

Rasmussen v. United States, 197 U.S. 516 (1905).

Concurring: White, Brewer, Peckham, McKenna, Holmes, Day, Fuller, C.J.

Concurring specially: Harlan, Brown.

34. Act of Mar. 3, 1901 (31 Stat. 1341, § 935).

Section of the District of Columbia Code granting the same right of appeal, in criminal cases, to the United States or the District of Columbia as to the defendant, but providing that a verdict was not to be set aside for error found in rulings during trial, held an attempt to take an advisory opinion, contrary to Article III, § 2.

United States v. Evans, 213 U.S. 297 (1909).

35. Act of June 11, 1906 (34 Stat. 232).

Act providing that "every common carrier engaged in trade or commerce in the District of Columbia . . . or between the several States . . . shall be liable to any of its employees . . . for all damages which may result from the negligence of any of its officers . . . or by reason of any defect . . . due to its negligence in its cars, engines . . . roadbed," etc., held not supportable under Article I, § 8, clause 3 because it extended to intrastate as well as interstate commercial activities.

The Employers' Liability Cases, 207 U.S. 463 (1908). (The act was upheld as to the District of Columbia in *Hyde v. Southern Ry.*, 31 App. D.C. 466 (1908); and as to the Territories, in *El Paso & N.E. Ry. v. Gutierrez*, 215 U.S. 87 (1909).)

Concurring: White, Day.

Concurring specially: Peckham, Brewer, Fuller, C.J.

Dissenting: Moody, Harlan, McKenna, Holmes.

36. Act of June 16, 1906 (34 Stat. 269, § 2).

Provision of Oklahoma Enabling Act restricting relocation of the State capital prior to 1913, held not supportable by Article IV, § 3, authorizing admission of new States.

Coyle v. Smith, 221 U.S. 559 (1911).

Concurring: Lurton, White, Harlan, Day, Hughes, Van Devanter, Lamar.

Dissenting: McKenna, Holmes.

37. Act of Feb. 20, 1907 (34 Stat. 889, § 3).

Provision in the Immigration Act of 1907 penalizing "whoever . . . shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution . . . any alien woman or girl, within 3 years after she shall have entered the United States,"

held an exercise of police power not within the control of Congress over immigration (whether drawn from the commerce clause or based on inherent sovereignty).

Keller v. United States, 213 U.S. 138 (1909).
 Concurring: Brewer, White, Peckham, McKenna, Day, Fuller, C.J.
 Dissenting: Holmes, Harlan, Moody.

38. Act of Mar. 1, 1907 (34 Stat. 1028).

Provisions authorizing certain Indians "to institute their suits in the Court of Claims to determine the validity of any acts of Congress passed since . . . 1902, insofar as said acts . . . attempt to increase or extend the restrictions upon alienation . . . of allotments of lands of Cherokee citizens . . .," and giving a right of appeal to the Supreme Court, held an attempt to enlarge the judicial power restricted by Article III, § 2, to cases and controversies.

Muskrat v. United States, 219 U.S. 346 (1911).

39. Act of May 27, 1908 (35 Stat. 313, § 4).

Provision making locally taxable "all land [of Indians of the Five Civilized Tribes] from which restrictions have been or shall be removed," held a violation of the Fifth Amendment, in view of the Atoka Agreement, embodied in the Curtis Act of June 28, 1898, providing tax-exemption for allotted lands while title in original allottee, not exceeding 21 years.

Choate v. Trapp, 224 U.S. 665 (1912).

40. Act of Feb. 9, 1909, § 2, 35 Stat. 614, as amended.

Provision of Narcotic Drugs Import and Export Act creating a presumption that possessor of cocaine knew of its illegal importation into the United States held, in light of the fact that more cocaine is produced domestically than is brought into the country and in absence of any showing that defendant could have known his cocaine was imported, if it was, inapplicable to support conviction from mere possession of cocaine.

Turner v. United States, 396 U.S. 398 (1970).
 Concurring specially: Black, Douglas.

41. Act of Aug. 19, 1911 (37 Stat. 28).

A proviso in § 8 of the Federal Corrupt Practices Act fixing a maximum authorized expenditure by a candidate for Senator "in any campaign for his nomination and election," as applied to a primary election, held not supported by Article I, § 4, giving Congress power to regulate the manner of holding elections for Senators and Representatives.

Newberry v. United States, 256 U.S. 232 (1921), overruled in *United States v. Classic*, 313 U.S. 299 (1941).

Concurring: McReynolds, McKenna, Holmes, Day, Van Devanter.
 Concurring specially: Pitney, Brandeis, Clarke.
 Dissenting: White (concurring in part), C.J.

42. Act of June 18, 1912 (37 Stat. 136, § 8).

Part of § 8 giving Juvenile Court of the District of Columbia (proceeding upon information) concurrent jurisdiction of desertion cases (which were, by law, punishable by fine or imprisonment in the workhouse at hard labor for 1 year), held invalid under the Fifth Amendment, which gives right to presentment by a grand jury in case of infamous crimes.

United States v. Moreland, 258 U.S. 433 (1922).
 Concurring: McKenna, Day, Van Devanter, Pitney, McReynolds.
 Dissenting: Brandeis, Holmes, Taft, C.J.

43. Act of Mar. 4, 1913 (37 Stat. 988, part of par. 64).

Provision of the District of Columbia Public Utility Commission Act authorizing appeal to the United States Supreme Court from decrees of the District of Columbia Court Appeals modifying valuation decisions of the Utilities Commission, held an attempt to extend the appellate jurisdiction of the Supreme Court to cases not strictly judicial within the meaning of Article III, § 2.

Keller v. Potomac Elec. Co., 261 U.S. 428 (1923).

44. Act of Sept. 1, 1916 (39 Stat. 675).

The original Child Labor Law, providing "that no producer . . . shall ship . . . in interstate commerce . . . any article or commodity the product of any mill . . . in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work more than 8 hours in any day or more than 6 days in any week . . .," held not within the commerce power of Congress.

Hammer v. Dagenhart, 247 U.S. 251 (1918).
 Concurring: Day, Van Devanter, Pitney, McReynolds, White, C.J.
 Dissenting: Holmes, McKenna, Brandeis, Clarke.

45. Act of Sept. 8, 1916 (39 Stat. 757, § 2(a), in part).

Provision of the income tax law of 1916, that a "stock dividend shall be considered income, to the amount of its cash value," held invalid (in spite of the Sixteenth Amendment) as an attempt to tax something not actually income, without regard to apportionment under Article I, § 2, clause 3.

Eisner v. Macomber, 252 U.S. 189 (1920).
 Concurring: Pitney, McKenna, Van Devanter, McReynolds, White, C.J.
 Dissenting: Holmes, Day, Brandeis, Clarke.

46. Act of Oct. 6, 1917 (40 Stat. 395).

The amendment of §§ 24 and 256 of the Judicial Code (which prescribe jurisdiction of district courts) "saving . . . to claimants the rights and remedies under the workmen's compensation law of any State," held an attempt to transfer federal legislative powers to the States--the Constitution, by Article III, § 2, and Article I, § 8, having adopted rules of general maritime law.

Knickerbocker Ice Co. v. Stewart, 253 U.S. 149 (1920).

Concurring: McReynolds, McKenna, Day, Van Devanter, White, C.J.

Dissenting: Holmes, Pitney, Brandeis, Clarke.

47. Act of Sept. 19, 1918 (40 Stat. 960).

That part of the Minimum Wage Law of the District of Columbia which authorized the Wage Board "to ascertain and declare . . . (a) Standards of minimum wages for women in any occupation within the District of Columbia, and what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals . . .," held to interfere with freedom of contract under the Fifth Amendment.

Adkins v. Children's Hospital, 261 U.S. 525 (1923), overruled in *West Coast*

Hotel Co. v. Parrish, 300 U.S. 379 (1937).

Concurring: Sutherland, McKenna, Van Devanter, McReynolds, Butler.

Dissenting: Taft, C.J., Sanford, Holmes.

48. Act of Feb. 24, 1919 (40 Stat. 1065, § 213, in part).

That part of § 213 of the Revenue Act of 1919 which provided that ". . . for the purposes of the title . . . the term 'gross income' . . . includes gains, profits, and income derived from salaries, wages, or compensation for personal service (including in the case of . . . judges of the Supreme and inferior courts of the United States . . . the compensation received as such) . . ." as applied to a judge in office when the act was passed, held a violation of the guaranty of judges' salaries, in Article III, § 1.

Evans v. Gore, 253 U.S. 245 (1920). *Miles v. Graham*, 268 U.S. 501 (1925), held it invalid as applied to a judge taking office subsequent to the date of the act. Both cases were overruled by *O'Malley v. Woodrough*, 307 U.S. 277 (1939).

Concurring: Van Devanter, McKenna, Day, Pitney, McReynolds, Clarke, White, C.J.

Dissenting: Holmes, Brandeis.

49. Act of Feb. 24, 1919 (40 Stat. 1097, § 402(c)).

That part of the estate tax law providing that the "gross estate" of a decedent should include value of all property "to the extent of any interest therein of which the decedent has at any time made a transfer or with respect to which he had at any time created a trust, in contemplation of or intended to take effect in possession or enjoyment

at or after his death (whether such transfer or trust is made or created before or after the passage of this act), except in case of a *bona fide* sale . . . "as applied to a transfer of property made prior to the act and intended to take effect in possession or enjoyment at death of grantor, but not in fact testamentary or designed to evade taxation, held confiscatory, contrary to Fifth Amendment.

Nichols v. Coolidge, 274 U.S. 531 (1927).

Concurring: McReynolds, Van Devanter, Sutherland, Butler, Taft, C.J.

Concurring specially (only in the result): Holmes, Brandeis, Sanford, Stone.

50. Act of Feb. 24, 1919, title XII (40 Stat. 1138, entire title).

The Child Labor Tax Act, providing that "every person . . . operating . . . any . . . factory . . . in which children under the age of 14 years have been employed or permitted to work . . . shall pay . . . in addition to all other taxes imposed by law, an excise tax equivalent to 10 percent of the entire net profits received . . . for such year from the sale . . . of the product of such . . . factory . . .," held beyond the taxing power under Article I, § 8, clause 1, and an infringement of state authority.

Bailey v. Drexel Furniture Co. (Child Labor Tax Case), 259 U.S. 20 (1922).

Concurring: Taft, C.J., McKenna, Holmes, Day, Van Devanter, Pitney, McReynolds, Brandeis.

Dissenting: Clarke.

51. Act of Oct. 22, 1919 (41 Stat. 298, § 2), amending Act of Aug. 10, 1917 (40 Stat. 277, § 4).

(a) § 4 of the Lever Act, providing in part "that it is hereby made unlawful for any person willfully . . . to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessities . . ." and fixing a penalty, held invalid to support an indictment for charging an unreasonable price on sale--as not setting up an ascertainable standard of guilt within the requirement of the Sixth Amendment.

United States v. L. Cohen Grocery Co., 255 U.S. 81 (1921).

Concurring: White, C.J., McKenna, Holmes, Van Devanter, McReynolds, Clarke.

Concurring specially: Pitney, Brandeis.

