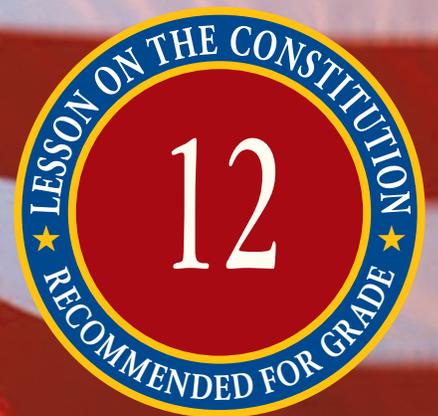
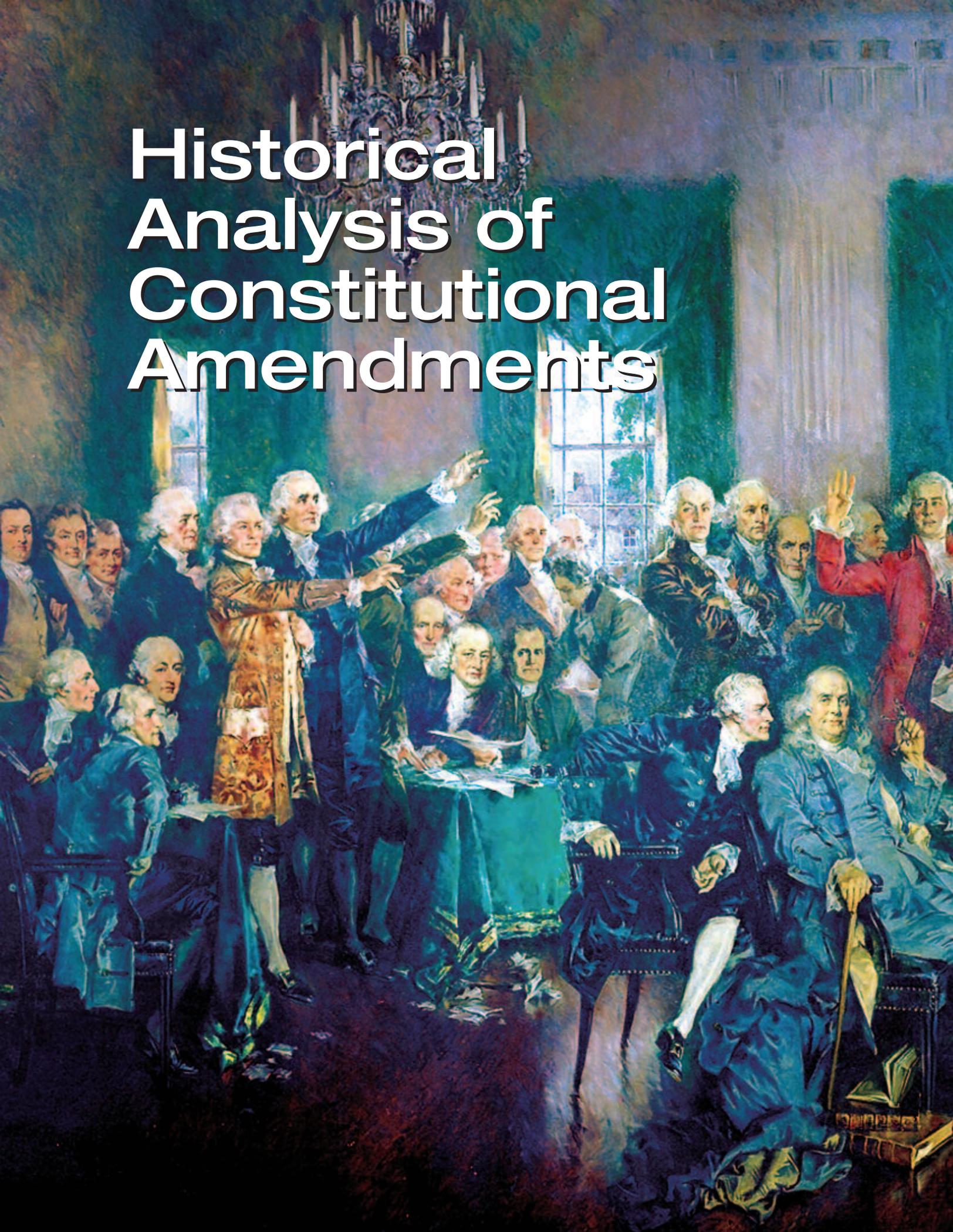


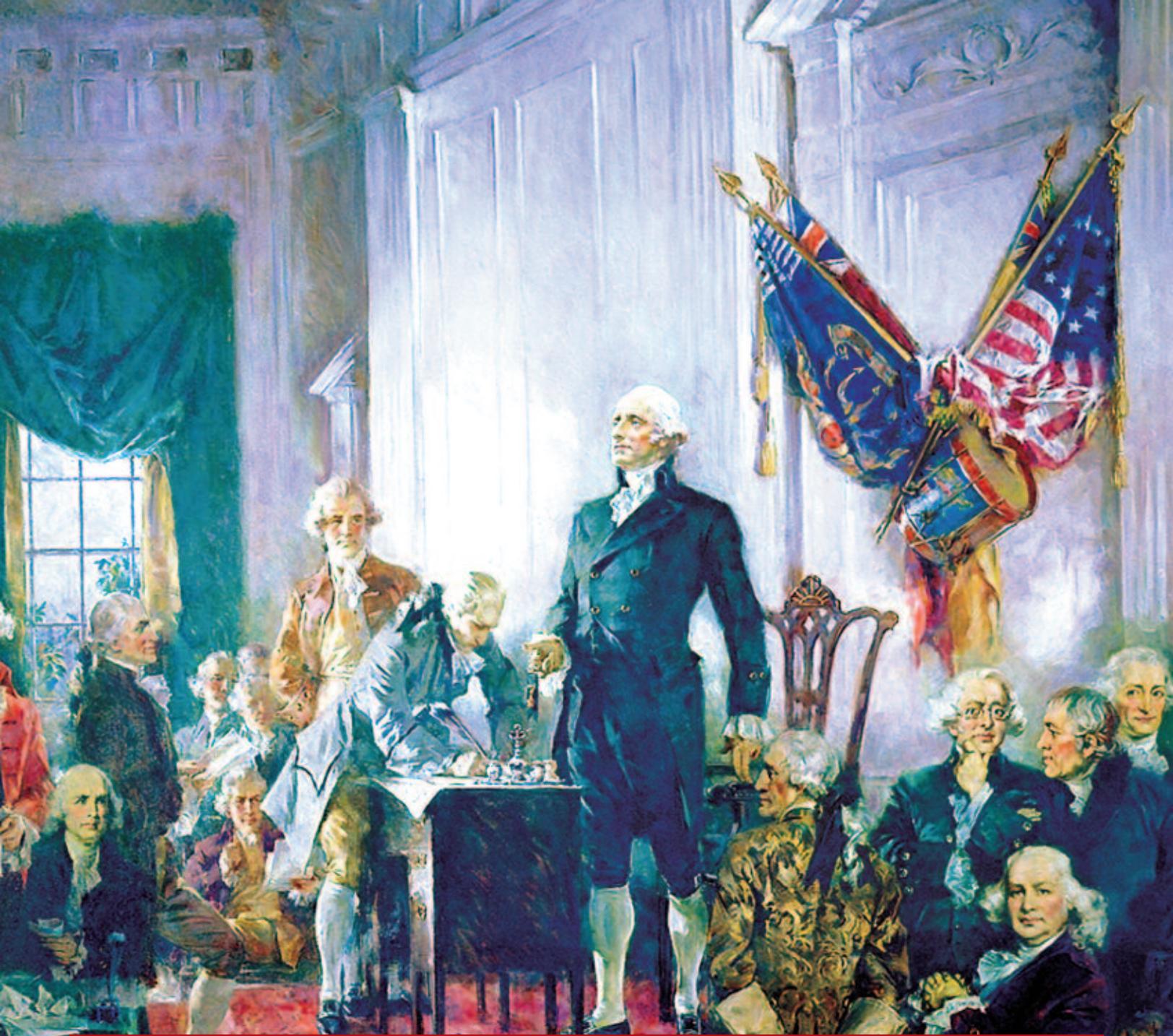
# We the People Constitution Day

CONSTITUTIONDAY.CIVICED.ORG ★ SEPTEMBER 17



# Historical Analysis of Constitutional Amendments





## ABOUT CONSTITUTION DAY

In 1952, President Harry S. Truman signed a bill that moved I Am an American Day from the third Sunday in May to September 17. Truman did so in order for the holiday to coincide with the date of the signing of the U.S. Constitution in 1787. Congress renamed the holiday Citizenship Day. A joint resolution passed in 1956 requested that the president proclaim the week beginning September 17 and ending September 23 each year as Constitution Week.

