15 Brown v. Board of education

Key terms:

1. Jim Crow Laws:“Jim Crow” was a derisive slang term for a black man. It came to mean any law that established different rules for blacks and whites. First passed in the North long before the Civil War, such laws were based on the theory of white supremacy.
2. Desegregation
3. Racism
4. NAACP:national association for the advancement of colored people
5. Law terms:plaintiff,litigation,relief was denied
6. New words:culminate,inherent,allege,proscribe,tangible,denote,strenuous

(艰苦的；热烈的)；commingle,fallacy,affinity,eradicate(毁坏），accentuate（强调）

Background: The Pros and Cons of Reconstruction for African Americans:

-- 13th Amendment officially ended slavery.

-- The Freedman’s Bureau was established in 1865 to provide some economic aid to freed slaves.

-- The Civil Rights Bill of 1865 gave full citizenship to blacks.

-- The 14th Amendment officially guaranteed that no state could deny any person his or her full rights as an American citizen.

-- The 15th Amendment was passed which gave blacks, officially, the right to vote.

-- Free public education began, but schools were segregated, and low taxes provided poor education, esp. for black children.

-- Officially, blacks were no longer slaves, but they had no skills or education and therefore had few options for income except to become tenant farmers or sharecroppers.

Two main lawsuits:

1. Plessy v. Ferguson, a case challenging the law, reached the U.S. Supreme Court in 1896. Upholding the law, the court said that public facilities for blacks and whites could be “separate but equal.”
2. Brown vs. Board of Education

widely known as the Supreme Court decision that declared segregated schools to be "inherently unequal.”

1954, the Supreme Court issued a unanimous ruling. The Court held that "in the field of public education, the doctrine of 'separate but equal' has no place." (Chief Justice Earl Warren)

How did Chief Justice Warren (in representing the Supreme Court’s opinion) come to the conclusion that “separate educational facilities are inherently unequal”?

1. he pointed out that instead of tangible factors,we must look to the effect of segregation itself on public education.
2. Then he emphasized the importance of public education and concluded that it’s a right which must be made available to all on equal terms.
3. He pointed out that separation denoted the inferiority of the negro group and had a detrimental effect upon the colored children.it affects the motivation of a child to learn and retard the education and mental development of negro children and to deprive them of some of the benefits they would receive in a radical integrated school system.
4. He concluded that in the field of public education the doctrine of separate but equal has no place and separate education facilities are inherently unequal.

Comment on the significant roles played by the Plessy vs. Ferguson case and the Brown v.s. Board of Education case.

The former upheld the constitutionality of segregation in public accommodations and established the doctrine “separate but equal”.It legitimized the state laws establishing segregation that had been passed in the south in the late 1900s.

The later canceled segregation in public education and rejected segregated schools as inherently unequal.It paved the way for integration and was a major victory of the civil rights movement and a model for many future impact litigation cases.

14.The March of flag Beveridge

17) Why did Beveridge insist on putting Cuba, Puerto Rico and the Philippines under U.S. protection?

1.Perform their duty on their fellowman and bring civilizing government there.

2.Occupy new markets for surplus products and gain commercial supremacy of the world.

3.Seize the rich resources there.

1. Compare TR’s “New Nationalism” with WW’s “New Freedom”.

The central issue he argued was government protection of [human welfare](https://en.wikipedia.org/wiki/Social_welfare" \o "Social welfare) and [property rights](https://en.wikipedia.org/wiki/Property_rights" \o "Property rights),[[1]](https://en.wikipedia.org/wiki/New_Nationalism_(Theodore_Roosevelt)" \l "cite_note-kl-1) but he also argued that human welfare was more important than property rights.[[1]](https://en.wikipedia.org/wiki/New_Nationalism_(Theodore_Roosevelt)" \l "cite_note-kl-1)[[2]](https://en.wikipedia.org/wiki/New_Nationalism_(Theodore_Roosevelt)" \l "cite_note-2) He insisted that only a powerful [federal government](https://en.wikipedia.org/wiki/Federal_government_of_the_United_States" \o "Federal government of the United States) could regulate the economy and guarantee [social justice](https://en.wikipedia.org/wiki/Social_justice" \o "Social justice),[[1]](https://en.wikipedia.org/wiki/New_Nationalism_(Theodore_Roosevelt)" \l "cite_note-kl-1) and that a President can only succeed in making his economic agenda successful if he makes the protection of human welfare his highest priority.[[1]](https://en.wikipedia.org/wiki/New_Nationalism_(Theodore_Roosevelt)" \l "cite_note-kl-1) Roosevelt believed that the [concentration](https://en.wikipedia.org/wiki/Market_concentration" \o "Market concentration) in [industry](https://en.wikipedia.org/wiki/Industry" \o "Industry) was a natural part of the economy. He wanted executive agencies (not the courts) to regulate business. The federal government should be used to protect the laboring men, women and children from [exploitation](https://en.wikipedia.org/wiki/Exploitation_of_labour" \o "Exploitation of labour).[[3]](https://en.wikipedia.org/wiki/New_Nationalism_(Theodore_Roosevelt)" \l "cite_note-3) In terms of policy, Roosevelt's [platform](https://en.wikipedia.org/wiki/Progressive_Party_(United_States,_1912)" \o "Progressive Party (United States, 1912)) included a broad range of social and political reforms advocated by progressives.