(b) That provision of § 4 making it unlawful "to conspire, combine, agree, or arrange with any other person to . . . exact excessive prices for any necessities" and fixing a penalty, held invalid to support an indictment, on the reasoning of the *Cohen Grocery* case.

Weeds, Inc. v. United States, 255 U.S. 109 (1921).

Concurring: White, C.J., McKenna, Holmes, Van Devanter, McReynolds, Clarke.

Concurring specially: Pitney, Brandeis.

52. Act of Aug. 24, 1921 (42 Stat. 187, Future Trading Act).

(a) § 4 (and interwoven regulations) providing a "tax of 20 cents a bushel on every bushel involved therein, upon each contract of sale of grain for future delivery, except . . . where such contracts are made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a 'contract market' . . .," held not within the taxing power under Article I, § 8.

Hill v. Wallace, 259 U.S. 44 (1922).

(b) § 3, providing "That in addition to the taxes now imposed by law there is hereby levied a tax amounting to 20 cents per bushel on each bushel involved therein, whether the actual commodity is intended to be delivered or only nominally referred to, upon each . . . option for a contract either of purchase or sale of grain . . .," held invalid on the same reasoning.

Trusler v. Crooks, 269 U.S. 475 (1926).

53. Act of Nov. 23, 1921 (42 Stat. 261, 245, in part).

Provision of Revenue Act of 1921 abating the deduction (4 percent of mean reserves) allowed from taxable income of life insurance companies in general by the amount of interest on their tax-exempts, and so according no relative advantage to the owners of the tax-exempt securities, held to destroy a guaranteed exemption.

National Life Ins. Co. v. United States, 277 U.S. 508 (1928).

Concurring: McReynolds, Van Devanter, Sutherland, Butler, Sanford, Taft, C.J.

Dissenting: Brandeis, Holmes, Stone.

54. Act of June 10, 1922 (42 Stat. 634).

A second attempt to amend §§ 24 and 256 of the Judicial Code, relating to jurisdiction of district courts, by saving "to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel, their rights and remedies under the workmen's compensation law of any State . . ." held invalid on authority of *Knickerbocker Ice Co. v. Stewart*.

Washington v. Dawson & Co., 264 U.S. 219 (1924).

Concurring: McReynolds, McKenna, Holmes, Van Devanter, Sutherland, Butler, Sanford, Taft, C.J.

Dissenting: Brandeis.

55. Act of June 2, 1924 (43 Stat. 313).

The gift tax provisions of the Revenue Act of 1924, applicable to gifts made during the calendar year, were held invalid under the Fifth Amendment insofar as they applied to gifts made before passage of the act.

Untermeyer v. Anderson, 276 U.S. 440 (1928).

Concurring: McReynolds, Sanford, Van Devanter, Sutherland,
Butler, Taft, C.J.
Dissenting: Holmes, Brandeis, Stone.

56. Act of Feb. 26, 1926 (44 Stat. 70, § 302, in part).

Stipulation creating a conclusive presumption that gifts made within two years prior to the death of the donor were made in contemplation of death of donor and requiring the value thereof to be included in computing the death transfer tax on decedent's estate was held to effect an invalid deprivation of property without due process.

Heiner v. Donnan, 285 U.S. 312 (1932).

Concurring: Sutherland, Van Devanter, McReynolds, Butler, Roberts,
Hughes, C.J.
Dissenting: Stone, Brandeis.

57. Act of Feb. 26, 1926 (44 Stat. 95, § 701).

Provision imposing a special excise tax of \$1,000 on liquor dealers operating in States where such business is illegal, was held a penalty, without constitutional support following repeal of the Eighteenth Amendment.

United States v. Constantine, 296 U.S. 287 (1935).

Concurring: Roberts, Van Devanter, McReynolds, Sutherland, Butler,
Hughes, C.J.
Dissenting: Cardozo, Brandeis, Stone.

58. Act of Mar. 20, 1933 (48 Stat. 11, § 17, in part).

Clause in the Economy Act of 1933 providing ". . . all laws granting or pertaining to yearly renewable term war risk insurance are hereby repealed," held invalid to abrogate an outstanding contract of insurance, which is a vested right protected by the Fifth Amendment.

Lynch v. United States, 292 U.S. 571 (1934).

59. Act of May 12, 1933 (48 Stat. 31).

Agricultural Adjustment Act providing for processing taxes on agricultural commodities and benefit payments therefore to farmers, held not within the taxing power under Article I, § 8, clause 1.

United States v. Butler, 297 U.S. 1 (1936).

Concurring: Roberts, Van Devanter, McReynolds, Sutherland, Butler,
Hughes, C.J.
Dissenting: Stone, Brandeis, Cardozo.

60. Joint Resolution of June 5, 1933 (48 Stat. 113, § 1).

Abrogation of gold clause in Government obligations, held a repudiation of the pledge implicit in the power to borrow money (Article I, § 8, clause 2), and within the prohibition of the Fourteenth Amendment, against questioning the validity of the public debt. (The majority of the Court, however, held plaintiff not entitled to recover under the circumstances.)

Perry v. United States, 294 U.S. 330 (1935).
 Concurring: Hughes, C.J., Brandeis, Roberts, Cardozo.
 Concurring specially: Stone.
 Dissenting: McReynolds, Van Devanter, Sutherland, Butler.

61. Act of June 16, 1933 (48 Stat. 195, the National Industrial Recovery Act).

(a) Title I, except §9. Provisions relating to codes of fair competition, authorized to be approved by the President in his discretion "to effectuate the policy" of the act, held invalid as a delegation of legislative power (Article I, §1) and not within the commerce power (Article I, §8, clause 3).

Schechter Poultry Corp. v. United States, 295 U.S. 495 (1935).
 Concurring: Hughes, C.J., Van Devanter, McReynolds, Brandeis, Sutherland, Butler, Roberts.
 Concurring specially: Cardozo, Stone.

(b) §9(c). Clause of the oil regulation section authorizing the President "to prohibit the transportation in interstate . . . commerce of petroleum . . . produced or withdrawn from storage in excess of the amount permitted . . . by any State law . . ." and prescribing a penalty for violation of orders issued thereunder, held invalid as a delegation of legislative power.

Panama Refining Co. v. Ryan, 293 U.S. 388 (1935).
 Concurring: Hughes, C.J., Van Devanter, McReynolds, Brandeis, Sutherland, Butler, Stone, Roberts.
 Dissenting: Cardozo.

62. Act of June 16, 1933 (48 Stat. 307, §13).

Temporary reduction of 15 percent in retired pay of judges, retired from service but subject to performance of judicial duties under the Act of Mar. 1, 1929 (45 Stat. 1422), was held a violation of the guaranty of judges' salaries in Article III, §1.

Booth v. United States, 291 U.S. 339 (1934).

63. Act of Apr. 27, 1934 (48 Stat. 646 §6), amending §5(i) of Home Owners' Loan Act of 1933.

Provision for conversion of state building and loan associations into federal associations, upon vote of 51 percent of the votes cast at a meeting of stockholders called to consider such action, held an encroachment on reserved powers of State.

Hopkins Savings Ass'n v. Cleary, 296 U.S. 315 (1935).

64. Act of May 24, 1934 (48 Stat. 798).

Provision for readjustment of municipal indebtedness, though "adequately related" to the bankruptcy power, was held invalid as an interference with state sovereignty.

Ashton v. Cameron County Dist., 298 U.S. 513 (1936).

Concurring: McReynolds, Van Devanter, Sutherland, Butler, Roberts.

Dissenting: Cardozo, Brandeis, Stone, Hughes, C.J.

65. Act of June 19, 1934, ch. 652, 48 Stat. 1088, § 316, 18 U.S.C. § 1304.

Section 316 of the Communications Act of 1934, which prohibits radio and television broadcasters from carrying advertisements for privately operated casino gambling regardless of the station's or casino's location, violates the First Amendment's protections for commercial speech as applied to prohibit advertising of private casino gambling broadcast by stations located within a state where such gambling is illegal.

Greater New Orleans Broadcasting Ass'n v. United States, 527 U.S. 173 (1999).

Justices concurring: Stevens, O'Connor, Scalia, Kennedy, Souter, Ginsburg, Breyer, Rehnquist, C.J.

Justices concurring especially: Thomas.

66. Act of June 27, 1934 (48 Stat. 1283).

The Railroad Retirement Act, establishing a detailed compulsory retirement system for employees of carriers subject to the Interstate Commerce Act, held, not a regulation of commerce within the meaning of Article I, § 8, clause 3, and violative of the due process clause (Fifth Amendment).

Railroad Retirement Bd. v. Alton Ry., 295 U.S. 330 (1935).

Concurring: Roberts, Van Devanter, McReynolds, Sutherland, Butler.

Dissenting: Hughes, C.J., Brandeis, Stone, Cardozo.

67. Act of June 28, 1934 (48 Stat. 1289, ch. 869).

The Frazier-Lemke Act, adding subsection (s) to § 75 of the Bankruptcy Act, designed to preserve to mortgagors the ownership and enjoyment of their farm property and providing specifically, in paragraph 7, that a bankrupt left in possession has the option at any time within 5 years of buying at the appraised value--subject meanwhile to no monetary obligation other than payment of reasonable rental, held a violation of property rights, under the Fifth Amendment.

Louisville Bank v. Radford, 295 U.S. 555 (1935).

68. Act of Aug. 24, 1935 (48 Stat. 750).

Amendments of Agricultural Adjustment Act held not within the taxing power, the amendments not having cured the defects of the original act held unconstitutional in *United States v. Butler*, 297 U.S. 1 (1936).

Rickert Rice Mills v. Fontenot, 297 U.S. 110 (1936).

69. Act of Aug. 29, 1935, ch. 814 § 5(e), 49 Stat. 982, 27 U.S.C. § 205(e).

The prohibition in section 5(e)(2) of the Federal Alcohol Administration Act of 1935 on the display of alcohol content on beer labels

is inconsistent with the protections afforded to commercial speech by the First Amendment. The government's interest in curbing strength wars among brewers is substantial, but, given the "overall irrationality" of the regulatory scheme, the labeling prohibition does not directly and materially advance that interest.

Rubin v. Coors Brewing Co., 514 U.S. 476 (1995).
 Justices concurring: Thomas, O'Connor, Scalia, Kennedy, Souter, Ginsburg, Breyer, Rehnquist, C.J.
 Justice concurring specially: Stevens.

70. Act of Aug. 30, 1935 (49 Stat. 991).

Bituminous Coal Conservation Act of 1935, held to impose, not a tax within Article I, § 8, but a penalty not sustained by the commerce clause (Article I, § 8, clause 3).

Carter v. Carter Coal Co., 298 U.S. 238 (1936).
 Concurring: Sutherland, Van Devanter, McReynolds, Butler, Roberts.
 Concurring specially: Hughes, C.J.
 Concurring in part and dissenting in part: Cardozo, Brandeis, Stone.

71. Act of Feb. 15, 1938, ch. 29, 52 Stat. 30.

District of Columbia Code § 22-1115, prohibiting the display of any sign within 500 feet of a foreign embassy if the sign tends to bring the foreign government into "public odium" or "public disrepute," violates the First Amendment.