In 2004, Senator Robert C. Byrd of West Virginia entered an amendment to the Consolidated Appropriations Act of 2005 to change the name of the September 17 holiday to Constitution Day and Citizenship Day. The purpose of Constitution Day and Citizenship Day is to commemorate the creation and signing of the supreme law of the land and to honor and celebrate the privileges and responsibilities of U.S. citizenship for both native-born and naturalized citizens.

Byrd's amendment, known as Public Law 108-477, requires that all schools receiving federal funds hold an educational program for their students on September 17 of each year. This lesson, which is adapted from curricular materials on the Constitution produced by the Center for Civic Education, is designed to assist schools and federal agencies to meet the requirements of the law.



### Senator Robert C. Byrd

*"I invite all Americans to take the time on September 17th to read, analyze, and reflect on the Constitution. It is a learned and dynamic document. Brilliant in its brevity, it remains extraordinary in its wisdom. It is my hope that citizens of every State in the Union, including children, will be inspired to organize local celebrations on Constitution Day."*

SENATOR ROBERT BYRD

Such was the sentiment and passion that spurred Senator Robert Carlyle Byrd into seeking federal legislation to designate September 17 as Constitution and Citizenship Day. The longest-serving U.S. senator and member of Congress in the history of the United States died on June 28, 2010. His dedication to his office, his country, and the Constitution is evident in his tireless service in public office. Elected first to the House in 1952 and then to the Senate in 1958, his colleagues elected him to more leadership positions than any of his predecessors.

Senator Byrd will be remembered for his dedication to his work, his wide range of talents, and for his dedication to the U.S. Constitution as a living, breathing document at the core of our political and civil lives.

The Center for Civic Education dedicates this year's Constitution Day lessons to Senator Byrd. In providing these lessons to teachers, students, and all who visit this site, we join in Senator Byrd's invitation to study the marvel that is the U.S. Constitution.

## TEACHER'S GUIDE

### Lesson Overview

The U.S. Constitution is, at once, an historical and dynamic document. It has been amended twenty-seven times since its adoption in 1787. Those amendments are often studied in isolation, with most of the attention being devoted to the specific language and significance of a particular amendment. Examining a few key amendments in concert while considering the context of each can prove to be a useful exercise in historical analysis that will help form connections between the origins and impact of an amendment, as well as between the amendments themselves. Students will analyze one of six amendments to the U.S. Constitution through the framework of its economic, political, social or cultural, and international contexts. Using the information that they gather, students are instructed to create timelines that encompass both the amendment and pertinent events before, during, and after adoption of the amendment. These timelines will then be combined so that students can more fully evaluate and interpret how the U.S. Constitution has evolved in the historical context of our democracy.

### Suggested Grade Level

Grade 12, honors or Advanced Placement

### Estimated Time to Complete

Approximately two class periods

### Lesson Objectives

After completing this lesson, students will be able to

- identify at least six key amendments of the U.S. Constitution;

- determine how specific events and influences can serve to trigger a constitutional amendment;
- distinguish between different types of historical themes and milieus (economic, political, social or cultural, and international) through contextual analysis;
- describe the impact of a constitutional amendment and factors that might enhance or diminish such an impact.

### Materials Needed

- Handouts 1–8
- Chart paper and colored markers or highlighters
- Additional resources:  
Amending the U.S. Constitution:  
<http://www.archives.gov/federal-register/constitution/>

### Before the Lesson

- The teacher should determine how to build the history grid (using the white board, a transparency, etc.).
- Review all student handouts.

### Lesson Procedure

#### Day One

1. *Opening activity.* Review the amendment procedures articulated in Article V of the U.S. Constitution and present a list of all twenty-seven amendments with the date that each amendment was approved (see Handout 1). Highlight the following amendments: First, Thirteenth, Eighteenth, Nineteenth, Twenty-second, and Twenty-sixth.

2. Using these amendments, set up a “history grid” with the students. In Column 1, list the six amendments. In Column 2, list the corresponding dates of approval. Ask students to name events that occurred around the time of each amendment’s acceptance. These events should populate Column 3 of the grid. Have students categorize each of the events as one or more of the following: general, economic, political, social or cultural, and international. Note the categories that the events fall under in the fourth column of the grid. Please note that “general” is used to indicate the historical context category that applies to the specific history of an amendment, such as its proposal and adoption.

3. Introduce the lesson topic and review the lesson objectives with students.

4. *Studying the language and rationale of the amendment.* Divide the class into six groups and assign one amendment to each group (Handouts 2–7). Student groups will study their assigned amendment and explain it to the rest of the class.

5. The teacher will call on groups, one by one, to present an explanation of their assigned amendments to the class, based on the instructions on each front sheet.

Ask the students to consider why the amendments they just discussed were not adopted sooner than they were. Return to the history grid to help students understand how some amendments may not have been adopted until later due to the historical circumstances that existed prior to adoption.

6. *Homework assignment: researching context.* Assign each student in the amendment group one historical context category (general,

economic, political, social or cultural, and international) corresponding to the amendment assigned to their group (for instance, a student might be assigned the category of “international” events for the Nineteenth Amendment). They should look for one to two key events that occurred prior to the amendment’s proposal, one to two key events that occurred during the amendment’s debate period, and one or two events that occurred after the amendment’s approval. The events should be directly related to the amendment, but if the student has difficulty finding such events, he or she may also include indirectly related events, so long as there is a connection. These events should be listed in a chronology and described in one to three paragraphs (the “historical context description”).

### Day Two

7. *Creating the historical timeline for each amendment.* Students should meet in their amendment groups upon entering the class and begin working on Handout 8. Teachers should circulate among the groups to ensure students understand the handout’s directions and facilitate each group in creating their outline. Please distribute chart paper and colored markers to each group.

8. *Sharing the timelines.* Each group should present their timeline to the class. In so doing, ensure that they use their answers from Handout 8. After each group has presented, ask students—either in a class discussion or in a written assignment—for their perspective on the historical influences that shaped the passage of constitutional amendments.

## HANDOUT 1: ARTICLE V AND AMENDMENTS TO THE CONSTITUTION

### Article V

The following article of the Constitution explains the process for proposing constitutional amendments:

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

### Proposal and Ratification Dates of Constitutional Amendments

Amendment	Date Proposed	Date Adopted
First through Tenth	September 25, 1789	December 15, 1791
Eleventh	March 4, 1794	February 7, 1795
Twelfth	December 9, 1803	June 15, 1804
Thirteenth	January 31, 1865	December 6, 1865
Fourteenth	June 13, 1866	July 9, 1868
Fifteenth	February 26, 1869	February 3, 1870
Sixteenth	July 12, 1909	February 3, 1913
Seventeenth	May 13, 1912	April 8, 1913
Eighteenth	December 18, 1917	January 16, 1919
Nineteenth	January 9, 1918	August 26, 1920
Twentieth	March 2, 1932	January 23, 1933
Twenty-first	February 20, 1933	December 5, 1933
Twenty-second	March 21, 1947	February 27, 1951
Twenty-third	June 16, 1960	March 29, 1961
Twenty-fourth	September 14, 1962	January 23, 1964
Twenty-fifth	July 6, 1965	February 10, 1967
Twenty-sixth	March 23, 1971	July 1, 1971
Twenty-seventh	September 25, 1789	May 7, 1992

## HANDOUT 2: FIRST AMENDMENT FACT SHEET

### Learning about Amendments

Directions: Your group has been assigned one of the following amendments to the Constitution: the First, Thirteenth, Eighteenth, Nineteenth, Twenty-second, or the Twenty-sixth.