Wilson ideas split with Roosevelt on how the government should handle the restraint of private power as in dismantling corporations that had too much economic power in a large society.

Key terms :

1. Imperialism: **Imperialism** is an action that involves a [country](https://en.wikipedia.org/wiki/Country" \o "Country) (usually an [empire](https://en.wikipedia.org/wiki/Empire" \o "Empire) or a [kingdom](https://en.wikipedia.org/wiki/Realm" \o "Realm)) extending its power by the acquisition of [territories](https://en.wikipedia.org/wiki/Territory" \o "Territory). It may also include the exploitation of these territories, an action that is linked to [colonialism](https://en.wikipedia.org/wiki/Colonialism" \o "Colonialism).

2.Manifest Destiny:In the 19th century, **manifest destiny** was a widely held belief in the [United States](https://en.wikipedia.org/wiki/United_States" \o "United States) that its settlers were destined to expand across [North America](https://en.wikipedia.org/wiki/North_America" \o "North America). There are three basic themes to manifest destiny:

* The special virtues of the American people and their institutions
* The mission of the United States to redeem and remake the west in the image of [agrarian](https://en.wikipedia.org/wiki/History_of_agrarianism" \l "United_States" \o "History of agrarianism) America
* An irresistible destiny to accomplish this essential duty.

1. Spanish-American War In the wake of the conflict, the United States became an imperial power having gained many Spanish territories.it saw the rise of the United States as world power and aided healing the divides caused by the Civil War.
2. Ideology:**Ideology** is a comprehensive set of [normative](https://en.wikipedia.org/wiki/Normative" \o "Normative) [beliefs](https://en.wikipedia.org/wiki/Beliefs" \o "Beliefs), [conscious](https://en.wikipedia.org/wiki/Consciousness" \o "Consciousness) and [unconscious](https://en.wikipedia.org/wiki/Unconscious_mind" \o "Unconscious mind) ideas, that an individual, group or society has.
3. new words:inaugurate,subjugate(conquer),trope(修辞格）,bolster,sentinel,virile,wax(grow),deity,pillage,extortion,reek,dominion,contiguous,immensely,reciprocity,annexation,trifler,monger,altar
4. isolationism ：
5. Expansionism

Background:US foreign policy

isolationist vs. expansionist:

George Washington’s farewell address: America should be “detached and distant” from any other nations

the Monroe Doctrine and the Roosevelt Corollary: European powers should not interfere in the Western Hemisphere

US foreign policy turned from that of isolationism to that of expansionism after 1890.

causes of American imperialism:

-- industrial expansion

-- Panic of 1893

-- Turner’s thesis

-- Social Darwinism/the Anglo-Saxon myth/White Man’s Burden/Manifest Destiny

-- the influence of European powers

13 The significance of frontier in American History Turner 1894

Key terms:

Frontier and the Great West

The frontier line was the outer line of European-American settlement. It moved steadily westward from the 1630s to the 1880s.Turner favored the Census Bureau definition of the “frontier line” as a settlement density of two people per square mile.

The “West” was the recently settled area near that boundary.

In the 21st century, however, the term "American West" is most often used for the area west of the Mississippi River.

New words:census,modification,perennial,fluidity,fortify,elastic,reversion,enumeration,preponderant,bulk,diminish,perceivecontaminate,inquisitive,buoyant,exuberant,incessant,imperious

Background: westward expansion(1865-1900)

Two factors contribute significantly to the westward expansion: 1) cheap land

2)The Transcontinental Railways(On May 10, 1869, the first transcontinental railroad was completed when the Union Pacific and Central Pacific railroads joined their tracks at Promontory Point, Utah. The railroad rapidly affected the ease of western settlement, shortening the journey from coast to coast,)

Caution:Harm to Native Americans

1. slaughter of Indian populations and buffaloes
2. Disappearance of open plains
3. Lost of land and being forced to reservations
4. -- the Dawes Act: was meant to help the Indians out of their plight, yet was based on the idea of assimilation: it stipulated that Native Americans acquire land individually, rather than tribally, thus fostering a tradition of private land ownership and destroying the power of the Native American political organizations. In exchange, Native Americans would become citizens and would gain outright ownership of their land after 25 years. Native Americans lost approximately 60% of their lands in the 20 years after the passage of the Dawes Act.