Boos v. Barry, 485 U.S. 312 (1988).
 Justices concurring: O'Connor, Brennan, Marshall, Stevens, Scalia.
 Justices dissenting: Rehnquist, C.J., White, Blackmun.

72. Act of June 25, 1938 (52 Stat. 1040).

Federal Food, Drug, and Cosmetic Act of 1938, § 301(f), prohibiting the refusal to permit entry or inspection of premises by federal officers held void for vagueness and as violative of the due process clause of the Fifth Amendment.

United States v. Cardiff, 344 U.S. 174 (1952).
 Concurring: Douglas, Black, Reed, Frankfurter, Jackson, Clark, Minton, Vinson, C.J.
 Dissenting: Burton.

73. Act of June 30, 1938 (52 Stat. 1251).

Federal Firearms Act, § 2(f), establishing a presumption of guilt based on a prior conviction and present possession of a firearm, held to violate the test of due process under the Fifth Amendment.

Tot v. United States, 319 U.S. 463 (1943).
 Concurring: Roberts, Reed, Frankfurter, Jackson, Rutledge, Stone, C.J.
 Concurring specially: Black, Douglas.

74. Act of Aug. 10, 1939 (§ 201(d), 53 Stat. 1362, as amended, 42 U.S.C. § 402(g)).

Provision of Social Security Act that grants survivors' benefits based on the earnings of a deceased husband and father covered by the Act to his widow and to the couple's children in her care but that grants benefits based on the earnings of a covered deceased wife and mother only to the minor children and not to the widower held violative of the right to equal protection secured by the Fifth Amendment's due process clause, since it unjustifiably discriminates against female wage earners required to pay social security taxes by affording them less protection for their survivors than is provided for male wage earners.

Weinberger v. Wiesenfeld, 420 U.S. 636 (1975).

75. Act of Oct. 14, 1940 (54 Stat. 1169 § 401(g)); as amended by Act of January 20, 1944 (58 Stat. 4, § 1).

Provision of Aliens and Nationality Code (8 U.S.C. § 1481(a)(8)), derived from the Nationality Act of 1940, as amended, that citizenship shall be lost upon conviction by court martial and dishonorable discharge for deserting the armed services in time of war, held invalid as imposing a cruel and unusual punishment barred by the Eighth Amendment and not authorized by the war powers conferred by Article I, § 8, clauses 11 to 14.

Trop v. Dulles, 356 U.S. 86 (1958).

Concurring: Warren, C.J., Whittaker.

Concurring specially: Black, Douglas, Brennan.

Dissenting: Frankfurter, Burton, Clark, Harlan.

76. Act of Nov. 15, 1943 (57 Stat. 450).

Urgent Deficiency Appropriation Act of 1943, § 304, providing that no salary should be paid to certain named federal employees out of moneys appropriated, held to violate Article I, § 9, clause 3, forbidding enactment of bill of attainder or ex post facto law.

United States v. Lovett, 328 U.S. 303 (1946).

Concurring: Black, Douglas, Murphy, Rutledge, Burton, Stone, C.J.

Concurring specially: Frankfurter, Reed.

77. Act of Sept. 27, 1944 (58 Stat. 746, § 401(J)); and Act of June 27, 1952 (66 Stat. 163, 267-268, § 349(a)(10)).

§ 401(J) of Immigration and Nationality Act of 1940, added in 1944, and § 49(a)(10) of the Immigration and Nationality Act of 1952 depriving one of citizenship, without the procedural safeguards guaranteed by the Fifth and Sixth Amendments, for the offense of leaving or remaining outside the country, in time of war or national emergency, to evade military service held invalid.

Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963).

Concurring: Goldberg, Black, Douglas, Warren, C.J.
 Concurring specially: Brennan.
 Dissenting: Harlan, Clark, Stewart, White.

78. Act of July 31, 1946 (ch. 707, § 7, 60 Stat. 719).

District court decision holding invalid under First and Fifth Amendments statute prohibiting parades or assemblages on United States Capitol grounds is summarily affirmed.

Chief of Capitol Police v. Jeanette Rankin Brigade, 409 U.S. 972 (1972).

79. Act of June 25, 1948 (62 Stat. 760).

Provision of Lindberg Kidnapping Act which provided for the imposition of the death penalty only if recommended by the jury held unconstitutional inasmuch as it penalized the assertion of a defendant's Sixth Amendment right to jury trial.

United States v. Jackson, 390 U.S. 570 (1968).

Concurring: Stewart, Douglas, Harlan, Brennan, Fortas, Warren, C.J.
 Dissenting: White, Black.

80. Act of Aug. 18, 1949 (63 Stat. 617, 40 U.S.C. § 13k).

Provision, insofar as it applies to the public sidewalks surrounding the Supreme Court building, which bars the display of any flag, banner, or device designed to bring into public notice any party, organization, or movement, held violative of the free speech clause of the First Amendment.

United States v. Grace, 461 U.S. 171 (1983).

Concurring: White, Brennan, Blackmun, Powell, Rehnquist, O'Connor, Burger, C.J.

Concurring in part and dissenting in part: Marshall, Stevens.

81. Act of May 5, 1950 (64 Stat. 107).

Article 3(a) of the Uniform Code of Military Justice, subjecting civilian ex-servicemen to court martial for crime committed while in military service, held to violate Article III, § 2, and the Fifth and Sixth Amendments.

Toth v. Quarles, 350 U.S. 11 (1955).

Concurring: Black, Frankfurter, Douglas, Clark, Harlan, Warren, C.J.
 Dissenting: Reed, Burton, Minton.

82. Act of May 5, 1950 (64 Stat. 107).

Insofar as Article 2(11) of the Uniform Code of Military Justice subjects civilian dependents accompanying members of the armed forces overseas in time of peace to trial, in capital cases, by court martial, it is violative of Article III, § 2, and the Fifth and Sixth Amendments.

Reid v. Covert, 354 U.S. 1 (1957).

Concurring: Black, Douglas, Warren, C.J.

Concurring specifically: Frankfurter, Harlan.

Dissenting: Clark, Burton.

Insofar as the aforementioned provision is invoked in time of peace for the trial of noncapital offenses committed on land bases overseas by employees of the armed forces who have not been inducted or who have not voluntarily enlisted therein, it is violative of the Sixth Amendment. *McElroy v. United States ex rel. Guagliardo*, 361 U.S. 281 (1960).

Concurring: Clark, Black, Douglas, Brennan, Warren, C.J.

Dissenting: Harlan, Frankfurter.

Concurring in Part and dissenting in Part: Whittaker, Stewart.

Insofar as the aforementioned provision is invoked in time of peace for the trial of noncapital offenses committed by civilian dependents accompanying members of the armed forces overseas, it is violative of Article III, §2, and the Fifth and Sixth Amendments. *Kinsella v. United States ex rel. Singleton*, 361 U.S. 234 (1960).

Concurring: Clark, Black, Douglas, Brennan, Warren, C.J.

Dissenting: Harlan, Frankfurter.

Concurring in part and dissenting in part: Whittaker, Stewart.

Insofar as the aforementioned provision is invoked in time of peace for the trial of a capital offense committed by a civilian employee of the armed forces overseas, it is violative of Article III, §2, and the Fifth and Sixth Amendments. *Grisham v. Hagan*, 361 U.S. 278 (1960).

Concurring: Clark, Black, Douglas, Brennan, Warren, C.J.

Dissenting: Harlan, Frankfurter.

Concurring in part and dissenting in part: Whittaker, Stewart.

83. Act of Aug. 16, 1950 (64 Stat. 451, as amended).

Statutory scheme authorizing the Postmaster General to close the mails to distributors of obscene materials held unconstitutional in the absence of procedural provisions to assure prompt judicial determination that protected materials were not being restrained.

Blount v. Rizzi, 400 U.S. 410 (1971).

84. Act of Aug. 28, 1950 (§202(c)(1)(D), 64 Stat. 483, 42 U.S.C. §402(c)(1)(C)).

District court decision holding invalid as a violation of the equal protection component of the Fifth Amendment's due process clause a Social Security provision entitling a husband to insurance benefits through his wife's benefits, provided he received at least one-half of his support from her at the time she became entitled, but requiring no such showing of support for the wife to qualify for benefits through her husband, is summarily affirmed.

Califano v. Silbowitz, 430 U.S. 934 (1977).

85. Act of Aug. 28, 1950 (§ 202(f)(1)(E), 64 Stat. 485, 42 U.S.C. § 402(f)(1)(D)).

Social Security Act provision awarding survivor's benefits based on earnings of a deceased wife to widower only if he was receiving at least half of his support from her at the time of her death, whereas widow receives benefits regardless of dependency, held violative of equal protection element of Fifth Amendment's due process clause because of its impermissible sex classification.

Califano v. Goldfarb, 430 U.S. 199 (1977).
 Concurring: Brennan, White, Marshall, Powell.
 Concurring specially: Stevens.
 Dissenting: Rehnquist, Stewart, Blackmun, Burger, C.J.

86. Act of Sept. 23, 1950 (Title I, § 5, 64 Stat. 992).

Provision of Subversive Activities Control Act making it unlawful for member of Communist front organization to work in a defense plant held to be an overbroad infringement of the right of association protected by the First Amendment.

United States v. Robel, 389 U.S. 258 (1967).
 Concurring: Warren, C.J., Black, Douglas, Stewart, Fortas.
 Concurring specially: Brennan.
 Dissenting: White, Harlan.

87. Act of Sept. 23, 1950 (64 Stat. 993, § 6).

Subversive Activities Control Act of 1950, § 6, providing that any member of a Communist organization, which has registered or has been ordered to register, commits a crime if he attempts to obtain or use a passport, held violative of due process under the Fifth Amendment.

Aptheker v. Secretary of State, 378 U.S. 500 (1964).
 Concurring: Goldberg, Brennan, Stewart, Warren, C.J.
 Concurring specially: Black, Douglas.
 Dissenting: Clark, Harlan, White.

88. Act of Sept. 28, 1950 (Title I, §§ 7, 8, 64 Stat. 993).

Provisions of Subversive Activities Control Act of 1950 requiring in lieu of registration by the Communist Party registration by Party members may not be applied to compel registration by, or to prosecute for refusal to register, alleged members who have asserted their privilege against self-incrimination, inasmuch as registration would expose such persons to criminal prosecution under other laws.

Albertson v. Subversive Activities Control Board, 382 U.S. 70 (1965).

89. Act of Oct. 30, 1951 § 5(f)(ii), 65 Stat. 683, 45 U.S.C. § 231a(c)(3)(ii)).

Provision of Railroad Retirement Act similar to section voided in *Goldfarb* (no. 85, supra).

Railroad Retirement Bd. v. Kalina, 431 U.S. 909 (1977).

90. Act of June 27, 1952 (Title III, 349, 66 Stat. 267).

Provision of Immigration and Nationality Act of 1952 providing for revocation of United States citizenship of one who votes in a foreign election held unconstitutional under §1 of the Fourteenth Amendment.

Afroyim v. Rusk, 387 U.S. 253 (1967).