Your group is responsible for explaining your amendment to the rest of the class. Using this amendment fact sheet, answer the following questions. These will help you present information about your amendment to the class.

1. Identify the amendment and in one sentence and describe its main focus.
2. Briefly explain why the amendment was needed.
3. Give one example for each of the economic, social or cultural, political, and international contexts of the amendment.

### Learning about Amendments

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

### Description of Amendment

The First Amendment articulates five rights and freedoms: freedom of religion, freedom of speech; freedom of the press; the right to free association (assembly); and the right to petition the government for redress of grievances (includes various forms of lobbying). Here,

we will deal only with freedom of the press, recognizing, however, that this freedom is closely related to freedom of speech.

Freedom of the press, today, includes all forms of publication, not only those that are printed or printed on presses. Today, “the press” includes radio and television broadcasting, the Internet, and mobile phone communications, among others. These modern forms of communication are also often classified as forms of speech. For this reason, issues regarding speech and the press often overlap.

### Some Historical Background

#### Limits to freedom of the press:

##### Libel

No freedom, save freedom of conscience and belief, is absolute. Freedom of the press does not, for example, include the freedom to commit libel, i.e., to negligently publish false statements that injure the reputation of private persons. Statements attacking political figures and public policy, however, are subject to a different standard that makes it harder to prove a claim of libel.

The American colonists cherished freedom of the press. By the 1720s, they chafed under British laws that required publishers to be licensed by the British colonial government. This requirement gave governmental authorities the opportunity to censor material prior to its publication.

In 1735, New York printer John Peter Zenger was the defendant in what proved to be a seminal case in the history of freedom of the press in colonial America. Both in England and in America, the British Crown

had restricted criticism of the government by declaring writings that it disliked to be “seditious libel.” Proving that one’s writing was true did not prevent a writer from being found guilty of the offense of sedition. But Zenger’s defense attorney successfully argued that truth was an exculpatory defense against charges of libel or, in this instance, seditious libel.

In 1798, the U.S. Congress took a page out of colonial history and, once more, passed a controversial Sedition Act that outlawed publication of “false, scandalous, and malicious” statements against the government or Congress. At least ten persons, two newspaper editors and a writer, were convicted. But the law expired in 1801 and the new president, Thomas Jefferson, pardoned those prosecuted. As a result, the broader legal definition of press freedom prevailed.

A landmark U.S. Supreme Court decision in the mid-twentieth century further expanded protections against conviction of libel (or defamation of character). In *New York Times v. Sullivan* (1964), the Court established that the untruth of published criticism of public figures was insufficient to prove a claim of libel. The Court ruled that “actual malice” or “reckless disregard for the truth” was also required for conviction. As a result, proving the offense of libel against public figures became significantly more difficult.

#### **Prior restraint and government censorship**

Another curb on freedom of the press is “prior restraint” of publication by government as well as compulsory government censorship of publications. Courts have upheld press

freedom on both issues. While press censorship was practiced in World War II, it was voluntary.

More recently, U.S. Supreme Court rulings have sharply reduced the possibility of prior restraint. For instance, in the famous “Pentagon Papers” case of 1971 (*New York Times Co. v. United States*), the Court ruled that government could not restrain top-secret government papers on the Vietnam War from being leaked to the *New York Times* by a disaffected former government official unless it satisfied a very heavy burden of proof.

#### **Economic context**

At the time of the ratification of the First Amendment and the immediate years thereafter, there were hundreds of newspapers in the United States. By the end of the 1790s, Massachusetts had 121 newspapers, New York and Pennsylvania had 124, and Virginia 64. Although newspapers were important in public life as conveyors of news and comment, they were not the enormous businesses that they later became.

By the late twentieth century, newspaper, broadcast, Internet, magazine, and journal businesses were multi-billion dollar industries. In these circumstances, questions often arise about whether certain media companies or individuals have excessive power through ownership of multiple newspapers, radio and television stations, and other print and electronic media.

#### **Social, cultural, or political context**

In the era of the American Revolution, freedom of the press was high on the list of the liberties Americans demanded. The Virginia Declaration of Rights, adopted on June 12, 1776, for example,

stated that “the freedom of the press is one of the greatest bulwarks of liberty and can never be restrained but by despotic governments.” Many state constitutions written after 1776 began with bills of rights that included freedom of the press. The New Hampshire constitution of 1784, for example, identified “free speech” and “liberty of the press” as “essential to the security of freedom of the state”; and other state constitutions used similar language. These provisions recalled the colonists’ outrage at the British tax on newspapers in the Stamp Act of 1765, denounced as an infringement on freedom of the press. There is little wonder that protection of freedom of the press was made part of the first ten amendments to the 1789 Constitution.

From the beginning of life under the Bill of Rights there were conflicts over what limits might be placed on freedom of the press. From 1791 until well into the twentieth century, provisions of the Bill of Rights applied only to the federal government (“*Congress shall make no law...*” the First Amendment reads, unconditionally). In 1925, in *Gitlow v. New York*, the U.S. Supreme Court began a process of applying parts of the Bill of Rights, including freedom of the press, to state law. This process, known as “incorporation,” is based on “the equal protection of the laws” provision of the Fourteenth Amendment.

That a deeply held respect for freedom of the press and expression is still an ingrained aspect of American society can be seen in fiercely held views on current issues of government regulation of new forms of publishing. These include attempts to regulate the Internet, including the growing forms of social networking, as well as mobile communications devices. Whether or to what extent government can legitimately regulate or even tax the content of new forms

of electronic publication and communication are questions that loom large in future debate over freedom of the press.

### **International context**

The roots of freedom of the press in America are found in England. In the seventeenth century, English scientist Frances Bacon said that the effects of printing were as vast as the inventions of gunpowder and the compass for having “changed the appearance and state of the world.” Also in the seventeenth century, famed English poet John Milton penned a limited but historic pamphlet attacking the practice of government licensing of printing presses. A century later, English jurist William Blackstone asserted that freedom of the press included the absence of prior government restraint on publication. However, Blackstone believed that the press could be held responsible for what the law defined as abuse of its freedom.

From the nineteenth century onward, as European colonies started to gain their independence, many nations entered the industrial age demanding the liberal freedoms associated with democracy. These freedoms prominently included freedom of the press. In the twentieth century, international organizations were created to champion freedom of the press and of expression generally. International PEN, a worldwide association of writers, for example, was founded in London in 1921.

After World War II, writers, publishers, and others concerned with freedom of the press have continued to organize and operate at the international level. A great deal of “free press” activism concerns government interference with individuals’ access to the enormous body of information found on the Internet.

## HANDOUT 3: THIRTEENTH AMENDMENT FACT SHEET

### Learning about Amendments

Directions: Your group has been assigned one of the following amendments to the Constitution: the First, Thirteenth, Eighteenth, Nineteenth, Twenty-second, or the Twenty-sixth.

Your group is responsible for explaining your amendment to the rest of the class. Using this amendment fact sheet, answer the following questions. These will help you present information about your amendment to the class.

