**AMERICAN LEGAL STUDIES**

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**AMERICAN TRIAL PROCEDURE**

**MARCH 2023**

and

Demonstration Jury Trial in March 2023 - "EXCESSIVE FORCE v. POLICE IMMUNITY”

***Presented by UMCS Faculty of Law Students in Association with Michael D. Kmetz, Esq. Norfolk, VA and Elizabeth Phifer, Esq., The Phifer Law Firm, Dallas, TX***

Presented by

**The Honorable John McClellan Marshall**

***Senior Judge, Fourteenth Judicial District of Texas***

Honorary Professor of the University, UMCS

in association with

**WYDZIAŁ PRAWA i ADMINISTRACJI**

and

THE STUDENTS OF THE FACULTY OF LAW

**UNIWERSYTET MARIE CURIE-SKŁODOWSKA, LUBLIN**

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**HISTORICAL BACKGROUND**

**I. COLONIAL PERIOD 1517-1776**

**A. BRITISH NORTH AMERICA 1607-1776**

1. *Types of Colonies*

a. Proprietary

1) Commercial

a) Carolinas

b) Massachusetts

2) Religious

a) Maryland - Roman Catholics

b) Pennsylvania - Quakers

3) Pennsylvania

4) Massachusetts

b. Crown

1) Virginia

a) London Company, then

b) Crown

2) Georgia - Penal

2. *Mercantilist Theory of Economics*

a. Colonies supply raw materials, e.g. cotton, indigo, molasses,

timber, iron

b. Home country manufactures, then resells to colony; provides

military support

c. Result: colony tends to be in a permanent debtor position

d. Rise of joint-stock companies in 17th Century

3. *Legal system imported from mother country*

a. Judges and governors appointed by Crown v. local juries

b. Locally elected assemblies

1) Virginia House of Burgesses

2) Massachusetts - Mayflower Compact tradition

c. Legislative power divided between mother country and

colony. Problem: Colonists’ views and to try to attempt to

influence legislation; beginnings of diplomatic service in mid-

18th Century; Benjamin Franklin and colonial agents

4. French and Indian War 1756-63

a. Proclamation of 1763

b. Townshend Acts, Quartering Act

c. Stamp Act of 1765, repealed 1766

**B. FRENCH NORTH AMERICA 1608-1763**

1. All colonies after 1643 essentially of one type - Crown

2. *Canadian colonies*

a. Quebec

b. Nova Scotia (Acadia) - Louisbourg, 1763

3. Exploration down the Mississippi River

a. Père Marquette

b. Fur Traders

4. Mercantilist economics with central governmental control

5. *French and Indian War [Seven Years’ War] - 1756-63*

**C. DUTCH COLONIAL ESTABLISHMENT 1624-1674**

1. Exploration by Hendrik Hudson

2. *Dutch East India Company* established

3. 1626 - Peter Minuit purchases Manhattan Island from Native Americans

for equivalent of about $24 US in barter goods; became site of Nieuw

Amsterdam; governed by Peter Stuyvesant

a. Governor appointed by the Company, not the States-General in

Amsterdam

b. Essentially autocratic with a colonial council

4. Dutch imported first Africans to North America in 1619 as indentured

servants, later as slaves

5. Became British first in 1664, finally in 1674, as a result of the end of

the Anglo-Dutch War, now known as New York

6. Hanseatic League

**D. SPANISH COLONIAL ESTABLISHMENT 1517-1817**

1. *Conquistadores*

a. Gold and Religious motivations

2. Creation of Viceroyalties

a. Vera Cruz

b. *Mexico* (including Texas and most of the Western United States as it later developed)

1) Provincial capitals at St. Augustine (Florida), San Antonio (Texas),

Santa Fe (New Mexico), Monterey (California); fully functional

by start of 18th Century

2) Government centralized at Mexico City which answered directly to

Spanish Crown

3) Court System

a) Judges appointed by Crown

b) No juries

4) Spanish participation in American Revolution centered

in Florida; Don Bernardo de Galvez led successful

expedition against British

3. Relationship with Native Americans - Aztec, Apache, Comanche

**II. THE AMERICAN REVOLUTION 1775-1783**

**A. REBELLION COMMENCES IN NEW ENGLAND - 1775**

1. Lexington and Concord - April 1775

2. Bunker Hill (Boston) - June 1775

**B. SECOND CONTINENTAL CONGRESS 1776**

1. **Declaration of Independence** - *July 4, 1776*

a. Composed by Jefferson under the influence of

b. Franklin and Adams

2. Ambassadors sent to France

a. Franklin

b. Loans and supplies sent through Hortalez et Cie.