Concurring: Black, Douglas, Brennan, Fortas, Warren, C.J.

Dissenting: Harlan, Clark, Stewart, White.

91. Act of June 27, 1952 (66 Stat. 163, 269, § 352(a)(1)).

§ 352(a)(1) of the Immigration and Nationality Act of 1952, depriving a naturalized person of citizenship for "having a continuous residence for three years" in state of his birth or prior nationality, held violative of the due process clause of the Fifth Amendment.

Schneider v. Rusk, 377 U.S. 163 (1964).

Concurring: Douglas, Black, Stewart, Goldberg, Warren, C.J.

Dissenting: Clark, Harlan, White.

92. Act of June 27, 1952 (ch. 477, § 244(e)(2), 66 Stat. 214, 8 U.S.C. § 1254 (c)(2)).

Provision of the immigration law that permits either House of Congress to veto the decision of the Attorney General to suspend the deportation of certain aliens violates the bicameralism and presentation requirements of lawmaking imposed upon Congress by Article I, §§ 1 and 7.

INS v. Chadha, 462 U.S. 919 (1983).

Justices concurring: Burger, C.J., Brennan, Marshall, Blackmun, Stevens.

Justice concurring specially: Powell.

Justices dissenting: Rehnquist, White.

93. Act of Aug. 16, 1954 (68A Stat. 525, Int. Rev. Code of 1954, §§ 4401-4423).

Provisions of tax laws requiring gamblers to pay occupational and excise taxes may not be used over an assertion of one's privilege against self-incrimination either to compel extensive reporting of activities, leaving the registrant subject to prosecution under the laws of all the States with the possible exception of Nevada, or to prosecute for failure to register and report, because the scheme abridged the Fifth Amendment privilege.

Marchetti v. United States, 390 U.S. 39 (1968), and *Grosso v. United States*, 390 U.S. 62 (1968).

Concurring: Harlan, Black, Douglas, White, Fortas.

Concurring specially: Brennan, Stewart.

Dissenting: Warren, C.J.

94. Act of Aug. 16, 1954 (68A Stat. 560, Marijuana Tax Act, §§ 4741, 4744, 4751, 4753).

Provisions of tax laws requiring possessors of marijuana to register and to pay a transfer tax may not be used over an assertion of the privilege against self-incrimination to compel registration or to prosecute for failure to register.

Leary v. United States, 395 U.S. 6 (1969).
Concurring specially: Warren, C.J., Stewart.

95. Act of Aug. 16, 1954 (68A Stat. 728, Int. Rev. Code of 1954, §§ 5841, 5851).

Provisions of tax laws requiring the possessor of certain firearms, which it is made illegal to receive or to possess, to register with the Treasury Department may not be used over an assertion of the privilege against self-incrimination to prosecute one for failure to register or for possession of an unregistered firearm since the statutory scheme abridges the Fifth Amendment privilege.

Haynes v. United States, 390 U.S. 85 (1968).
Concurring: Harlan, Black, Douglas, Brennan, Stewart, White, Fortas.
Dissenting: Warren, C.J.

96. Act of Aug. 16, 1954 (68A Stat. 867, Int. Rev. Code of 1954, § 7302).

Provision of tax laws providing for forfeiture of property used in violating internal revenue laws may not be constitutionally used in face of invocation of privilege against self-incrimination to condemn money in possession of gambler who had failed to comply with the registration and reporting scheme held void in *Marchetti v. United States*, 390 U.S. 39 (1968).

United States v. United States Coin & Currency, 401 U.S. 715 (1971).
Concurring: Harlan, Black, Douglas, Brennan, Marshall.
Dissenting: White, Stewart, Blackmun, Burger, C.J.

97. Act of Aug. 16, 1954, ch. 736, 68A Stat. 521, 26 U.S.C. § 4371(1).

A federal tax on insurance premiums paid to foreign insurers not subject to the federal income tax violates the Export Clause, Art. I, § 9, cl. 5, as applied to casualty insurance for losses incurred during the shipment of goods from locations within the United States to purchasers abroad.

United States v. IBM Corp., 517 U.S. 843 (1996).
Justices concurring: Thomas, O'Connor, Scalia, Souter, Breyer, and Rehnquist, C.J.
Justices dissenting: Kennedy, Ginsburg.

98. Act of July 18, 1956 (§ 106, Stat. 570).

Provision of Narcotic Drugs Import and Export Act creating a presumption that possessor of marijuana knew of its illegal importation into the United States held, in absence of showing that all mari-

juana in United States was of foreign origin and that domestic users could know that their marijuana was more likely than not of foreign origin, unconstitutional under the due process clause of the Fifth Amendment.

Leary v. United States, 395 U.S. 6 (1969).
Concurring specially: Black.

99. Act of Aug. 10, 1956 (70A Stat. 65, Uniform Code of Military Justice, Articles 80, 130, 134).

Servicemen may not be charged under the Act and tried in military courts because of the commission of non-service connected crimes committed off-post and off-duty which are subject to civilian court jurisdiction where the guarantees of the Bill of Rights are applicable.

O'Callahan v. Parker, 395 U.S. 258 (1969), overruled in *Solorio v. United States*, 483 U.S. 435 (1987).
Concurring: Douglas, Black, Brennan, Fortas, Marshall, Warren, C.J.
Dissenting: Harlan, Stewart, White.

100. Act of Aug. 10, 1956 (70A Stat. 35, § 772(f)).

Proviso of statute permitting the wearing of United States military apparel in theatrical productions only if the portrayal does not tend to discredit the armed forces imposes an unconstitutional restraint upon First Amendment freedoms and precludes a prosecution under 18 U.S.C. § 702 for unauthorized wearing of uniform in a street skit disrespectful of the military.

Schacht v. United States, 398 U.S. 58 (1970).

101. Act of Sept. 2, 1958 (§ 5601(b)(1), 72 Stat. 1399).

Provision of Internal Revenue Code creating a presumption that one's presence at the site of an unregistered still shall be sufficient for conviction under a statute punishing possession, custody, or control of an unregistered still unless defendant otherwise explained his presence at the site to the jury held unconstitutional because the presumption is not a legitimate, rational, or reasonable inference that defendant was engaged in one of the specialized functions proscribed by the statute.

United States v. Romano, 382 U.S. 136 (1965).

102. Act of Sept. 2, 1958 (Pub. L. 85-921, § 1, 72 Stat. 1771, 18 U.S.C. § 504(1)).

Exemptions from ban on photographic reproduction of currency "for philatelic, numismatic, educational, historical, or newsworthy purposes" violates the First Amendment because it discriminates on the basis of the content of a publication.

Regan v. Time, Inc., 468 U.S. 641 (1984).
Justices concurring: White, Brennan, Blackmun, Marshall, Powell, Rehnquist, O'Connor, Burger, C.J.

Justice dissenting: Stevens.

103. Act of Sept. 2, 1958 (§ 1(25)(B), 72 Stat. 1446), and Act of September 7, 1962 (§ 401, 76 Stat. 469).

Federal statutes providing that spouses of female members of the Armed Forces must be dependent in fact in order to qualify for certain dependent's benefits, whereas spouses of male members are statutorily deemed dependent and automatically qualified for allowances, whatever their actual status, held an invalid sex classification under the equal protection principles of the Fifth Amendment's due process clause.

Frontiero v. Richardson, 411 U.S. 677 (1973).

Concurring: Brennan, Douglas, White, Marshall.

Concurring specially: Powell, Blackmun, Burger, C.J., Stewart.

Dissenting: Rehnquist.

104. Act of Sept. 14, 1959 (§ 504, 73 Stat. 536).

Provision of Labor-Management Reporting and Disclosure Act of 1959 making it a crime for a member of the Communist Party to serve as an officer or, with the exception of clerical or custodial positions, as an employee of a labor union held to be a bill of attainder and unconstitutional.

United States v. Brown, 381 U.S. 437 (1965).

Concurring: Warren, C.J., Black, Douglas, Brennan, Goldberg.

Dissenting: White, Clark, Harlan, Stewart.

105. Act of Oct. 11, 1962 (§ 305, 76 Stat. 840).

Provision of Postal Services and Federal Employees Salary Act of 1962 authorizing Post Office Department to detain material determined to be "communist political propaganda" and to forward it to the addressee only if he requested it after notification by the Department, the material to be destroyed otherwise, held to impose on the addressee an affirmative obligation which amounted to an abridgment of First Amendment rights.

Lamont v. Postmaster General, 381 U.S. 301 (1965).

106. Act of Oct. 15, 1962 (76 Stat. 914).

Provision of District of Columbia laws requiring that a person to be eligible to receive welfare assistance must have resided in the District for at least one year impermissibly classified persons on the basis of an assertion of the right to travel interstate and therefore held to violate the due process clause of the Fifth Amendment.

Shapiro v. Thompson, 394 U.S. 618 (1969).

Concurring: Brennan, Douglas, Stewart, White, Fortas, Marshall.

Dissenting: Warren, C.J., Black, Harlan.

107. Act of Dec. 16, 1963 (77 Stat. 378, 20 U.S.C. § 754).

Provision of Higher Education Facilities Act of 1963 which in effect removed restriction against religious use of facilities constructed with federal funds after 20 years held to violate the establishment clause of the First Amendment inasmuch as the property will still be of considerable value at the end of the period and removal of the restriction would constitute a substantial governmental contribution to religion.

Tilton v. Richardson, 403 U.S. 672 (1971).

108. Act of July 30, 1965 (§ 339, 79 Stat. 409).

Section of Social Security Act qualifying certain illegitimate children for disability insurance benefits by presuming dependence but disqualifying other illegitimate children, regardless of dependency, if the disabled wage earner parent did not contribute to the child's support before the onset of the disability or if the child did not live with the parent before the onset of disability, held to deny latter class of children equal protection as guaranteed by the due process clause of the Fifth Amendment.

Jiminez v. Weinberger, 417 U.S. 628 (1974).

Concurring: Burger, C.J., Douglas, Brennan, Stewart, White, Marshall, Blackmun, Powell.

Dissenting: Rehnquist.

109. Act of Sept. 3, 1966 (§ 102(b), 80 Stat. 831), and Act of Apr. 8, 1974 (§§ 6(a)(1) amending § 3(d) of Act, 6(a)(2) amending 3 (e)(2)(C), 6(a)(5) amending § 3(s)(5), and 6(a)(6) amending § 3(x)).

Those sections of the Fair Labor Standards Act extending wage and hour coverage to the employees of state and local governments held invalid because Congress lacks the authority under the commerce clause to regulate employee activities in areas of traditional governmental functions of the States.

National League of Cities v. Usery, 426 U.S. 833 (1976) (subsequently overruled).

Concurring: Rehnquist, Stewart, Blackmun, Powell, Burger, C.J.

Dissenting: Brennan, White, Marshall; Stevens.

110. Act of Nov. 7, 1967 (Pub. L. 90-129, § 201(8), 81 Stat. 368), as amended by Act of Aug. 13, 1981 (Pub. L. 97-35, § 1229, 95 Stat. 730, 47 U.S.C. § 399).