1. Identify the amendment and in one sentence and describe its main focus.
2. Briefly explain why the amendment was needed.
3. Give one example for each of the economic, social or cultural, political, and international contexts of the amendment.

### Thirteenth Amendment

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

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

### Description of Amendment

The Thirteenth Amendment outlawed slavery or “involuntary servitude” throughout the United States and its territories, thereby finishing the work begun by President Abraham Lincoln’s Emancipation Proclamation of 1862–63. The

Emancipation Proclamation abolished slavery in the states that were members of the Confederacy, but not elsewhere.

The Thirteenth Amendment, ratified in December 1865, said nothing about citizenship and equal civil rights for the former slaves, especially their right to vote. These matters were later taken up by the Fourteenth (1868) and Fifteenth Amendments (1870), respectively.

### General historical context

Congress passed the Thirteenth Amendment in January 1865, a few months before the close of the Civil War, and the Amendment was ratified the following December. The formal reason for the war was the unwillingness of the Union to allow eleven states, all of them economically dependent on slave labor, to secede from it and form a separate nation, the Confederate States of America. The underlying cause of the war, however, was growing Northern opposition to slavery and its expansion, and the unwillingness of the South either to abolish it, however gradually, or to agree to stop its spread.

The slavery issue, present at the nation’s founding in 1776, became increasingly pressing in the nineteenth century with the nation’s expansion. As the population pushed westward, initially forming territories under federal law and then new states that were admitted to the Union, the question continually arose whether slavery would be permitted in these new lands. This question led to a series of political crises and attempted permanent compromises that never settled the issue.

The landmarks on the road to the bloodiest war in American history include the following:

- The 1787 Northwest Ordinance that banned slavery in the Northwest Territory.
- The Missouri Compromise of 1820, admitting Maine as a free state and Missouri as a slave state.
- John Quincy Adams’s proposal of a constitutional amendment outlawing slavery in 1839.
- The Compromise of 1850, which settled complex questions regarding slavery in the Southwest.
- The Kansas-Nebraska Act (1854) repealed the Missouri Compromise of 1820 and left to a vote of the inhabitants of new lands whether slavery would be permitted. Fighting over the slavery question followed in Kansas until 1858.
- John Brown’s October 1859 attempt to ignite a slave rebellion in Virginia culminated in his execution, making him a martyr to many Northerners.
- In December 1860, a South Carolina convention passed an ordinance of secession from the Union, followed by more secessions by Southern states in January 1861.
- The outbreak of war on April 12, 1861, when Confederate forces fired on Ft. Sumter, South Carolina.

#### **Economic context**

When the Civil War erupted in 1861, differences between the economies of North and South were directly relevant to the slavery issue. The southern economy was built around a single crop, cotton—known as “King Cotton.” After

the invention of the cotton gin in 1793, the demand for slave labor greatly increased.

The economy of the North by 1860, on the other hand, was becoming less rural and more industrialized, providing 90 percent of its manufactured items, with little need for slave labor. Slaves composed just 2 percent (400,000) of its population. The cotton-based economy of the South, by contrast, depended on 3.5 million slaves, who made up more than 38 percent of its inhabitants.

The Thirteenth Amendment—and the previous measures, such as the Emancipation Proclamation, that sought to liberate the slave labor on which the South depended—constituted a frontal assault on the Confederacy’s economy, and so on its ability to resist the will of the North. The immediate end to slavery, combined with the absence of compensation to those who claimed slaves as property, constituted a final blow to the South’s economy.

#### **Social or cultural context**

The institution of slavery was in flat contradiction to the founding principles and animating spirit of the American republic born on July 4, 1776. The nation’s birth certificate, the Declaration of Independence, stated that, “all men are created equal, that they are endowed by their Creator with certain unalienable rights,” among them “life” and “liberty.” The Declaration’s author, Thomas Jefferson, himself a slave owner, acknowledged this contradiction in the draft he submitted to Congress by denouncing slavery, which violated “the most sacred rights of life and liberty.”

Abhorrence of slavery had deep roots in the American colonies. Although the practice later returned, Rhode Island abolished slavery in 1652. In 1688, Quakers in Germantown,

Pennsylvania, wrote a tract denouncing slavery; and in 1700, Samuel Sewall of Boston protested it in his *The Selling of Joseph*. Other movements to abolish slavery were formed during the Revolutionary era. A society to give legal assistance to enslaved blacks was founded by Pennsylvania Quakers as early as 1775 and soon evolved into the Pennsylvania Abolition Society. Not yet a state, Vermont abolished slavery in 1777; and in 1780, Pennsylvania became the first state to legislate slavery's gradual abolition. New York followed suit in 1799.

A key social and cultural factor in the anti-slavery movement was Protestant Christianity, with its emphasis on the equality of every human being in the sight of God. So much is implied by the 1780 Pennsylvania law, which stated that "it is not for us to enquire why in the creation of mankind, the inhabitants of the several parts of the earth were distinguished by a difference in feature or complexion. It is sufficient to know that all are the work of an Almighty Hand." The Second Great Awakening, an evangelical Christian revival movement in the early decades of the nineteenth century, stimulated many reform movements, including abolitionism.

A social culture of reform in pre-Civil War America was the fertile soil in which a variety of movements against slavery were formed that would lead to the passage of the Thirteenth Amendment. In 1816, an American Colonization Society was formed to send freed slaves to Liberia. Among the most important abolition societies was the American Anti-Slavery Society, founded in Philadelphia in 1833 by William Lloyd Garrison and Arthur Tappan. The Society espoused the immediate, uncompensated abolition of slavery. Garrison

championed Frederick Douglass, the brilliant former slave abolitionist, who became the foremost African American voice opposing slavery.

Abolition societies attracted many women activists, although men sometimes opposed women's participation, causing abolitionist organizations to split apart. Even though traditionalist men might oppose their activism, women succeeded in playing significant roles in organizations opposing slavery.

### **Political context**

Although a number of states had seceded from the Union and fighting had begun when Lincoln was inaugurated on March 4, 1861, the president and others hoped to prevent full-scale war from breaking out. To placate the South, Congress passed and Lincoln originally signed an earlier version of the Thirteenth Amendment that would have, in actuality, permitted slavery in the slave states in perpetuity by outlawing any future amendments aimed at abolishing slavery or otherwise interfering with "states rights." Both houses of Congress passed this amendment but only one state (Illinois) ratified it before large-scale fighting made it irrelevant. Consequently, this version of the Thirteen Amendment, which *guaranteed slavery*, was never adopted.

Lincoln's attitude to the slavery issue was complex. There is no doubt that he hated it. "If slavery is not wrong," he wrote in 1864, "nothing is wrong." He had campaigned for the presidency in 1860 on a platform of banning slavery from new states and territories. But when elected president, he assured the South in his First Inaugural Address that he would not interfere with slavery where it existed. The purpose of the Civil War was not abolition of slavery, but preservation of the Union. This

purpose was paramount for Lincoln because he thought that if democracy failed in the United States, it would die as an ideal throughout the world. Thus, he proclaimed in the Gettysburg Address (November 1863) that a Union victory was required so that “government of the people, by the people, for the people, shall not perish from the earth.” Earlier, in an address to Congress in 1862, he called the Union and its form of government “the last best hope of earth.”

Lincoln believed that, however much he loathed slavery, his powers as president were limited by the Constitution. At the outset of the Civil War, public opinion in the North was generally unfavorable to immediate abolition. Some favored the status quo; others favored gradual emancipation. Those demanding complete and immediate abolishment of slavery (“abolitionists”) were a minority. Others, content with outlawing slavery in the territories and newly admitted states, would leave it in place in the South. These were known as “Free Soilers” after a political party that advocated this solution to the slavery issue.