Main ideas:

1. What is Turner’s frontier thesis?

The frontier was the most significant factor in establishing the American character.The existence of an area of free land,its contiguous recession,and the advancement of American settlement westward,explain American development.

American development is a recurrence of the process of evolution in each western area reached in the process of expansion and this perennial rebirth furnish the forces dominating American character.The frontier is the line of most rapid and effective Americanization.It means a steady movement away from the influence of Europe,a steady growth of independence on American lines.To study it is to study the really American part of history.

Some effects:1.composite nationality: the frontier promoted the formation of a composite nationality for the American people. 2.industrial independence:decreased the dependence on England 3.the most important effect of the frontier has been in the promotion of democracy here and in Europe:productive of individualism,antipathy to control,individual liberty was sometimes confused with absence of all effective government,an extension of suffrage ,new working politicians,

The democracy born of free land ,strong in selfishness and individualism,intolerant of administrative experience and education,and pressing individual liberty beyond its proper bounds,has its dangers as well as in benefits.

4.16) Describe the American **intellectual traits** delineated by Turner. That coarseness combined with acuteness and inquisitiveness;that pratical,inventive tuen of mind,quick to find expedients;that masterful grasp of material things,lacking in the artistic but powerful to effect great ends;that restless,nervous energy;that dominant individualism,working for good and for evil,and withal that buoyancy and exuberance which comes with freedom.

Lecture 12 The Gospel Of Wealth,1889,by Andrew Carnegie

Key words:

1. industrialization、urbanization（工业化、城镇化）
2. monopoly(独占，垄断）trust(托拉斯，垄断组织）
3. laissez-faire（let-do，自由放任）
4. natural selection（自然选择，Social Darwinism）
5. labor union工会，strike罢工
6. philanthropy 博爱的
7. consensus共识,accumulation积累，administration分配，commodity商品,preceding先前的，rigid caste严格的壁垒,decedent死者，posthumous死后的，reconciliation和解

Background:

the Gilded Age (the decades between the end of reconstruction and the turn of the century (about 1870 to 1900).)It was a time of unprecedented industrial and economic growth, tumultuous politics, and a wave of immigration.a few trusts and individuals thrived and amassed fortunes while many Americans lived in poverty and lost their personal autonomy to the corporate machine(monopoly,social unequality)

Main idea:在美国社会工业化、贫富差距巨大的背景下，卡耐基为自由竞争的经济模式辩护，认为只有勤奋能干与有特殊管理才能的人才能积累财富，这种模式有益于社会整体的发展进步（工业时代与过去的巨大差别）。为了解决这种暂时的不平等，他提出的方案是让富人在生前将剩余财富用于促进社会福祉的公共事业，“拥巨富而死是耻辱”。

13)What are some common beliefs in the Gilded Age?

1.Laissez-Faire Economics: Adam Smith’s The Wealth of Nations (1776). Political economy is ruled by unchanging, everlasting laws ；Self-interest as the only motive for human action is not only natural but beneficial；Free competition is a permanent and necessary law of economics.；Government is an inefficient agency and should not be involved in economic matters.

2.Social Darwinism: the idea that “survival of the fittest” also applies to the human world

3. Eugenics(优生学）: the belief that cultural and social patterns were the results of heredity and could be controlled through selective breeding.

14)What did Andrew Carnegie propose to solve the problem of their age i.e. the unequal distribution of wealth?

Wealth should be administered by the rich during their lives for public purposes and thus be made a much more potent force for the elevation of human race than if distributed in small sums to the people themselves.Only in this way we have the true antidote for the temporary unequal distribution of wealth

Lecture 11 the Ordeal of Reconstruction

Ordeal 折磨

Tactic 策略，战略

Intimidate 恐吓

Oath 咒骂

Ordinance 条例

Emancipate 释放

Congregation 集会

Exhort 忠告

Corporeal 物质的，有形的

Compel 强迫

Enfranchisement 解放，释放

Suffrage 选举权

Abolitionist 废奴主义者

Phraseology 措辞

Deprivation 剥夺

Inferior 劣等的，自卑的

Superior 优秀的

Deportment

Instrumental

Provision

Forfeiture

Stigma

Partake

Dodge

Dilapidated

Counterpoise

Enmity

Incur

Espouse

Machination

Malignity

Conscription

Prop up

Delusion

Attribute

1. Explain the two plans of Reconstruction.

Presidential vs. Congressional reconstruction

While Lincoln had urged America to re-unite “with malice toward none”, radical Republicans sought to punish the South for their role in causing the Civil War.