Communications Act provision banning noncommercial educational stations receiving grants from the Corporation for Public Broadcasting from engaging in editorializing violates the First Amendment.

FCC v. League of Women Voters, 468 U.S. 364 (1984).

Justices concurring: Brennan, Marshall, Blackmun, Powell, O'Connor.

Justices dissenting: White, Rehnquist, Stevens, Burger, C.J.

111. Act of Jan. 2, 1968 (§ 163(a)(2), 81 Stat. 872).

District court decisions holding unconstitutional under Fifth Amendment's due process clause section of Social Security Act that reduced, perhaps to zero, benefits coming to illegitimate children upon death of parent in order to satisfy the maximum payment due the wife and legitimate children are summarily affirmed.

Richardson v. Davis, 409 U.S. 1069 (1972).

112. Act of Jan. 2, 1968 (§ 203, 81 Stat. 882).

Provision of Social Security Act extending benefits to families whose dependent children have been deprived of parental support because of the unemployment of the father but not giving benefits when the mother becomes unemployed held to impermissibly classify on the basis of sex and violate the Fifth Amendment's due process clause.

Califano v. Westcott, 443 U.S. 76 (1979).

113. Act of June 19, 1968 (Pub. L. 90-351, § 701(a)), 82 Stat. 210, 18 U.S.C. § 3501.

A section of the Omnibus Crime Control and Safe Streets Act of 1968 purporting to reinstate the voluntariness principle that had governed the constitutionality of custodial interrogations prior to the Court's decision in *Miranda v. Arizona*, 384 U.S. 486 (1966), is an invalid attempt by Congress to redefine a constitutional protection defined by the Court. The warnings to suspects required by *Miranda* are constitution-based rules. While the *Miranda* Court invited a legislative rule that would be "at least as effective" in protecting a suspect's right to remain silent, section 3501 is not an adequate substitute.

Dickerson v. United States, 530 U.S. 428 (2000).

Justices concurring: Rehnquist, C.J., Stevens, O'Connor, Kennedy, Souter, and Ginsburg.

Justices dissenting: Scalia, Thomas.

114. Act of June 19, 1968 (Pub. L. No. 90-351, § 802), 82 Stat. 213, 18 U.S.C. § 2511(c), as amended by the Act of Oct. 21, 1986 (Pub. L. No. 99-508, § 101(c)(1)(A)), 100 Stat. 1851.

A federal prohibition on disclosure of the contents of an illegally intercepted electronic communication violates the First Amendment as applied to a talk show host and a community activist who had played no part in the illegal interception, and who had lawfully obtained tapes of the illegally intercepted cellular phone conversation. The subject matter of the disclosed conversation, involving a threat of violence in a labor dispute, was "a matter of public concern." Although the disclosure prohibition well serves the government's "im-

portant" interest in protecting private communication, in this case "privacy concerns give way when balanced against the interest in publishing matters of public importance."

Bartnicki v. Vopper, 532 U.S. 514 (2001).
Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer.
Justices dissenting: Rehnquist, C.J., Scalia, Thomas.

115. Act of June 22, 1970 (ch. III, 84 Stat. 318).

Provision of Voting Rights Act Amendments of 1970 which set a minimum voting age qualification of 18 in state and local elections held to be unconstitutional because beyond the powers of Congress to legislate.

Oregon v. Mitchell, 400 U.S. 112 (1970).
Concurring: Harlan, Stewart, Blackmun, Burger, C.J.
Concurring specially: Black.
Dissenting: Douglas, Brennan, White, Marshall.

116. Act of Dec. 29, 1970 (§ 8(a), 84 Stat. 1598, 29 U.S.C. § 637(a)).

Provision of Occupational Safety and Health Act authorizing inspections of covered work places in industry without warrants held to violate Fourth Amendment.

Marshall v. Barlow's Inc., 436 U.S. 307 (1978).
Concurring: White, Stewart, Marshall, Powell, Burger, C.J.
Dissenting: Stevens, Blackmun, Rehnquist.

117. Act of Jan. 11, 1971, (§ 2, 84 Stat. 2048).

Provision of Food Stamp Act disqualifying from participation in program any household containing an individual unrelated by birth, marriage, or adoption to any other member of the household violates the due process clause of the Fifth Amendment.

Department of Agriculture v. Moreno, 413 U.S. 528 (1973).
Concurring: Brennan, Douglas, Stewart, White, Marshall, Blackmun, Powell.
Dissenting: Rehnquist, Burger, C.J.

118. Act of Jan. 11, 1971 (§ 4, 84 Stat. 2049).

Provision of Food Stamp Act disqualifying from participation in program any household containing a person 18 years or older who had been claimed as a dependent child for income tax purposes in the present or preceding tax year by a taxpayer not a member of the household violates the due process clause of the Fifth Amendment.

Department of Agriculture v. Murry, 413 U.S. 508 (1973).
Concurring: Douglas, Brennan, Stewart, White, Marshall.
Dissenting: Blackmun, Rehnquist, Powell, Burger, C.J.

119. Act of Dec. 10, 1971 (Pub. L. 92-178, § 801, 85 Stat. 570, 26 U.S.C. § 9012(f)).

Provision of Presidential Election Campaign Fund Act limiting to \$1,000 the amount that independent committees may expend to fur-

ther the election of a presidential candidate financing his campaign with public funds is an impermissible limitation of freedom of speech and association protected by the First Amendment.

FEC v. National Conservative Political Action Comm., 470 U.S. 480 (1985).

Justices concurring: Rehnquist, Brennan, Blackmun, Powell, O'Connor, Stevens, Burger, C.J.

Justices dissenting: White, Marshall.

120. Federal Election Campaign Act of Feb. 7, 1972 (86 Stat. 3), as amended by the Federal Campaign Act Amendments of 1974 (88 Stat. 1263), adding or amending 18 U.S.C. §§ 608(a), 608(e), and 2 U.S.C. § 437c.

Provisions of election law that forbid a candidate or the members of his immediate family from expending personal funds in excess of specified amounts, that limit to \$1,000 the independent expenditures of any person relative to an identified candidate, and that forbid expenditures by candidates for federal office in excess of specified amounts violate the First Amendment speech guarantees; provisions of the law creating a commission to oversee enforcement of the Act are an invalid infringement of constitutional separation of powers in that they devolve responsibilities upon a commission four of whose six members are appointed by Congress and all six of whom are confirmed by the House of Representatives as well as by the Senate, not in compliance with the appointments clause.

Buckley v. Valeo, 424 U.S. 1 (1976).

Concurring: Brennan, Stewart, Blackmun, Powell, Rehnquist, Burger, C.J.

Dissenting (expenditure provisions only): White.

Dissenting (candidate's personal funds only): Marshall.

121. Act of Apr. 8, 1974, Pub. L. 93-259, §§ 6(a)(6), 6(d)(1), 29 U.S.C. §§ 203(x), 216(b).

Fair Labor Standards Amendments of 1974 subjecting non-consenting states to suits for damages brought by employees in state courts violates the principle of sovereign immunity implicit in the constitutional scheme. Congress lacks power under Article I to subject non-consenting states to suits for damages in state courts.

Alden v. Maine, 527 U.S. 706 (1999).

Justices concurring: Kennedy, O'Connor, Scalia, Thomas, Rehnquist, C.J.

Justices dissenting: Souter, Stevens, Ginsburg, Breyer.

122. Act of Apr. 8, 1974 (Pub. L. No. 93-259, §§ 6(d)(1), 28(a)(2)), 88 Stat. 61, 74; 29 U.S.C. §§ 216(b), 630(b).

The Fair Labor Standards Act Amendments of 1974, amending the Age Discrimination in Employment Act to subject states to damages actions in federal courts, exceeds congressional power under section 5 of the Fourteenth Amendment. Age is not a suspect classification under the Equal Protection Clause, and the ADEA is "so out of

proportion to a remedial or preventive object that it cannot be understood as responsive to, or designed to prevent, unconstitutional behavior.”

Kimel v. Florida Bd. of Regents, 528 U.S. 62 (2000).

Justices concurring: O'Connor, Scalia, Kennedy, Thomas, Rehnquist, C.J.

Justices dissenting: Stevens, Souter, Ginsburg, Breyer.

123. Act of May 11, 1976 (Pub. L. 94-283, § 112(2)), 90 Stat. 489; 2 U.S.C. § 441a(d)(3).

The Party Expenditure Provision of the Federal Election Campaign Act, which limits expenditures by a political party “in connection with the general election campaign of a [congressional] candidate,” violates the First Amendment when applied to expenditures that a political party makes independently, without coordination with the candidate.

Colorado Republican Campaign Comm. v. FEC, 518 U.S. 604 (1996).

Justices concurring: Breyer, O'Connor, Souter.

Justices concurring in part and dissenting in part: Kennedy, Scalia, Thomas, and Rehnquist, C.J.

Justices dissenting: Stevens, Ginsburg.

124. Act of May 11, 1976, Pub. L. 92-225, § 316, 90 Stat. 490, 2 U.S.C. § 441b.

Provision of Federal Election Campaign Act requiring that independent corporate campaign expenditures be financed by voluntary contributions to a separate segregated fund violates the First Amendment as applied to a corporation organized to promote political ideas, having no stockholders, and not serving as a front for a business corporation or union.

FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986).

Justices concurring: Brennan, Marshall, Powell, Scalia.

Justice concurring specially: O'Connor.

Justices dissenting: Rehnquist, C.J., White, Blackmun, Stevens.

125. Act of Oct. 1, 1976 (title II, 90 Stat. 1446); Act of Oct. 12, 1979 (101(c), 93 Stat. 657)).

Provisions of appropriations laws rolling back automatic pay increases for federal officers and employees is unconstitutional as to Article III judges because, the increases having gone into effect, they violate the security of compensation clause of Article III, § 1.

United States v. Will, 449 U.S. 200 (1980).

126. Act of Oct. 19, 1976 (Pub. L. 94-553, § 101(c)), 17 U.S.C. § 504(c).

Section 504(c) of the Copyright Act, which authorizes a copyright owner to recover statutory damages, in lieu of actual damages, “in a sum of not less than \$500 or more than \$20,000 as the court considers just,” does not grant the right to a jury trial on the amount of statu-

tory damages. The Seventh Amendment, however, requires a jury determination of the amount of statutory damages.

Feltner v. Columbia Pictures Television, 523 U.S. 340 (1998).

127. Act of Nov. 6, 1978 (§ 241(a), 92 Stat. 2668, 28 U.S.C. § 1471)

Assignment to judges who do not have tenure and guarantee of compensation protections afforded Article III judges of jurisdiction over all proceedings arising under or in the bankruptcy act and over all cases relating to proceedings under the bankruptcy act is invalid, inasmuch as judges without Article III protection may not receive at least some of this jurisdiction.

Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50 (1982).
 Concurring: Brennan, Marshall, Blackmun, Stevens.
 Concurring specially: Rehnquist, O'Connor.
 Dissenting: White, Powell, Burger, C.J.

128. Act of Nov. 9, 1978 (Pub. L. 95-621, § 202(c)(1), 92 Stat. 3372, 15 U.S.C. § 3342(c)(1).

Decision of Court of Appeals holding unconstitutional provision giving either House of Congress power to veto rules of Federal Energy Regulatory Commission on certain natural gas pricing matters is summarily affirmed on the authority of *INS v. Chadha*.