As the Civil War proceeded, policy toward slavery became part of the North’s war strategy. Not long after the outbreak of war, Congress passed the Confiscation Act of 1861 that forbade the Union military from returning slaves to their masters. In July 1862, it passed as second such act, emancipating all slaves owned by rebel masters that came under Union jurisdiction. By then, Lincoln was secretly devising a two-part executive order, the Emancipation Proclamation, that would attack the Confederacy by liberating its slaves, although none in Union territory. At the beginning of the war, Lincoln would allow slavery in the

South in order to save the Union; but since the South had persisted in secession, he now sought to free its slaves to deprive it of labor power in order to destroy it and preserve the Union.

In September 1862, Lincoln announced the first part of the Proclamation, which stated that the slaves in any of the Confederate states that did not return to the Union by the following January would be freed. The second part, the official Emancipation Proclamation, was issued on January 1, 1863. Lincoln called it, “the central act of my Administration.” Although the Proclamation was generally popular in the North, the South did have sympathizers, especially among immigrant Irish workers who feared labor competition from former slaves. After Congress passed draft laws, serious riots occurred, especially in New York City in July 1863. Order was restored, however, and the draft proceeded.

By the end of 1864, Lincoln had moved decisively toward a new version of the Thirteenth Amendment, which embraced outright abolition. Early in 1865, he pushed the Amendment through Congress, and it was sent to the states for ratification. Although Lincoln was assassinated in April, by the end of the year the Amendment was ratified, and slavery in the United States of America had come to a complete and permanent end.

#### **International context**

The international movement to abolish the slave trade and the practice of slavery began in Britain and elsewhere in Europe in the eighteenth century. Slavery was outlawed in Portugal and Portuguese India (now Goa) in 1761. It was attacked by philosophers of the French Enlightenment, and declared illegal in England in a 1772 court case. Scotland soon followed

suit. In 1787, English parliamentarian William Wilberforce began a Committee for the Abolition of the Slave Trade; in 1807, the Committee succeeded in banning the African slave trade throughout the British Empire. In 1827, Britain declared slave trading to be piracy, punishable by death. (By 1860, the Royal Navy had freed some 150,000 slaves.) Slavery remained legal in British colonies until 1833, when a Slavery Abolition Act was passed. Prior to the end of the Civil War, slavery was abolished in Mexico, and in much of South America, and was banned in Denmark, France, and the Netherlands.

The Emancipation Proclamation greatly enhanced the Union's diplomatic position, especially in Britain, which had previously aided the Confederacy but had not recognized it diplomatically. Public opinion in Britain and in Europe swung in the North's favor, and the danger of further British support for the Confederacy passed.

## HANDOUT 4: EIGHTEENTH AMENDMENT FACT SHEET

### Learning about Amendments

Directions: Your group has been assigned one of the following amendments to the Constitution: the First, Thirteenth, Eighteenth, Nineteenth, Twenty-second, or the Twenty-sixth.

Your group is responsible for explaining your amendment to the rest of the class. Using this amendment fact sheet, answer the following questions. These will help you present information about your amendment to the class.

1. Identify the amendment and in one sentence and describe its main focus.
2. Briefly explain why the amendment was needed.
3. Give one example for each of the economic, social or cultural, political, and international contexts of the amendment.

### Eighteenth Amendment

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

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

**Section 3** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as

provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### Description of Amendment

The Eighteenth Amendment, ratified January 1919, inaugurated the era of Prohibition by outlawing the “manufacture, sale, or transportation of intoxicating liquors” in the United States. The amendment refers to further legislation that would specify the means by which it would be enforced, since the amendment itself was brief and required further explanation regarding, among other matters, precisely what was being outlawed.

### General historical context

The Eighteenth Amendment was passed by Congress in December 1917, during the latter part of World War I. The United States had entered the war in April 1917, after several of its ships had been attacked by Germany. The timing of the amendment’s passage was not accidental, since some of the most vocal opposition to it came from German immigrants, who had a tradition of brewing beer. As America went to war against Germany, these immigrants lost their influence in the national debate over banning alcohol. Additionally, people more readily accepted government controls during wartime.

When the amendment was ratified in January 1919, the war had already officially ended with the signing of the Versailles Treaty in Paris the previous year. During the summer and autumn of 1919, the nation debated ratification of the Treaty, which included U.S. membership in the League of Nations. In November, just two months before Prohibition began, the U.S.

Senate refused to ratify the Treaty. Prohibition and woman suffrage were debated during the same period; many women who supported one, supported the other. Soon after Prohibition came into effect, Congress passed the woman suffrage amendment and sent it to the states for ratification, which occurred in August 1920. Now at peace, the nation set out on a decade of social experiment, with far-reaching consequences.

### **Economic context**

As a result of banning the sale of alcohol, thousands of illegal nightclubs that served alcohol, known as “speakeasies,” opened around the country. Chicago alone had 10,000; by 1925, New York had between 30,000 and 100,000. Providing them with alcohol became a booming industry, typically tied to criminal organizations such as Al Capone’s notorious Chicago gang.

Legal exceptions to Prohibition had wide economic consequences. Medically prescribed alcohol led to brisk trade among physicians and pharmacies, as thousands of new “patients” found alcohol medically necessary. Farmers were allowed to make fruit wines, leading to a revolution in grape production in California, where acreage dedicated to grape vines increased seven-fold by 1925. Government expenditure for Prohibition skyrocketed, with a large proportion of the federal budget spent on its enforcement.

### **Social or cultural context**

Prohibition was an agent of profound social change. One such change was the integration of the sexes and the social liberation of women in the context of the speakeasy. Before the 1920s, women were rarely seen in saloons; but in speakeasies they could mingle freely with men and were sometimes referred to as

“flappers,” women flaunting their rejection of social convention.

Speakeasies also influenced racial attitudes and behaviors, as talented black musicians such as Louis Armstrong emerged from the South to play in whites-only nightclubs—often run by organized crime syndicates—in New York City, Chicago, and elsewhere. Prohibition helped inaugurate the “Harlem Renaissance” of the 1920s and 1930s in New York, as black musicians and patrons gathered in renowned speakeasy haunts such as the Cotton Club (where Duke Ellington performed), transforming social life.

Other changes were at first less nationally visible, but stock car racing, which evolved into today’s NASCAR, had its origins in Prohibition-era demand for getaway vehicles so that alcohol transporters could outrun the law. Finally, widespread opposition to Prohibition may have lessened respect for the law, as rum-running “bootleggers” serviced the public’s unquenchable thirst for intoxication. Although it was advertised as necessary to curb drinking and crime, Prohibition mostly failed at both. By the mid-1920s, this failure had become conspicuous enough to attract organized efforts at repeal; and, at least on the national level, by 1933 Prohibition had ended.

### **Political context**

Prohibition had its roots in the late eighteenth and early nineteenth centuries, with the formation of “temperance” (anti-alcohol) groups in Connecticut, New York, and Virginia. Beginning in the 1840s, religious groups, especially Methodists, attacked alcohol consumption. In 1869, a Prohibition Party was founded, followed by the influential Woman’s Christian Temperance Union in 1873 and the Anti-Saloon League 1893.

Prohibition was closely linked with the growth of women's entrance into politics, especially the Woman Suffrage movement. Many women who supported Woman Suffrage also supported Prohibition. In the South, the Ku Klux Klan supported Prohibition as a means of controlling African Americans.

### **International context**

Prohibition in the twentieth century was not unique to America. Movements to ban alcohol had arisen in nineteenth century Europe as well. At various times between 1907 and 1932, alcohol was banned in Russia (and later in the Soviet Union), Hungary, Iceland (which banned beer until 1989), and parts of Australia, Canada (Prince Edward Island retained Prohibition until 1948), and Scandinavia.

The international context of Prohibition includes many organizations and philosophies developed around the world, especially in Europe, seeking social improvement. The harmful effects of excessive alcoholic consumption on industrializing societies were apparent to reformers, often motivated by religion. Banning alcohol was a remedy that readily suggested itself.