Lincoln: 10% of the voters swearing allegiance required for a southern state to reenter the Union; all rights of citizenship except the right to own slaves restored

Congress: confederate pre-war leaders shouldn’t hold office; number of voters swearing allegiance need to be >=50%

Wade-Davis bill passed in Congress but vetoed by Lincoln (pocket veto)

1. Why did Fredrick Douglass argue for the enfranchisement of the black man?
2. It’s their right.No class of man can,without insulting their own nature,be contend with any deprivation of their rights
3. They want it as means for educating their race
4. The American government is a peculiar one based on the idea of universal suffrage.

Background: the era of the Civil War and Reconstruction

causes of the Civil War?

issues of contention:

1) state rights

2) slavery

- issue of slavery and its expansion into new territories became too divisive

Presidential vs. Congressional reconstruction

Vice-president Andrew Johnson became President after Lincoln’s assassination

On May 29, 1865, President Johnson issued a blanket pardon for all but the very richest Confederates (most of whom were pardoned too later)

Many southern states then elected their former leaders in the Civil War to form the new government. They passed laws or codes to regulate the behavior of the freedman. These Black Codes, they argued, were necessary to ensure order in the South and would help the newly freed blacks to adjust to the new situation.

Congress then passed two acts to help the freedman: the Freedmen’s Bureau Act and also a Civil Rights Act. Both acts were vetoed by President Johnson but both were overridden. In the end the 14th amendment was passed in Congress and ratified by the states on July 9, 1868. It granted citizenship to “all persons born or naturalized in the United States,” which included former slaves recently freed

In the 1866 congressional elections radical Republicans won a majority both in the Senate and the House. They began to take over reconstruction. The first Reconstruction Act was passed in Mar. 2, 1867. It divided the former Confederate states into five military districts and declared that the existing state governments were provisional only. It says that black votes are needed to ratify the new state constitution. Responding to Southern resistance to the first Reconstruction Act, in 1867 and 1868 Congress passed three supplementary Reconstruction Acts designed to close loopholes in the original act.

resulted in what has been called “military reconstruction.

white supremacy groups, such as the Ku Klux Klan, the Knights of the White Camellia, the Red Shirts and the White League to intimidate the Republicans and freed blacks.

However, to win the election of 1876, Republicans agreed to end the military occupation of the South. Known as the Compromise of 1877, it marked the end of the Reconstruction era, and the beginning of a new and long era in which African Americans were denied full rights of citizens.

Lecture 10 The Gettysburg Redress President Lincoln

Words:Union,Confederacy,secede,Emancipation Proclamation,dedication,ideal,invoke,spearhead,podium,momentous,sanctify,consecrate,detract

Background: the Civil War

Lincoln asserted that the Declaration of Independence,rather than the Constitution,was the expression of founding fathers’intentions for the new nation,It redefined the civil war as a struggle not just for the the union,but for the principle of human equality.The nation should have a new birth of freedom,for the people,by the people,for the people.

Lecture 9 women rights

**Declaration of Sentiments**

By Leighton H

1. Key Terms
   1. **the Second Great Awakening**

to make more people believe in God religious revivals among **Protestants**(新教徒)

* + 1. Arminian, rather than Calvinist. Salvation was a matter of choice.
    2. **Focus on Second Coming of Christ**. Need for **reform of society** to hasten the new Kingdom of God.
    3. **Biggest impact among women.** Evangelical(福音派信徒) missionto accomplish gave women more status, purpose.
    4. Frontier revivals featured emotional appeals and provided social meetings for settlerssocial reforms
  1. **missionary 传教士**
  2. **abolitionist** 废奴主义者

who is in favor of abolishing the slavery

* 1. **William Lloyd Garrison**

the most radical of the abolitionist leaders

* 1. **Elizabeth Cady Stanton**

**The writer of the *Declaration of Sentiments***. At the 1840 WorldAnti-Slavery Convention, American women abolitionists were denied seats and were relegated to the gallery. It was at this convention that

**Elizabeth Cady Stanton** and **Lucretia Mott** met and began theassociation that would alter the fundamental relations between men and women.

* + - * In 1848, Mott and Stanton organized a women’s rights convention in Seneca Falls, New York. The Seneca Falls Convention issued a Declaration of Sentiments, modeled on the Declaration of Independence, that stated that all men and women are created equal.