Process Gas Consumers Group v. Consumer Energy Council, 463 U.S. 1216 (1983).

129. Act of May 28, 1980 (Pub. L. 96-252, § 21(a)), 94 Stat. 393, 15 U.S.C. § 57a-1(a).

Decision of Court of Appeals holding unconstitutional provision of FTC Improvements Act giving Congress power by concurrent resolution to veto final rules of the FTC is summarily affirmed on the basis of *INS v. Chadha*.

United States Senate v. FTC, 463 U.S. 1216 (1983).

130. Act of May 30, 1980 (94 Stat. 399, 45 U.S.C. § 1001 et seq.) as amended by the Act of Oct. 14, 1980 (94 Stat. 1959).

Acts of Congress applying to bankruptcy reorganization of one railroad and guaranteeing employee benefits is repugnant to the requirement of Article I, § 8, cl. 4, that bankruptcy legislation be "uniform."

Railroad Labor Executives Ass'n v. Gibbons, 455 U.S. 457 (1982).

131. Act of Jan. 12, 1983 (Pub. L. 97-459, § 207), 96 Stat. 2519, 25 U.S.C. § 2206.

Section of Indian Land Consolidation Act providing for escheat to tribe of fractionated interests in land representing less than 2% of a tract's total acreage violates the Fifth Amendment's takings clause by completely abrogating rights of intestacy and devise.

Hodel v. Irving, 481 U.S. 704 (1987).

Justices concurring: O'Connor, Brennan, Marshall, Blackmun, Powell, Scalia, Rehnquist, C.J.

Justices concurring specially: Stevens, White..

132. Act of Apr. 20, 1983, 97 Stat. 69 (Pub. L. No. 98-21 § 101(b)(1) (amending 26 U.S.C. § 3121(b)(5)).

The 1983 extension of the Social Security tax to then-sitting judges violates the Compensation Clause of Article III, § 1. The Clause "does not prevent Congress from imposing a non-discriminatory tax laid generally upon judges and other citizens . . . , but it does prohibit taxation that singles out judges for specially unfavorable treatment." The 1983 Social Security law gave 96% of federal employees "total freedom" of choice about whether to participate in the system, and structured the system in such a way that "virtually all" of the remaining 4% of employees – except the judges – could opt to retain existing coverage. By requiring then-sitting judges to join the Social Security System and pay Social Security taxes, the 1983 law discriminated against judges in violation of the Compensation Clause.

United States v. Hatter, 532 U.S. 557 (2001).

Justices concurring: Breyer, Kennedy, Souter, Ginsburg, Scalia, Thomas, Rehnquist, C.J..

133. Act of Oct. 30, 1984, (Pub. L. 98-608, § 1(4)), 98 Stat. 3173, 25 U.S.C. § 2206.

Section 207 of the Indian Land Consolidation Act, as amended in 1984, effects an unconstitutional taking of property without compensation by restricting a property owner's right to pass on property to his heirs. The amended section, like an earlier version held unconstitutional in *Hodel v. Irving* (1987), provides that certain small interests in Indian land will escheat to the tribe upon death of the owner. None of the changes made in 1984 cures the constitutional defect.

Babbitt v. Youpee, 519 U.S. 234 (1997).

Justices concurring: Ginsburg, O'Connor, Scalia, Kennedy, Souter, Thomas, Breyer, and Rehnquist, C.J.

Justices dissenting: Stevens.

134. Act of Jan. 15, 1985, (Pub. L. 99-240, § 5(d)(2)(C)), 99 Stat. 1842, 42 U.S.C. § 2021e(d)(2)(C).

"Take-title" incentives contained in the Low-Level Radioactive Waste Policy Amendments Act of 1985, designed to encourage states to cooperate in the federal regulatory scheme, offend principles of federalism embodied in the Tenth Amendment. These incentives, which require that non-participating states take title to waste or become liable for generators' damages, cross the line distinguishing encouragement from coercion. Congress may not simply commandeer the legis-

lative and regulatory processes of the states, nor may it force a transfer from generators to state governments. A required choice between two unconstitutionally coercive regulatory techniques is also impermissible.

New York v. United States, 505 U.S. 144 (1992).
 Justices concurring: O'Connor, Scalia, Kennedy, Souter,
 Thomas, Rehnquist, C.J.
 Justices dissenting: White, Blackmun, Stevens.

135. Act of Dec. 12, 1985 (Pub. L. 99-177, §251), 99 Stat. 1063, 2 U.S.C. §901.

That portion of the Balanced Budget and Emergency Deficit Control Act which authorizes the Comptroller General to determine the amount of spending reductions which must be accomplished each year to reach congressional targets and which authorizes him to report a figure to the President which the President must implement violates the constitutional separation of powers inasmuch as the Comptroller General is subject to congressional control (removal) and cannot be given a role in the execution of the laws.

Bowsher v. Synar, 478 U.S. 714 (1986).
 Justices concurring: Burger, C.J., Brennan, Powell, Rehnquist, O'Connor.
 Justices concurring specially: Stevens, Marshall.
 Justices dissenting: White, Blackmun.

136. Act of Oct. 30, 1986 (Pub. L. 99-591, title VI, §6007(f)), 100 Stat. 3341, 49 U.S.C. App. §2456(f).

The Metropolitan Washington Airports Act of 1986, which transferred operating control of two Washington, D.C., area airports from the Federal Government to a regional airports authority, violates separation of powers principles by conditioning that transfer on the establishment of a Board of Review, composed of Members of Congress and having veto authority over actions of the airports authority's board of directors.

Metropolitan Washington Airports Auth. v. Citizens for the Abatement of Aircraft Noise, 501 U.S. 252 (1991)
 Justices concurring: Stevens, Blackmun, O'Connor, Scalia, Kennedy, Souter.
 Justices dissenting: White, Marshall, Rehnquist, C.J.

137. Act of Nov. 17, 1986 (Pub. L. 99-662, title IV, §1402(a)), 26 U.S.C. §§4461, 4462.

The Harbor Maintenance Tax (HMT) violates the Export Clause of the Constitution, Art. I, §9, cl. 5 to the extent that the tax applies to goods loaded for export at United States ports. The HMT, which requires shippers to pay a uniform charge of 0.125% of cargo value on commercial cargo shipped through the Nation's ports, is an impermissible tax rather than a permissible user fee. The value of export cargo does not correspond reliably with federal harbor services used

by exporters, and the tax does not, therefore, represent compensation for services rendered.

United States v. United States Shoe Corp., 523 U.S. 360 (1998).

138. Act of Apr. 28, 1988 (Pub. L. 100-297 § 6101), 102 Stat. 424, 47 U.S.C. § 223(b)(1).

Amendment to Communications Act of 1934 imposing an outright ban on "indecent" but not obscene messages violates the First Amendment, since it has not been shown to be narrowly tailored to further the governmental interest in protecting minors from hearing such messages.

Sable Communications of California v. FCC, 492 U.S. 115 (1989).

139. Act of Oct. 17, 1988 (Pub. L. 100-497, § 11(d)(7)), 102 Stat. 2472, 25 U.S.C. § 2710(d)(7).

A provision of the Indian Gaming Regulatory Act authorizing an Indian tribe to sue a State in federal court to compel performance of a duty to negotiate in good faith toward the formation of a compact violates the Eleventh Amendment. In exercise of its powers under Article I, Congress may not abrogate States' Eleventh Amendment immunity from suit in federal court. *Pennsylvania v. Union Gas Co.*, 491 U.S. 1 (1989), is overruled.

Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996).

Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas.

Justices dissenting: Stevens, Souter, Ginsburg, Breyer.

140. Act of Oct. 28, 1989 (Pub. L. 101-131), 103 Stat. 777, 18 U.S.C. § 700.

The Flag Protection Act of 1989, criminalizing burning and certain other forms of destruction of the United States flag, violates the First Amendment. Most of the prohibited acts involve disrespectful treatment of the flag, and evidence a purpose to suppress expression out of concern for its likely communicative impact.

United States v. Eichman, 496 U.S. 310 (1990).

Justices concurring: Brennan, Marshall, Blackmun, Scalia, Kennedy.

Justices dissenting: Stevens, White, O'Connor, Rehnquist, C.J.

141. Act of Nov. 30, 1989 (Pub. L. 101-194, § 601), 103 Stat. 1760, 5 U.S.C. app. § 501.

Section 501(b) of the Ethics in Government Act, as amended in 1989 to prohibit Members of Congress and federal employees from accepting honoraria, violates the First Amendment as applied to Executive Branch employees below grade GS-16. The ban is limited to expressive activity and does not include other outside income, and the "speculative benefits" of the ban do not justify its "crudely crafted burden" on expression.

United States v. National Treasury Employees Union, 513 U.S. 454 (1995).

Justices concurring: Stevens, Kennedy, Souter, Ginsburg, Breyer.
 Justice concurring in part and dissenting in part: O'Connor.
 Justices dissenting: Rehnquist, C.J., Scalia, Thomas.

142. Act of July 26, 1990 (Pub. L. No. 101-336, Title I), 104 Stat. 330, 42 U.S.C. §§ 12111-12117.

Title I of the Americans with Disabilities Act of 1990 (ADA), exceeds congressional power to enforce the Fourteenth Amendment, and violates the Eleventh Amendment, by subjecting states to suits brought by state employees in federal courts to collect money damages for the state's failure to make reasonable accommodations for qualified individuals with disabilities. Rational basis review applies, and consequently states "are not required by the Fourteenth Amendment to make special accommodations for the disabled, so long as their actions towards such individuals are rational." The legislative record of the ADA fails to show that Congress identified a pattern of irrational state employment discrimination against the disabled. Moreover, even if a pattern of discrimination by states had been found, the ADA's remedies would run afoul of the "congruence and proportionality" limitation on Congress's exercise of enforcement power.

Board of Trustees of Univ. of Ala. v. Garrett, 531 U.S. 356 (2001).
 Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas.
 Justices dissenting: Breyer, Stevens, Souter, Ginsburg.

143. Act of Nov. 28, 1990 (Pub. L. No. 101-624, Title XIX, Subtitle B), 104 Stat. 3854, 7 U.S.C. §§ 6101 et seq.

The Mushroom Promotion, Research, and Consumer Information Act violates the First Amendment by imposing mandatory assessments on mushroom handlers for the purpose of funding generic advertising to promote mushroom sales. The mushroom program differs "in a most fundamental respect" from the compelled assessment on fruit growers upheld in *Glickman v. Wileman Brothers & Elliott* (1997). There the mandated assessments were "ancillary to a more comprehensive program restricting marketing autonomy," while here there is "no broader regulatory system in place." The mushroom program contains no marketing orders that regulate how mushrooms may be produced and sold, no exemption from the antitrust laws, and nothing else that forces mushroom producers to associate as a group to make cooperative decisions. But for the assessment for advertising, the mushroom growing business is unregulated.