## HANDOUT 5: NINETEENTH AMENDMENT FACT SHEET

### Learning about Amendments

Directions: Your group has been assigned one of the following amendments to the Constitution: the First, Thirteenth, Eighteenth, Nineteenth, Twenty-second, or the Twenty-sixth.

Your group is responsible for explaining your amendment to the rest of the class. Using this amendment fact sheet, answer the following questions. These will help you present information about your amendment to the class.

1. Identify the amendment and in one sentence and describe its main focus.
2. Briefly explain why the amendment was needed.
3. Give one example for each of the economic, social or cultural, political, and international contexts of the amendment.

### Nineteenth Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

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

#### Description of Amendment

The Nineteenth Amendment, ratified August 1920, secured women's right to vote in all elections—local, state, and national. The amendment specified that neither state nor federal governments could legally deny women the vote nor could they “abridge” this right. In other words, they could not place obstacles in the way of women's exercise of their constitutional right to enfranchisement (the right to vote).

### General historical context

American entrance into World War I in 1917 provides the immediate backdrop to passage of the Nineteenth Amendment. By this time, “suffragists” (supporters of women's suffrage) were determined to pressure Congress to approve a constitutional amendment. Women's suffrage had been passed over in the Fifteenth Amendment, and bills for a women's suffrage amendment had been introduced to Congress without success since 1878. Opponents such as the National Association Opposed to Women's Suffrage (founded 1871) were active, especially in the South.

American involvement in World War I, however, heightened demands for women's suffrage. President Wilson announced that the purpose of the war was to establish democracy. Suffragist women countered that the United States was hardly a democracy if half its population was denied the right to vote. When President Wilson spoke in public, he found audience members wanting to know why, if he favored democracy around the world, he opposed “the national enfranchisement of woman.” Finally, on January 9, 1918, Wilson changed his position and spoke favorably of women's suffrage. The House of Representatives passed the amendment the following day, but the Senate refused to deal with it until October, when it failed by three votes.

The following year, supporters urged men to elect pro-women's suffrage candidates at the November 1918 mid-term election. The new Congress was at last composed predominantly of supporters and by the late spring of 1919, both chambers had overwhelmingly passed the Nineteenth Amendment. In August it was

sent to the states for ratification. A year later, passage by the thirty-sixth state, Tennessee, made women's suffrage the law of the land.

### **Economic context**

In the early nineteenth century, American women generally lived on farms and produced items for home use. Women enjoyed a certain status as home producers, but this status changed as the century progressed and more outside products were bought for home use. By the end of the century and first decades of the next, the economic roles of significant numbers of women had undergone marked transformation. Nearly 25 percent were in the labor force. Some, who were factory workers, formed unions led by women. Other women could be found in roles previously reserved for men. Thus, women were physicians and surgeons, astronomers, physicists, and biologists, as well as architects and civil engineers. Women also took on the role of successful inventors—the windshield wiper, for example, was invented in 1903 by Alabaman Mary Anderson.

The economic context of World War I gave further impetus to women's suffrage, as women took their places in war industries. This new situation gave their leaders firmer foundations for their demands for equal rights with men. Opportunities for women were, however, constrained by social class and race, with black women suffering most.

### **Social or cultural context**

The course of the nineteenth century saw the emergent role of women outside the home and the founding and growth of women's organizations devoted to addressing the most

pressing public issues of the day. These prominently included the abolition of slavery, the evils of alcohol abuse, and women's civil rights.

After the Civil War, the nation's growing industrialization saw women assuming social roles previously denied them. At the turn of the twentieth century, white women were increasingly attending college. Women had long participated in the nation's cultural life as artists, poets, novelists, playwrights, and musicians. The growth of a class of educated and accomplished women gave momentum to the movement for civil rights, especially the right to vote. Shortly before passage of the Nineteenth Amendment, a woman, Jeannette Rankin, had been elected to Congress as a representative of Montana.

### **Political context**

Women's suffrage had its roots in nineteenth century organizations to abolish slavery and curtail alcohol abuse—"temperance" societies such as the Woman's Christian Temperance Union founded in Illinois in 1873. In these organizations women learned the arts of political organizing, pamphleteering, speaking, and demonstrating. (Liquor interests strongly opposed women's suffrage because they rightly suspected that women would vote for Prohibition.) While participating in such efforts, Women learned first hand about gender discrimination, which helped galvanize early leaders to press the case for women's rights. In the 1830s, for example, women's anti-slavery associations were opposed in Massachusetts because men believed women should not speak publicly on the issue.

Similarly, in 1840, Lucretia Mott and Elizabeth Cady Stanton were banned from participating in the World Anti-Slavery Convention in

London on account of gender; but they later translated their outrage into organizing the Seneca Falls Convention (1848), the first public political meeting in the nation that dealt with women's issues. At the Seneca Falls Convention, Stanton advocated the radical position of women's suffrage, an idea that was widely ridiculed, at first, but later adopted by the Convention following the intervention of the abolitionist Fredrick Douglass. Other conventions followed annually in the next decade. Perhaps the most famous suffragist leader, Susan B. Anthony, was also active initially in anti-slavery and temperance causes. She, too, was barred from speaking at a temperance convention and took up women's rights as a result.

The constitutional amendments that followed the Civil War fractured the women's movement. The Fourteenth Amendment (1868) explicitly provided for "male" suffrage, the first constitutional use of the word. But debate over the Fifteenth Amendment (1870) reopened the suffrage and gender issue, splitting the women's movement. Should women's rights take precedence over black men's rights? Most women activists seemed to agree that the focus should be on black civil rights and that women's suffrage would have to wait. When Susan B. Anthony vocally disagreed and was perceived as placing the rights of white women above black men, she was charged with racism.

In 1869 Anthony and Stanton founded the National Woman Suffrage Association (NAWSA), which advocated pressing for a constitutional amendment on suffrage. In the same year, the American Woman Suffrage Association (AWSA), which stood for lobbying state legislatures to amend state constitutions, was formed. Five years later, on the one hundredth anniversary of the Declaration of

Independence, Susan B. Anthony read a "Declaration of the Rights of Women" before the Liberty Bell in Philadelphia. In 1878, the first of what became annual bills for a women's suffrage amendment was introduced in Congress.

The advocacy of suffragists was publicly visible throughout the remainder of the century. Women secured the franchise in Wyoming Territorial elections in 1869, though they were unsuccessful in South Dakota in 1890. They won in Colorado in 1893, however, as well as in Idaho in 1896. During this period, women organized numerous protest demonstrations, such as in 1886, when women were excluded from dedication ceremonies for the Statue of Liberty.

In 1890, NAWSA and AWSA buried their differences and merged to form a single organization. Increasingly well organized, the suffragist movement saw a new generation of leaders emerge, as Carrie Chapman Catt took the helm of NAWSA. In the years before World War I, moreover, suffragists were successful in a succession of states. In 1913, Alice Paul and Lucy Burns founded the Congressional Union for Woman Suffrage (renamed the National Woman's Party [NWP] in 1917), splitting off from NAWSA to concentrate on a national constitutional amendment.

The political struggle for suffrage was not without its dangers and difficulties, as illustrated by events in 1913. In that year, Alice Paul led an enormous parade down Pennsylvania Avenue in Washington, D.C., the day before Woodrow Wilson's presidential inauguration. The parade turned into a riot as thousands of male opponents blocked the marchers' way. After male supporters came to the women's

rescue, troops had to be called to restore order. Hundreds of women were hospitalized, but no one was arrested for assaulting them.

In 1917, moreover, when women formed a twenty-four hour vigil (“Sentinels of Liberty”) for a constitutional amendment for women’s suffrage around Woodrow Wilson’s White House, nearly five hundred were arrested (illegally, it was later determined). One hundred sixty-eight demonstrators were sent to prison, where they were treated harshly, and were not released until early 1918. But by then President Wilson had changed his position and endorsed women’s suffrage.