1. **Evangelical 福音派教徒**

During the second great awakening, Evangelical(福音派信徒) mission to accomplish gave women more status, purpose.

1. **grievance 抱怨，控诉 complaint**
2. **indictment** reason for comdemning sb or sth
3. Words
   1. ordain vt.颁发命令 vt.命令，授以圣职，注定，任命
   2. residence 住处，住所
   3. **prominent** 突出的（easily seen）杰出的
   4. heathen 无神论者
   5. **relegate** 降级dismiss sb or sth to a lower or less important rank,task or state (课文原句：American women abolitionists were denied seats and were relegated to the gallery)
   6. grievance complaint
   7. **indictment**：reason for comdemning sb or sth
   8. **drastic**: having a strong or violent effect **drastic change 激烈的**
   9. **impel**: force
   10. institute: establish
   11. surbodinate: lower in rank or position
   12. disfranchisement:剥夺某人选举议员的权利
   13. **monopolize** business垄断的
   14. **perverted** application误用的
   15. concede承认
4. **What do you know about Women’s rights?**

The Declaration of Sentiments is the first of its kind to voice out women’s grievance. Modeled on the Declaration of Independence, it is an eloquent indictment of male oppressors. They stated the causes of their course: it is because of men’s repeated injury and usurpation that women resolved to protest.

1. **Why is the Declaration of sentiments modeled on the Declaration of Independence?**

I think that the reasons are as follow: First, they believes that women are under men’s oppression just as English government’s tyranny on American people, and women are in a situation where they have no choice but to fight for their own rights. Second, the Declaration of Independence is very famous and ideas in that document are widely accepted, and thus the declaration of sentiments may be more impressive and more formal.

4 Other Refenrence

Other Areas of Early Social Reform

1. Temperance--religious basis in violation of the Sabbath. Movement moved from moderation to abstinence to prohibition in its goals. Led by women but supported by factory owners who had massive absenteeism on Mondays.
2. Education--compulsory education in every state by 1860. Led by Horace Mann, who secularized the curriculum and made it more practical to train citizens.
3. Women's Rights--women were considered so inferior to men that they were not allowed to obtain higher education, vote, or control their own property
4. Abolitionism
5. Humane Treatment of Individuals

Lecture 8 civil disobedience Henry Thoreau

Words:expedient,outset,posterity,din,fain,palpitation,unscrupulous,reminiscence,redress,contemplate,leaven,countenance,tinge,perchance,despond失望,fugitive,afflict,clog,sanction,

Aloof.meddle with

What is the idea of “civil disobedience” about?

Thoreau argues that individuals should not permit [governments](https://en.wikipedia.org/wiki/Government" \o "Government) to overrule or atrophy(萎缩，衰退) their [consciences](https://en.wikipedia.org/wiki/Conscience" \o "Conscience), and that they have a [duty](https://en.wikipedia.org/wiki/Duty" \o "Duty) to avoid allowing such [acquiescence](https://en.wikipedia.org/wiki/Acquiescence" \o "Acquiescence)(默许，顺从） to enable the government to make them the agents of [injustice](https://en.wikipedia.org/wiki/Injustice" \o "Injustice). Thoreau was motivated in part by his disgust with [slavery](https://en.wikipedia.org/wiki/Slavery" \o "Slavery) and the [Mexican–American War](https://en.wikipedia.org/wiki/Mexican%E2%80%93American_War" \o "Mexican–American War) (1846–1848).

Background:

The Mexican War (1846-1848):

Manifest Destiny was the widely held belief in the United States that American settlers were destined to expand throughout the continent.

### Lecture 7 07 Constitution&Bill of Rights

# Key Terms:重点单词

Constitution 宪法

Amendment 修正案 Compromise 妥协Checks and balances 制约与平衡

Legislative branch 立法机构Executive branch 行政机构Judicial branch 司法机构

Direct vs indirect vote/election 直接或间接投票、选举

Voter（选民）,elector（总统选举团成员）,candidate（候选人）

Electoral college 总统选举团 Senate 参议院 House of representatives 众议院

popular sovereignty主权在民

limited government 有限政府

Federalism 联邦主义

separation of powers 权力分割

Republicanism 共和主义

Article条

Section款

Clause节

# Background:The need for a new Constitution背景

### 1.Articles of Confederacy 1781

first US Constitution

Loose confederation of states,single legislative,limited power

### 2.Constitution 1787

1. fundamental law of US
2. Proposed in 1787.9,effect in 1788.6
3. 27Amendments,first 10 is called “Bill of Rights”
4. 4543words,39delegates signature

### 3.Three-Fifth Compromise:most controversial

count three-fifths of a state's slaves in apportioning Representatives, Presidential electors, and direct taxes.