United States v. United Foods, Inc., 533 U.S. 405 (2001).
 Justices concurring: Kennedy, Stevens, Scalia, Souter,
 Thomas, Rehnquist, C.J..
 Justices dissenting: Breyer, Ginsburg, O'Connor..

144. Act of Nov. 29, 1990 (Pub. L. 101-647, §1702), 104 Stat. 4844, 18 U.S.C. §922q.

The Gun Free School Zones Act of 1990, which makes it a criminal offense to knowingly possess a firearm within a school zone, exceeds congressional power under the Commerce Clause. It is "a criminal statute that by its terms has nothing to do with 'commerce' or any sort of economic enterprise." Possession of a gun at or near a school "is in no sense an economic activity that might, through repetition elsewhere, substantially affect any sort of interstate commerce."

United States v. Lopez, 514 U.S. 549 (1995).

Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas.

Justices dissenting: Stevens, Souter, Breyer, Ginsburg.

145. Act of Dec. 19, 1991 (Pub. L. 102-242 §476), 105 Stat. 2387, 15 U.S.C. §78aa-1.

Section 27A(b) of the Securities Exchange Act of 1934, as added in 1991, requiring reinstatement of any section 10(b) actions that were dismissed as time barred subsequent to a 1991 Supreme Court decision, violates the Constitution's separation of powers to the extent that it requires federal courts to reopen final judgments in private civil actions. The provision violates a fundamental principle of Article III that the federal judicial power comprehends the power to render dispositive judgments.

Plaut v. Spendthrift Farm, Inc., 514 U.S. 211 (1995).

Justices concurring: Scalia, O'Connor, Kennedy, Souter,

Thomas, Rehnquist, C.J.

Justice concurring specially: Breyer.

Justices dissenting: Stevens, Ginsburg.

146. Act of Oct. 5, 1992 (Pub. L. 102-385, §§10(b) and 10(c)), 106 Stat. 1487, 1503; 47 U.S.C. §532(j) and §531 note, respectively.

Section 10(b) of the Cable Television Consumer Protection and Competition Act of 1992, which requires cable operators to segregate and block indecent programming on leased access channels if they do not prohibit it, violates the First Amendment. Section 10(c) of the Act, which permits a cable operator to prevent transmission of "sexually explicit" programming on public access channels, also violates the First Amendment.

Denver Area Educ. Tel. Consortium v. FCC, 518 U.S. 727 (1996).

Justices concurring: Breyer, Stevens, O'Connor (§10(b) only), Kennedy,

Souter, Ginsburg.

Justices dissenting: Thomas, Scalia, O'Connor (§10(c) only), Rehnquist, C.J.

147. Act of Oct. 24, 1992, Title XIX, 106 Stat. 3037 (Pub. L. 102-486), 26 U.S.C. §§9701-9722.

The Coal Industry Retiree Health Benefit Act of 1992 is unconstitutional as applied to the petitioner Eastern Enterprises. Pursuant to

the Act, the Social Security Commissioner imposed liability on Eastern for funding health care benefits of retirees from the coal industry who had worked for Eastern prior to 1966. Eastern had transferred its coal-related business to a subsidiary in 1965. Four Justices viewed the imposition of liability on Eastern as a violation of the Takings Clause, and one Justice viewed it as a violation of substantive due process.

Eastern Enterprises v. Apfel, 524 U.S. 498 (1998).
Justices concurring: O'Connor, Scalia, Thomas, Rehnquist, C.J.
Justices concurring specially: Kennedy.
Justices dissenting: Stevens, Souter, Ginsburg, Breyer.

148. Act of Oct. 27, 1992, Pub. L. 102-542, 15 U.S.C. § 1122.

The Trademark Remedy Clarification Act, which provided that states shall not be immune from suit under the Trademark Act of 1946 (Lanham Act) "under the eleventh amendment . . . or under any other doctrine of sovereign immunity," did not validly abrogate state sovereign immunity. Congress lacks power to do so in exercise of Article I powers, and the TRCA cannot be justified as an exercise of power under section 5 of the Fourteenth Amendment. The right to be free from a business competitor's false advertising is not a "property right" protected by the Due Process Clause.

College Savings Bank v. Florida Prepaid Postsecondary Educ. Expense Bd., 527 U.S. 666 (1999).
Justices concurring: Scalia, O'Connor, Kennedy, Thomas, Rehnquist, C.J.
Justices dissenting: Stevens, Souter, Ginsburg, Breyer.

149. Act of Oct. 28, 1992, 106 Stat. 4230, Pub. L. 102-560, 29 U.S.C. § 296.

The Patent and Plant Variety Remedy Clarification Act, which amended the patent laws to expressly abrogate states' sovereign immunity from patent infringement suits is invalid. Congress lacks power to abrogate state immunity in exercise of Article I powers, and the Patent Remedy Clarification Act cannot be justified as an exercise of power under section 5 of the Fourteenth Amendment. Section 5 power is remedial, yet the legislative record reveals no identified pattern of patent infringement by states and the Act's provisions are "out of proportion to a supposed remedial or preventive object."

Florida Prepaid Postsecondary Edu. Expense Bd. v. College Savings Bank, 527 U.S. 627 (1999).
Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas.
Justices dissenting: Stevens, Souter, Ginsburg, Breyer.

150. Act of Nov. 16, 1993 (Pub. L. 103-141), 107 Stat. 1488, 42 U.S.C. §§ 2000bb to 2000bb-4.

The Religious Freedom Restoration Act, which directed use of the compelling interest test to determine the validity of laws of general applicability that substantially burden the free exercise of religion,

exceeds congressional power under section 5 of the Fourteenth Amendment. Congress' power under Section 5 to "enforce" the Fourteenth Amendment by "appropriate legislation" does not extend to defining the substance of the Amendment's restrictions. This RFRA appears to do. RFRA "is so far out of proportion to a supposed remedial or preventive object that it cannot be understood as responsive to, or designed to prevent, unconstitutional behavior."

City of Boerne v. Flores, 521 U.S. 507 (1997).

Justices concurring: Kennedy, Stevens, Thomas, Ginsburg, Rehnquist, C.J..

Justices dissenting: O'Connor, Breyer, Souter.

151. Act of Nov. 30, 1993 (Pub. L. 103-159), 107 Stat. 1536.

Interim provisions of the Brady Handgun Violence Prevention Act that require state and local law enforcement officers to conduct background checks on prospective handgun purchasers are inconsistent with the Constitution's allocation of power between Federal and State governments. In *New York v. United States*, 505 U.S. 144 (1992), the Court held that Congress may not compel states to enact or enforce a federal regulatory program, and "Congress cannot circumvent that prohibition by conscripting the State's officers directly."

Printz v. United States, 521 U.S. 898 (1997).

Justices concurring: Scalia, O'Connor, Kennedy, Thomas, Rehnquist, C.J..

Justices dissenting: Stevens, Souter, Ginsburg, Breyer.

152. Act of Sept. 13, 1994 (Pub. L. 103-322, § 40302), 108 Stat. 1941, 42 U.S.C. § 13981.

A provision of the Violence Against Women Act that creates a federal civil remedy for victims of gender-motivated violence exceeds congressional power under the Commerce Clause and under section 5 of the Fourteenth Amendment. The commerce power does not authorize Congress to regulate "noneconomic violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce." The Fourteenth Amendment prohibits only state action, and affords no protection against purely private conduct. Section 13981, however, is not aimed at the conduct of state officials, but is aimed at private conduct.

United States v. Morrison, 529 U.S. 598 (2000).

Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas.

Justices dissenting: Souter, Breyer, Stevens, Ginsburg.

153. Act of Feb. 8, 1996, 110 Stat. 56, 133-34 (Pub. L. 104-104, title V, § 502), 47 U.S.C. §§ 223(a), 223(d).

Two provisions of the Communications Decency Act of 1996 -- one that prohibits knowing transmission on the Internet of obscene or indecent messages to any recipient under 18 years of age, and the other that prohibits the knowing sending or displaying of patently offensive

messages in a manner that is available to anyone under 18 years of age -- violate the First Amendment.

Reno v. ACLU, 521 U.S. 844 (1997).

Justices concurring: Stevens, Scalia, Kennedy, Souter, Thomas, Ginsburg, Breyer.

Justices concurring in part and dissenting in part: O'Connor, Rehnquist, C.J..

154. Act of Feb. 8, 1996 (Pub. L. 104-104, §505), 110 Stat. 136, 47 U.S.C. § 561.

Section 505 of the Telecommunications Act of 1996, which required cable TV operators that offer channels primarily devoted to sexually oriented programming to prevent signal bleed either by fully scrambling those channels or by limiting their transmission to designated hours when children are less likely to be watching, violates the First Amendment. The provision is content-based, and therefore can only be upheld if narrowly tailored to promote a compelling governmental interest. The measure is not narrowly tailored, since the Government did not establish that the less restrictive alternative found in section 504 of the Act -- that of scrambling a channel at a subscriber's request -- would be ineffective.

United States v. Playboy Entertainment Group, Inc., 529 U.S. 803 (2000).

Justices concurring: Kennedy, Stevens, Souter, Thomas, Ginsburg.

Justices dissenting: Scalia, Breyer, O'Connor, Scalia, Rehnquist, C.J..

155. Act of Apr. 9, 1996, 110 Stat. 1200 (Pub. L. 104-130), 2 U.S.C. §§ 691 et seq.

The Line Item Veto Act, which gives the President the authority to "cancel in whole" three types of provisions that have been signed into law, violates the Presentment Clause of Article I, section 7. In effect, the law grants to the President "the unilateral power to change the text of duly enacted statutes." This Line Item Veto Act authority differs in important respects from the President's constitutional authority to "return" (veto) legislation: the statutory cancellation occurs after rather than before a bill becomes law, and can apply to a part of a bill as well as the entire bill.

Clinton v. City of New York, 524 U.S. 417 (1998).

Justices concurring: Stevens, Kennedy, Souter, Thomas, Ginsburg, Rehnquist, C.J..

Justices dissenting: Scalia, O'Connor, Breyer.

156. Act of Apr. 26, 1996 (Pub. L. No. 104-134 §504(a)(16)), 110 Stat. 1321-55.

A restriction in the appropriations act for the Legal Services Corporation that prohibits funding for any organization that participates in litigation that challenges a federal or state welfare law constitutes viewpoint discrimination in violation of the First Amendment. More-

over, the restrictions on LSC advocacy “distort [the] usual functioning” of the judiciary, and are “inconsistent with accepted separation-of-powers principles.” “An informed, independent judiciary presumes an informed, independent bar,” yet the restriction “prohibits speech and expression on which courts must depend for the proper exercise of judicial power.”

Legal Services Corp. v. Valazquez, 531 U.S. 533 (2001).

Justices concurring: Kennedy, Stevens, Souter, Ginsburg, Breyer.

Justices dissenting: Scalia, O'Connor, Thomas, Rehnquist, C.J..