### **International context**

By the time that the Nineteenth Amendment was ratified in the United States, a number of other countries or states within them had secured women’s suffrage. The roots of modern women’s suffrage are found in eighteenth-century Europe. At various times, certain women could vote in Sweden, the island republic of Corsica, and in parts of France. Women in the Pitcairn Islands in the Pacific voted after 1838. In 1869, the famed English philosopher John Stuart Mill, aided by his suffragist partner Harriet Taylor, gave the international movement an important intellectual foundation in publishing his *On the Subjugation of Women*.

In England after 1869, unmarried female householders were allowed to vote in local elections; and from 1893, New Zealand allowed women unrestricted voting, though they could not hold public office. Two years later, South Australia, a self-governing colony, allowed women both to vote and to hold office; and from 1901, women’s suffrage further expanded in Australia. Between 1906 and 1918, the following European countries inaugurated

women’s suffrage: Finland, Norway, Denmark, Canada (except Quebec), Germany, Austria, Ireland (with restrictions), Poland, the Baltic Republics, and Britain (women over 30). In 1919, the Netherlands, among other European countries, followed suit. In the decade that followed, the process continued in Europe and in several countries in Asia and Latin America.

## HANDOUT 6: TWENTY-SECOND AMENDMENT FACT SHEET

### Learning about Amendments

Directions: Your group has been assigned one of the following amendments to the Constitution: the First, Thirteenth, Eighteenth, Nineteenth, Twenty-second, or the Twenty-sixth.

Your group is responsible for explaining your amendment to the rest of the class. Using this amendment fact sheet, answer the following questions. These will help you present information about your amendment to the class.

1. Identify the amendment and in one sentence and describe its main focus.
2. Briefly explain why the amendment was needed.
3. Give one example for each of the economic, social or cultural, political, and international contexts of the amendment.

### Twenty-second Amendment

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

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

### Description of Amendment

The Twenty-second Amendment, passed by Congress on March 24, 1947, and ratified on February 27, 1951, barred presidents from being elected to more than two terms in office. The amendment also provided that a president could be elected only *once*, if he or she had served for more than two years of the term of his or her predecessor. These restrictions did not apply, however, to President Harry S. Truman, who was president when the amendment was proposed; nor would it have applied to President Dwight D. Eisenhower had the amendment been ratified when he was president. Since it was passed while Truman was still in office, he was the only president who could have been elected three or more times.

### General historical context

While most of Europe had succumbed to dictatorship during the Great Depression of the 1930s, democracy in the United States had survived. Franklin D. Roosevelt had been president during the entire period of the Depression in which these dictatorships stormed their way to power. By 1940, he had done so by breaking long-established American custom by successfully running for election an unprecedented three times.

The circumstances of his running for a third, then a fourth term were unique in the nation's history. The Depression had still not run its

course in 1940, when Roosevelt announced his candidacy for a third term; but more importantly, war had broken out in Europe in 1939. Imperial Japan had invaded China in 1937 and threatened the whole of East Asia. Clearly, these forces of lawless power opposed not just democracy but also human decency itself, although opinion was divided over how to deal with this danger. In the face of public opposition to direct involvement in World War II, Roosevelt's administration oversaw an unprecedented build up of American military and naval power in the late 1930s.

In such circumstances, it seemed to Roosevelt and his advisors, as well as to many Americans, that this was not the time for an untried newcomer to occupy the White House. And so the president ran for election for a third time. Four years later, the nation was in the midst of the war that was merely looming in 1940. Surely Roosevelt (who hid the seriousness of his deteriorating health from the public) must run for a fourth term.

To some, however, Roosevelt's breaking with tradition by seeking a third, then a fourth term was alarming. The executive power of the American republic looked as if it was being transformed into presidency for life—a form of monarchy or worse. However noble or necessary Roosevelt's reasons for his decisions, the Twenty-second Amendment was an affirmation of a fundamental principle of American democracy, which instinctively distrusted power, especially executive power. The concentration of power must be limited and checked, and that is what the Amendment sought to accomplish.

#### **Economic context**

Franklin Roosevelt was first elected president in 1932, in the depths of the Great Depression.

His calm and optimistic demeanor, as expressed in a series of radio broadcasts known as “fireside chats,” combined with public policies that sought to provide jobs and economic security to millions of impoverished victims of the Depression, had endeared him to large numbers of the American people. Although these policies did not bring the nation out of its deep economic slump, Roosevelt's personal following was enormous, notwithstanding his many detractors. The context of economic depression was key to Roosevelt's reelection in 1936, which put him in a position to run for a third term in 1940. By then, however, World War II had broken out in Europe and Asia, providing much of the rationale for the president's break with tradition in seeking a third term.

The American economy sprang to life after the nation's entrance to the war in the wake of Japan's attack on Pearl Harbor, Hawaii, on December 7, 1941. As the war came to a close less than four years later, many economists feared the economy would return to its depressed 1930s condition. But this did not occur. While the fact of economic stability had no direct effect on passage of the Twenty-second Amendment, indirectly it helped to provide an underlying context in which the nation could seek to return to its customary checks on executive power, shoring up the foundations of a democracy that instinctively shrank from even the appearance of monarchical power.

#### **Social or cultural context**

With the ringing words of the Declaration of Independence that “all men are created equal,” the United States was born an egalitarian nation. This meant, for one thing, that the nation's fundamental principles rejected the idea of a hereditary aristocracy and affirmed the civic equality of citizens. This rejection is written

into the U.S. Constitution's ban on titles of nobility. At the same time, the nation's political culture was anti-monarchist from the time of the American Revolution onwards. The Americans had defeated a reviled British king and set their new country upon a republican path that rejected monarchy as decisively as it did formal aristocracy.

### **Political context**

Franklin D. Roosevelt was born into a wealthy, socially prominent family. His cousin, Theodore Roosevelt, had been president in the early twentieth century. By the end of his life, Roosevelt's long tenure in office, his election to the presidency four times—in 1932, 1936, 1940, and 1944—was twice the number of terms of any previous president. Although Roosevelt was a much-beloved president, he was also a much-hated president. Not a few Americans thought that he should not have been elected to a third term in office, and more objected to a fourth term. These events seemed to point to his becoming president for life—a quasi-monarch.

Although the U.S. Constitution did not provide for term limits for any elective office, including the presidency, from the beginning of government under the Constitution no president had served for more than two terms. (Ulysses S. Grant had, however, sought a third term.) George Washington had declined to serve a third term, as had Presidents Thomas Jefferson, James Madison, and James Monroe. Grant's counter-example notwithstanding, by the twentieth century, presidential term limits was an engrained custom. The strength of this custom in the nation's collective judgment was the foremost circumstance surrounding the proposal and ratification of the Twenty-second Amendment.

Added to distrust of power in general was the undeniable fact of the growth of the power of the presidency in the twentieth century. The fact of increasing presidential power became especially apparent in the wake of war and depression. Besides the powers exercised by Franklin Roosevelt were those wielded by President Truman at the close of World War II, when he was forced to decide whether to use the atomic bomb. The colossal powers of the American presidency were now apparent for all to see.

### **International context**

The Twenty-second Amendment was proposed just eighteen months after the end of World War II. Imperial Japan had surrendered to the Allies on September 2, 1945, just four months after Nazi Germany. The forces of fascism lay broken and lifeless on battlefields around the world, but by 1947, when Congress proposed the Twenty-second Amendment, a new threat had arisen. In March 1946, at a college in Missouri, then-former British Prime Minister Winston Churchill had delivered his famous "Iron Curtain" speech, in which he denounced the takeover of Eastern Europe by the agents of the Soviet Union, headed by totalitarian dictator Josef Stalin. Communism had suddenly become a threat to Western Europe and therefore also to the United States. Here, again, new facts of international life formed part of the context in which Americans sought to have recourse to the nation's founding principles, especially the idea that the preservation of liberty requires limits on government.