### 4.The Great Compromise:two-house legislature plan

Virginia Plan vs. New Jersey Plan

proportional representation in the House, and one representative per state in the Senate (this was later changed to two.)

# Main Idea:大意

## 宪法（第一条十款）

### ：立法权

1. 立法权：属于国会（参议院、众议院）

2、众议院选举条件：任期2年，众议员名额按州的人数划定，州的人数为自由人口加其他人口的3/5；众议院有弹劾权；年龄、居住年限限制。

3、参议院选举条件：每州2名，任期6年，年龄限制，参议院议长为副总统，审理弹劾案，弹劾案判决。

4、议员选举地点自定，每年至少一次，12月第一个星期一。

5、议员规定：出席，开除，投票记录。

6、议员报酬，权利，限制。

7、众议院提出征税议案，参议院提出修正案或表示赞同；议案成为法律的过程。

众议院或参议院提出——送交总统——总统批准签署。

总统不批准——退还议院——议院复议。两院2/3议员都同意通过——该项议案即成为法律。但如因国会休会而阻碍该议案退还，则该项议案不能成为法律。

8、国会拥有下列权力：征税，借款，管理贸易，铸币，设立法院等。

9、移民，公民权。

10、州的权利：不得缔结条约等。

## 《权利法案》（最初10个宪法修正案）

1、保护言论自由、信仰自由、出版自由，以及集会的权利、抗议的权利和请愿的权利

2、保护持有与携带武器的权利

3、在和平时期，未经房主同意，士兵不得在民房驻扎；除依法律规定的方式，战时也不允许如此。

4、禁止不合理的收押，并载明须有基于相当理由，由中立的法官或裁判官裁定的搜索票

5、载明公诉须经由大陪审团起诉与征收的规则，保护正当程序的权利，并禁止自证己罪和双重审判

6、保护接受迅速、公平、公开及由陪审团审判的权利，包括告知被指控之罪、与原告对质、取得证人与聘请律师的权利

7、根据普通法，规定在特定民事案件中由陪审团审判的权利

8、禁止过高的罚款与过高的保释金，及禁止施予残酷且不寻常的惩罚

9、保护在宪法中未列举的权利

10、将宪法未授予美国联邦政府的权利保留给各州Amendment I: Freedom of Speech

Amendment II: Right to Bear Arms

Amendment III: Quartering of Soliders

Amendment IV: Search and Seizure

Amendment V: Trial and Punishment

Amendment VI: Right to a Speedy Trial and Confrontation of Witnesses

Amendment VII: Trial by Jury in Civil Cases

Amendment VIII: Cruel and Unusual Punishment

Amendment IX: Construction of the Constitution

Amendment X: Powers of the States and People

# Question:Briefly explain the Constitution and Bill of Rights.

The Constitution is the fundamental law of US. It was proposed in 1787.9,and effect in 1788.6. It has 4543words,and 39delegates signed. Separation and balance of powers,popular sovereignty,limited government are important principles.

The Constitution has 27Amendments, the first 10 is known as “Bill of Rights”.A bill of rights was necessary to safeguard individual liberty.

Six Big Ideas in the Constitution:

popular sovereignty

limited government

federalism

separation of powers

checks and balances

republicanism

三权分立的具体制度

Lecture 6 regulating the violence of friction

James Madison

According to James Madison, how to cure the mischief of faction?

The Federalist (later known as The Federalist Papers) is a collection of 85 articles and essays written by Alexander Hamilton, James Madison, and John Jay promoting the ratification of the United States Constitution.

In the first paragraph of The Federalist 10 , Madison explains what he is trying to do with the American Constitution. What were his main concerns?

The rule of justice and the rights of the minor party

What does Madison mean by faction? What, in his view, is the “most common and durable source of faction?”

A number of citizens,whether amounting to a majority or minority of the whole,who are united and actuated by some common impulse of passion,or of interest,adverse to thr rights of other citizens,or to the permanent and aggregate interests of the community.

The various and unequal distribution of property.

What, in Madison’s view, are the two methods of “removing the causes of faction” and what are the problems with these methods?

1. Destroy the liberty (the remedy was worse than the disease,it is foolish to abolish liberty which is essential to political life)
2. Give everyone the same opinions,passions,interests(impracticable,the natural diversity in the faculties of men is an insuperable obstacle to a uniformity of interests.

\* What, according to Madison, is the best cure for faction?

Regulating the effects of faction.The regulation of these various and interfering interests forms the principal task of modern legislation,and involves the spirit of party and faction in the necessary and ordinary operations of government.