157. Act of Sep. 30, 1996 (Pub. L. No. 104-208, § 121), 110 Stat. 3009-26, 18 U.S.C. §§ 2252, 2256.

Two sections of the Child Pornography Prevention Act of 1996 that extend the federal prohibition against child pornography to sexually explicit images that appear to depict minors but that were produced without using any real children violate the First Amendment. These provisions cover any visual image that “appears to be” of a minor engaging in sexually explicit conduct, and any image promoted or presented in a way that “conveys the impression” that it depicts a minor engaging in sexually explicit conduct. The rationale for exempting child pornography from First Amendment coverage is to protect children who are abused and exploited in the production process, yet the Act’s prohibitions extend to “virtual” pornography that does not involve children in the production process.

Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002).

Justices concurring: Kennedy, Stevens, Souter, Ginsburg, and Breyer..

Justice concurring specially: Thomas..

Justices dissenting: Chief Justice Rehnquist, and Scalia..

158. Act of Nov. 21, 1997 (Pub. L. 105-115, § 127), 111 Stat. 2328, 21 U.S.C. § 353a.

Section 127 of the Food and Drug Administration Modernization Act of 1997, which adds section 503A of the Federal Food, Drug, and Cosmetic Act to exempt “compounded drugs” from the regular FDA approval process if providers comply with several restrictions, including that they refrain from advertising or promoting the compounded drugs, violates the First Amendment. The advertising restriction does not meet the *Central Hudson* test for acceptable governmental regulation of commercial speech. The government failed to demonstrate that the advertising restriction is “not more extensive than is necessary” to serve its interest in preventing the drug compounding exemption from becoming a loophole by which large-scale drug manufacturing can avoid the FDA drug approval process. There are several non-speech means by which the government might achieve its objective.

Thompson v. Western States Medical Center, 535 U.S. 357 (2002).

ACTS OF CONGRESS HELD UNCONSTITUTIONAL 2159

Justices concurring: O'Connor, Scalia, Kennedy, Souter, Breyer..
Justices dissenting: Breyer, Stevens, Ginsburg, and Chief Justice Rehnquist..

-----Original Message-----

From: Daryl Frisbie [REDACTED]
Sent: Friday, February 11, 2011 12:13 PM
To: Rep. Wes Keller
Subject: Thank you

Representative Keller,

Understand that if schools had been teaching our nations founding principles and the fact that our Constitution is the Supreme Law, our nation would not be in the mess we are currently in. Progressives have taken hold of our educational system and have minimized the importance of anything that can be used against them (i.e. Founding principles and the Constitution). In fact, using the Constitution to argue against the Progressive agenda is seen as silly and only something a radical would do. Well, I'm not a radical, I'm a Government teacher that teaches the truth. In response to your colleagues' concerns that this is an unfunded mandate, tell them that a good government teacher only needs copies of the founding documents...all of which can be found free online. I would also give the State all my assessments...free! Bottom line, you're doing a great thing for Alaskan students and the future of our nation...don't let progressives, legislators and educators, use fake costs and other abstractions to kill this bill. This needs to be simple...teachers need to teach the truth using the founding documents as the primary resources. Use those same founding documents to set the standards and build the assessments...a simple task. This is knowledge I wish all Americans had.

On another note [REDACTED]

Thank you for your efforts--

Daryl Frisbie

Tri-Valley School
Healy, AK

Re: House Bill 5, Keller

Post Office Box 1623

Haines, Alaska 99827

February 2, 2011

The Honorable Wes Keller
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801-1102

Dear Representative Keller:

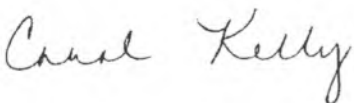
I am sorry I was not able to meet with you during the recent AASB fly-in. I wish to personally express my support for House Bill 5, which you pre-filed. Although I am writing as an ordinary citizen, I want to assure you that I will do everything I can to convince my colleagues on the Haines Borough School Board and members of the Haines community to support the bill as well.

We have only to note the statement of a United States Senator that we have three branches of government: executive, house, and senate, to see the need for such education. Hopefully, it was simply an honest misstatement, but it points out the desperate need for a study of the Constitution.

Haines Borough School District is relatively successful. We meet AYP every year. Our students consistently score in the 70 to 80th percentile ranges. We believe they leave us prepared for college or career. But all of that is to no avail if they cannot be an educated electorate and exercise their citizenship intelligently. Some of us are working to make civics education a strand in our strategic plan. Your bill, House Bill 5, would go a long way in helping further that endeavor.

Please do not allow my peers in AASB to discourage your efforts. They are focused on funding, and although that certainly is important, what we teach is equally important. I will continue to voice my support for a bill such as yours and wish you success in your efforts to bring it to fruition.

Sincerely,



Carol Kelly

President, Haines Borough School Board

From: James Mabry [REDACTED]
Sent: Wednesday, February 09, 2011 6:46 PM
To: Rep. Wes Keller
Subject: Constitutional Studies

Hello,

Love your idea about teaching kids about our founding documents. ... I posted the bit below on KTUU's website. Thought you might appreciate my thoughts about "the cost".

First, This is a great idea. Not only would it help our society in general but it will make liberals flop and twitch... which will be worth the effort to do it!

Second, what the heck? How much would it cost??? You don't need much as far as class materials go. You don't need any special facilities, etc. Get on the web and get some public domain materials and go for it.

Of course, the real problem is very few public school teachers know diddly squat about the material, so that will be a problem. Bring in guest teachers working as volunteers. I could prep for the first class in a few hours time and do rather well at it. It all is just one big combination of vocabulary and mindset. Money, as an item that needs much consideration for this, is a laughable ruse to delay.

My two cents, mileage varies. Good Luck To You!

Thanks for your efforts.

James Mabry

Anchorage

Madam

Ms. Chairman and Committee members, I am Stuart Thompson of District 10, a private Alaskan citizen and voter. I am here to testify concerning HB31 under the dominate authority of Alaska Constitution Article I, Sections 1&2. Start of my prepared 3 Minute testimony.

The American Constitutionalism History Literacy Act should be passed. The destructive results in society from merely embedding elements of constitutional and government study in social studies classes show up nearly everywhere. Public ignorance of individual citizen power under our form of constitutional government is the single greatest condition that enables corruption ^{and} eventual overthrow of that government. To illustrate this, consider this Thomas Paine quote: "Reason and ignorance influence the bulk of mankind. If either of these can be rendered sufficiently extensive, the machinery of government goes easily on. Reason obeys itself and Ignorance submits to whatever is dictated to it."

Let me illustrate just one prominent example of the constitutional illiteracy prevalent in this country. Both President Bush and President Obama in speeches and conduct have asserted that the primary function of government is to protect the American people. This sounds feel-good and compassionate doesn't it? But protection by definition and by the realities of application inherently entails the restriction or elimination of liberty by an elite—the complete opposite of the theme of self-government embodied in Lincoln's phrase "Government of, by and for the People".

Not only that, population protection as the primary function of government completely contradicts US Founding documents. Per the Federalist Papers #51: "Justice is the end of government. It is the end of civil society". Justice is not the vicious savagery of retaliation and revenge, but the instrument developed by civilization to address righting abuses of liberty through due process and the pursuit of truth. Pursuit of happiness—an inalienable right per the Declaration of Independence—is naturally empowered by liberty and justice according to the political theories of our founders. Even the US Pledge of Allegiance embodies this foundation principle with the phrase "with liberty and justice for all"!

So ask yourselves these questions. What future does this country have when even presidents show their virtual non-comprehension of even the US Pledge of Allegiance's meaning—and nobody calls them on it? What future does this country have when educators commit ^{virtually} educational treason by treating the study of our constitutional government as static—just to justify merely embedding superficial coverage of it in the social studies curriculum of public schools?

Can't you hear eternity calling? Pass this bill.

Stuart Thompson
PO Box 870702
Wasilla, AK 99687
1-877-950-7980
lookitover@att.net

Thank you for your attention. Good luck on your deliberations.



March 26, 2013

**AMERICAN CIVIL
LIBERTIES UNION OF
ALASKA**

1057 W. Fireweed, Suite 207
Anchorage, AK 99503
(907) 258-0044
(907) 258-0288 (fax)
WWW.AKCLU.ORG

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STUDENT ADVISOR

The Honorable Lynn Gattis, Chair
The Honorable Lora Reinbold, Vice-Chair
House Education Committee
Alaska State House of Representatives
State Capitol
Juneau, AK 99801

via email: Rep.Lynn.Gattis@akleg.gov
Rep.Lora.Reinbold@akleg.gov

**Re: HB 31: Constitutional Curriculum
ACLU Letter of Support**

Dear Chair Gattis and Vice-Chair Reinbold:

Thank you for the opportunity to provide this Letter of Support for House Bill 31.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout Alaska who seek to preserve and expand the individual freedoms and civil liberties guaranteed by the United States and Alaska Constitutions.

Our Constitutional history is remarkable and unique. The United States Constitution has endured for more than 200 years, guiding the development of a single continuous republic from the 18th century into the 21st. Encouraging school children around the state to learn about their Constitutional heritage will help shepherd the nation and the state into its future.

The United States Constitution is, by far, the oldest national constitution in continuous use. Even in European countries that might trace their national origins thousands of years in the past, constitutions have come and gone. The

United States, however, has updated its constitution by amendment and reinterpretation in a trial-and-error process that has been, at many times, ugly and even bloody, but a process which has made us the nation we are today. We are stronger as a nation for that struggle.

Considering the relevance of such coursework to the present day, we would also invite the committee to consider adding to the bill the discussion of the Reconstruction Amendments, the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. The upheaval of the Civil War was the greatest challenge to the American constitutional republic, and the Reconstruction Amendments were a vital part of reuniting and redefining the republic. While other amendments have equal force of law, later amendments did not fundamentally alter the nation's history or the balance of powers in the same way as the Reconstruction Amendments. Understanding the historical context of the adoption of those three amendments would serve Alaskan students well.

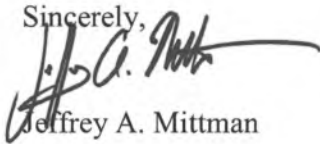
We would also suggest that the committee consider adding the Alaska Constitution to the list of topics to be discussed under HB 31. The Alaska Constitution was written by bright, idealistic men and women who could observe 48 other states' experiences in constitutional governance. The Alaska Constitution contains important lessons for students. Discussion of the Alaska Constitution will also, naturally, provide an opportunity to discuss Alaska history with students.

Conclusion

We hope that the Education Committee will take note of our support of HB 31 and our proposals for expanding its scope. HB 31 will encourage our students to understand their role as stewards of constitutional governance, the benefits that flow from the constitution, and the importance of defending our constitutionally-governed republic.

Thank you again for letting us share our thoughts. Please feel free to contact the undersigned should you have any questions or seek additional information.

Sincerely,



Jeffrey A. Mittman
Executive Director
ACLU of Alaska

cc: Representative Gabrielle LeDoux, Rep.Gabrielle.LeDoux@akleg.gov
Representative Dan Saddler, Rep.Dan.Saddler@akleg.gov
Representative Paul Seaton, Rep.Paul.Seaton@akleg.gov
Representative Peggy Wilson, Rep.Peggy.Wilson@akleg.gov
Representative Harriet Drummond, Rep.Harriet.Drummond@akleg.gov
Sponsor, Representative Wes Keller, Representative.Wes.Keller@akleg.gov