## HANDOUT 7: TWENTY-SIXTH AMENDMENT FACT SHEET

### Learning about Amendments

Directions: Your group has been assigned one of the following amendments to the Constitution: the First, Thirteenth, Eighteenth, Nineteenth, Twenty-second, or the Twenty-sixth.

Your group is responsible for explaining your amendment to the rest of the class. Using this amendment fact sheet, answer the following questions. These will help you present information about your amendment to the class.

1. Identify the amendment and in one sentence and describe its main focus.
2. Briefly explain why the amendment was needed.
3. Give one example for each of the economic, social or cultural, political, and international contexts of the amendment.

### Twenty-sixth Amendment

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

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

#### Description of Amendment

The Twenty-sixth Amendment mandates that federal and state legislatures not interfere with the right to vote of citizens eighteen years of age or older in federal, state, and local elections.

#### General historical context

The Vietnam War provides the immediate context for passage of the Twenty-sixth

Amendment. Congress sent the amendment to the states for ratification on March 23, 1971, at the war's height. The amendment was ratified the following July 1, just 107 days later, the fastest ratification in American history.

The Vietnam War was the paramount force motivating the states to take up the ratification process with a sense of urgency. The nation was badly split over both the justice and the wisdom of the war. Frequent anti-war demonstrations and acts of civil disobedience were common. Opponents objected to the morality of how the war was being fought, in addition to its being fought at all.

The voting age issue had been raised for a number of years, since young men were subject to be drafted into the army at age eighteen. However, before 1970, with two exceptions, they could not vote until age twenty-one. There was a high probability that draftees would be forced to fight in a highly controversial war by a government that they had no voice in choosing. Accordingly, they were being forced to risk their lives to support a policy and a political system in which they had no electoral input.

Lowering the voting age was an obvious remedy to the glaring contradiction between the nation's fundamental political principles and its institutional practices. In 1970, therefore, Congress passed a law lowering the voting age to eighteen in both federal and state elections. But some states objected to the law. Believing that state powers had been unconstitutionally infringed upon, Oregon sued. In *Oregon v. Mitchell* (1970), the U.S. Supreme Court found that Washington did have the power to set the voting age for federal elections, but not for state elections. It was in this context that supporters

of lowering the voting age pushed for a constitutional amendment to create a single national standard for all elections.

### **Social or cultural context**

American involvement in the Vietnam War began in the 1950s, but combat troops did not arrive until spring 1965, in the midst of America's own cultural revolution. This social ferment was a youth revolt against conformity to the standard social rules, customs, and tastes of middle class life in music, dress, manners, politics, and lifestyle. Tension between adults and youth was extreme, and outbreaks of raucous argument were commonplace.

Because women were subject neither to the draft nor to combat as members of the armed forces, they were not directly part of the "old enough to fight, old enough to vote" argument. Different voting ages for men and women, however, was never seriously considered since one of the key principles of America's political culture is civic equality.

### **Political context**

The battle cry for lowering the voting age to eighteen was "Old enough to fight, old enough to vote." This meant that young men below age of twenty-one were fighting and dying in the Vietnam War, often against their will, since they had been conscripted. This was especially significant since the hallowed Declaration of Independence proclaimed in 1776 that, "the just powers of government are derived from the consent of the governed."

"Old enough to fight" originated during World War II and had persuaded two states, Kentucky and Georgia, to lower the voting age to eighteen. After the war, President Dwight Eisenhower supported lowering the voting age in his 1954 State of the Union address. However divisive

the nation's involvement in the Vietnam War might have been, virtually no one objected to young people being allowed to vote. Those who favored the war wished to place the legitimacy of drafting eighteen-year-olds beyond debate. Those who opposed the war hoped young people would vote against it.

Influential in setting the political context for the amendment were two tragic events. Less than a year before the amendment was sent to the states, on May 4, 1970, four anti-war demonstrators were killed and nine wounded at Kent State University, Ohio, by National Guardsmen who fired into a crowd. Ten days later, in a similar incident at Jackson State University, Mississippi, police killed two and wounded twelve anti-war demonstrators. These events shocked the nation and provided further momentum for measures aimed at moderating anti-war divisiveness.

### **International context**

In 1946, Czechoslovakia became the first country to lower the voting age to eighteen. Other countries adopted the same policy at about the same time as the United States. Britain, for example, did so in 1970. In the same year, Canada also changed the voting age in federal elections to eighteen. Many Western democracies followed suit in the 1970s. India did so in 1989, while Switzerland lowered the voting age from twenty to eighteen in 1991. Today, the vast majority of countries maintain a voting age of eighteen, though a few, such as Austria and Brazil, have set the minimum age at sixteen; a few retain a minimum age of twenty-one.

## HANDOUT 8: CONSTRUCTING A TIMELINE

Directions: In your amendment group, share the content of the homework assignment. Each group member should briefly explain why she or he chose the events they cited. Once everyone in the group has contributed, do the following:

1. *Compare the events chosen.* Determine if they fit properly into the context they were chosen for.
2. *Eliminate redundancy.* If an event has been cited by more than one member for multiple context categories, try to decide which category is pertinent, and place it there. Try to avoid placing the same event in more than one unless absolutely necessary.
3. *Create a timeline for your amendment.*
  - a. Place all your events on a timeline.
  - b. Make sure the ratification of the amendment is prominent.
  - c. Determine how you will distinguish between the context categories.
  - d. Include a key that helps make the timeline reader friendly.
4. *Sharing the timeline.* Once completed, your group will share the timeline with the rest of the class. Reflect on the following questions both individually and as a group. Use the answers to help present the timeline to the class.
  - a. Which context (general, economic, political, social or cultural or international) do you believe had the greatest influence on the passage or ratification of the amendment?
  - b. What do you think has been the amendment's greatest impact since ratification?

## CREDITS

This Constitution and citizenship lesson is cosponsored by The American Association of School Administrators. AASA, founded in 1865, is the professional organization for more than 14,000 educational leaders across America and in many other countries. AASA's mission is to support and develop effective school system leaders who are dedicated to the highest quality public education for all children. AASA's major focus is standing up for public education. For more information, visit [www.aasa.org](http://www.aasa.org).

The Center for Civic Education is a nonprofit, nonpartisan educational corporation dedicated to fostering the development of informed, responsible participation in civic life by citizens committed to the values and principles fundamental to American constitutional democracy. The Center specializes in civic and citizenship education and international education exchange programs for developing democracies. For additional information on the Center's programs and curricula, visit [www.civiced.org](http://www.civiced.org).

We the People: The Citizen and the Constitution is directed by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act approved by the United States Congress. The program was established in 1987 under the Commission on the Bicentennial of the United States Constitution. This lesson is funded by the U.S. Department of Education Grant Q929A040001.

© 2010, Center for Civic Education. All rights reserved. Permission is granted to freely reproduce and use this lesson for nonprofit, classroom use only. Copyright must be acknowledged on all copies.



### Image Credits

*Writing the Declaration of Independence*, Prints and Photographs Division, Library of Congress, LC-USZC4-9904.



### Center for Civic Education

5145 Douglas Fir Road, Calabasas, CA 91302

TEL 800.3350.4223 FAX 818.591.9330

EMAIL: [CCE@CIVICED.ORG](mailto:CCE@CIVICED.ORG) WEBSITE: [WWW.CIVICED.ORG](http://WWW.CIVICED.ORG)

[CONSTITUTIONDAY.CIVICED.ORG](http://CONSTITUTIONDAY.CIVICED.ORG)

*Promoting the Principles and Practice of Democracy*

For more information, please visit  
[www.civiced.org](http://www.civiced.org)



CENTER FOR CIVIC EDUCATION © 2010