Lecture 5 should the constitution be ratified

Explain the federalist and the anti-federalist views on government.

Advantages of a stronger central government: be more solvent, be more effective internationally, exert more power over the economy, be more forceful in preventing threats to social order, express collective American aspirations.

Disadvantages: Americans had no sense of national solidarity. Their chief loyalty was to their community and state. They fear the effects of a strong central government on freedom. It had no guarantees of citizens’ rights and might become an instrument of tyranny.

**Should the constitution be ratified?**

单词：

squabble petty operative vociferously temperament solvent confer aspiration have a stake in solidarity entity forefront formidable denounce consolidated trample on perilous delusive annihilation precede veneration

fortitude encomium imbecility contemptible incompatible offspring handicap contemplate expediency solecism nullity subversive notoriously fatigue

背景：

the Articles of Confederation (1777)：

1. “constitution” before the US Constitution
2. Second Continental Congress
3. a loose confederation of sovereign states and a weak central government

Congress could issue currency, deliver mail, and negotiate treaties but could not impose taxes, regulate trade, or raise an army. Full sovereignty remains with the states. Social unrest and demands for debt relief, culminating in Shays’ Rebellion alarmed conservatives and the wealthy, increasing pressure for a strong central government.

Achievement:

The Northwest Ordinance was an act of the Congress of the Confederation of the United States, passed July 13, 1787. The ordinance created the Northwest Territory, the first organized territory of the United States.

Shays' Rebellion:

Shays' Rebellion was an armed uprising in Massachusetts during 1786 and 1787. Revolutionary War veteran Daniel Shays led four thousand rebels (called Shaysites) in an uprising against perceived economic and civil rights injustices.

The Philadelphia Deliberation (1787):

By 1786, Americans recognized that the Articles of Confederation, the foundation document for the new United States adopted in 1777, had to be substantially modified.

(The Articles gave Congress virtually no power to regulate domestic affairs -- no power to tax, no power to regulate commerce. )

On May 25, 1787, delegates from the various states met in the Pennsylvania State House in Philadelphia.

The Virginia Plan (James Madison):

1. The Virginia Plan called for a strong national government with both branches of the legislative branch apportioned by population.
2. The plan gave the national government the power to legislate "in all cases in which the separate States are incompetent".
3. It even gave a proposed national Council of Revision a veto power over state legislatures.

The Constitutional Convention of 1787

1. In February 1787 Congress invited the states to send delegates to Philadelphia to revise the articles. Instead, they came up with a new Constitution.
2. Convention of the well-bred, the well-fed, the well-read, and the well-wed. (Including George Washington, James Madison, Benjamin Franklin, and Alexander Hamilton. )
3. It proposed a new constitution establishing a much stronger national government.
4. It provoked a great deal of resistance
5. It was eventually ratified by the necessary number of states (9) on March 4, 1789

内容：

Advantages of a stronger central government: be more solvent, be more effective internationally, exert more power over the economy, be more forceful in preventing threats to social order, express collective American aspirations.

Disadvantages: Americans had no sense of national solidarity. Their chief loyalty was to their community and state. They fear the effects of a strong central government on freedom. It had no guarantees of citizens’ rights and might become an instrument of tyranny.

Virginia should reject the constitution: (before Virginia, 8 states had approved the plan)

Patrick Henry drew a dramatic contrast between power and liberty: Government could either exercise power effectively or protect individual liberty; it could not do both.

You ought to be extremely cautious, watchful, jealous of your liberty; for instead of securing your rights, you may lose them forever.

If a wrong step made now, the republic may be lost forever and tyranny must and will arise.

The states are characteristics and the soul of confederation.

The sovereignty of the states will be relinquished and our rights and privileges are endangered.

The rights of conscience, trial by jury, liberty of the press, all our immunities and franchises, all pretensions to human rights and privileges are rendered insecure or lost.

The confederation is good enough: defeat England, secure them a great territory.

The American spirit——liberty, not a mighty empire which is incompatible with the genius of republicanism.

The constitution should be ratified (James Madison)

Reasons for a strong central government:

理性告诉我们收税是公正合理的。

依靠州政府获得收入是荒谬的。

州政府没有能力保护自己和各州，不能使人民幸福。

中央政府无能，无法保护美国在贸易方面的利益，外国不愿意与美国缔结条约，并且能从美国得到更多利益。

邦联政府无力偿还债务。（太长了，懒得抄原文了）

6) Explain the federalist and the anti-federalist views on government.

都在上面内容里了。

Lecture 4 Declaration of Independence

the Review of Lecture 4: Declaration

of Indenpence

1. Part 1: New Words

(Please nd the meanings of the words below yourself )

cherished, enduring, monument, exalted, convictions, ideals, grievances, unanimous, course(**进程**), dissolve, assume(**呈现**), station, decent, impel, pursuit, instituted, deriving, consent, destructive, pru-dence, transient, disposed, usurpations, evinces, despotism, constrains, assent, wholesome, utterly, ac-comodation, relinquish, inestimable, formidable, depository, sole, fatiguing, compliance, Annihilation, convulsions, endeavoured, obstructing, migrations, hither, tenure, erected, swarms, harass, render, juris-diction, quartering, mock, depriving, o ences, charters, whatsoever, abdicated, waging, plundered, rav-aged, Mercenaries, desolation, per dy, barbarous, captive, brethren, insurrections, petitioned, redress, humble, unwarrantable, magnanimity, kindred, disavow, consanguinity, acquiesce, denounces, assembled, rectitude, absolved, allegiance...

1. Part 2: Key Terms

ideal

John Locke

two treatises of government

natural rights(unalienable rights) social contract

Continental Congress grievance

consent of the gonverned despotism

petition

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1. Part 3: Backgrounds
2. **社会契约论（**social contract**）相关**

Plato **在《**The Republic**》一书中最早提出，**Jean-Jacques Rousseau **在** 1762 **年发表的《**The Social Contract**》进行详细讨论，并有了明确定义。之后** Thomas Hobbes **和** John Locke **也都进行过讨论，两人的不同观点称为** two treatises of government**。**

**The first modern philosopher to articulate a detailed contract theory was Thomas Hobbes. He believed that in the absence of political order and law, everyone would have unlimited natural freedoms, including the "right to all things" and thus the freedom to plunder, rape, and murder; there would be an endless "war of all against all”. To avoid this, free men contract with each other to establish political community i.e. civil society through a social contract in which they all gain security in return for subjecting themselves to an absolute Sovereign, one man or an assembly of men.**

1. natural(unalienable) rights **相关**

**很早就由** Stoics **提出，**John Locke **深入阐述为** \life, liberty, and estate (property)"**。**

1. **历史相关**

**美国独立战争：**1775 **年到** 1883 **年**

**从** 1774 **年到** 1789 **年，大陆会议（**the Continental Congress**）充当美国临时政府第一次大陆会议在** 1774 **年举行，为了抵制英国制定的** Coercive Acts **而举办第二次大陆会议于** 1775 **年举行，最终美国独立宣言于** 1776 **年** 7 **月** 4 **日生效**

**参与起草的共有** 5 **人，包括** John Adams **和** Benjamin Franklin**，但主要由** Thomas Je erson **完成**

* Part 4: Di cult Sentences

(Please understand them yourself )

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws Nature and Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and per dy scarcely parallel in the most barbarous ages, and totally unworthy the head of a civilized nation.

We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpation, which would inevitably interrupt our connections and correspondence.

* Part 5: Structure

**文章第一段说了改朝换代是很正常的，然后表明写作目的——向世界宣告美国独立，第二段详细介绍了人类的权利、政府的作用以及什么情况下该换政府，之后列举了很多英国国王的罪状。列举过这些罪状之后，作者说明美国人已经进行过请愿，已经尝试过说服英国人，但都没有效果，于是在最后庄严宣告割断与英国的一切联系，美国独立。**

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* Part 6: Q & A

Question 5: Explain the signi cance of the Declaration of Independence.

**这个题可以分几部分回答。首先，独立宣言的现实意义在于正式确认了美国的身份，对确保独立战争的正义性和美国在国际上获取援助起到很大帮助；其次，文中宣扬的思想，尤其是**\We hold thesetruths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that they are among these are life, liberty and the pursuit of happiness. "**一**

**部分对后人有启发作用。**

**完整答案详见老师**PPT**。**

**On the one hand, the Declaration was a formal legal document that announced to the world the reasons that led the thirteen colonies to separate from the British Empire.**

**The Declaration was not only legalistic, but practical too. Americans hoped to get financial or military support from other countries that were traditional enemies of the British.**

**However, these legal and pragmatic purposes, which make up the bulk of the actual document, are not why the Declaration is remembered today as a foremost expression of the ideals of the Revolution.**

**The Declaration's most famous sentence reads: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." Even today, this inspirational language expresses a profound commitment to human equality. The ideal of full human equality has been a major legacy (and ongoing challenge) of the Declaration of Independence. While the Declaration did not initially lead to equality for all, it did provide an inspiring start on working toward equality.**

Lecture 3 common sense Thomas Paine