3. *Surrender of Saratoga* - October 17, 1777

a. French recognition followed by military aid

1) Lafayette and Rochambeau

b. Treaties with Spain and the Dutch

c. Polish and German assistance

1) Pulaski (Cavalry at Siege of Savannah) and

Kosciuszko (Dan River crossing)

2) Von Steuben (Valley Forge) and DeKalb

4. *Yorktown* - October 19, 1781

a. Washington as diplomatist and general

**C. ARTICLES OF CONFEDERATION - NOVEMBER 1777**

1. Little distribution of power between central government and states

2. States were dominant through Congress

3. Relations with Indians and foreign affairs under central control, with

a vote of nine of the thirteen required for action to be binding

4. Impotence in foreign affairs and paralysis in domestic policy except internal territorial policies:

a. *Northwest Ordinance of 1785*

1) Limited self-government, eventual statehood

2) Prohibition against slavery

3) Dual sovereignty

**D. PEACE OF PARIS 1783**

1. Franklin and five commissioners

2. John Jay insists on the Congress negotiating as independent states

3. John Adams suggests a separate peace, independent of France

**III. PHILOSOPHICAL UNDERPINNINGS OF THE CONSTITUTION**

**A. THOMAS HOBBES** - *Leviathan*, 1651 (“nasty, brutish and short”)

**B. JOHN LOCKE** - *Second Treatise on Civil Government*, 2nd ed. (London, 1694)

Legislative v. Executive; legitimacy of governments; “consent of the governed”

**C. JEAN JACQUES ROUSSEAU** - *Social Contract* (“born free. . .but

everywhere in chains”)

**D. MONTESQUIEU** - *L’ esprit des lois* (“separation of powers”)

**IV. FEDERALIST v. ANTI-FEDERALIST**

**A. THE FEDERAL CONVENTION OF 1787**

1. The Great Compromise

2. The 3/5 Compromise

3. Abolition of Slave Trade

4. “Enumerated” Powers

**B. GEORGE WASHINGTON** - Commander-in-Chief of the Continental Army,

President of the Convention of 1787, First President of the United States

**C. BENJAMIN FRANKLIN** (d. 1790) - Ambassador to France, delegate to the

Convention of 1787

**D. THOMAS JEFFERSON** - Drafter of the Declaration of Independence,

Ambassador to France, Secretary of State, Third President of the United States

**E. GEORGE MASON** - Influence on Bill of Rights

**F. JAMES MADISON** - maintained the records of the Convention of 1787, led

Federalists in Virginia ratification of Constitution, Secretary of State, 5th

President of the United States

**G. JOHN MARSHALL** - Federalist spokesman in Virginia Convention, Congressman, Ambassador to France in XYZ Affair, Secretary of State, 4th

Fourth Chief Justice of the Supreme Court

**H. “PUBLICUS”** - James Madison, Alexander Hamilton, and John Jay,

authors of *The Federalist,* 1788

**V. INITIAL STRUCTURE OF THE CONSTITUTION 1789-91**

**A. ARTICLES I - III**

1. Legislative Branch - Article I

a. House of Representatives - “enumerated”, i. e. *limited* powers Art I §8

1) States prohibited from making treaties

2) Interstate Commerce Clause

3) Patents and Trademarks

b. Senate - “Advise and Consent”, Art II, §2

c. Article I Courts and Jurisdiction

1) Court of Claims - 28 USC §1346

2) Court of Military Appeals

3) Magistrates

4) Jurisdiction

a) Exclusive

1) Admiralty - 28 USC §1333

2) Patent - 28 USC §1338

3) Tax Court - 28 USC §1340

4) Bankruptcy - Article I

b) Exceptions

5) Appointment of judges for *fixed terms*

2. Executive Branch - Article II

a. Make treaties - §2

b. Appoint ambassadors - §2

c. Power to pardon

3. Judicial Branch - Article III

a. Origins of the Federal Court System

1) Articles of Confederation - 1777-1789

2) The Constitution - 1789 – present

a) *The Federalist No. 78* - Judicial review

3) Judiciary Act of 1789 - 28 USC §1

4) Appointment of judges *during good behavior* (life)

b. Levels of courts under Article III

1) District Courts - Trial - Find facts so that judge can *apply law to facts* and

form judgment;

2) Circuit Courts of Appeal (11) - Review to determine sufficiency of evidence to

support application of law to facts by trial court; including

a) Finality of trial court judgment - 28 USC §1291

b) Exceptions to finality rule - 28 USC §1292

c) Relief available

i) Civil

ii) Criminal

d) Certification of questions to State Supreme Court

3) Supreme Court of The United States - Review for errors of law and determine

public policy (*Marbury v. Madison*, 1803); jurisdiction over treaties and ambassadors and originally included cases between a state or a citizen and a foreign citizen within federal jurisdiction - Policy reasons resulted in a change by Amendment XI eliminating cases by a state against a citizen of another state or by a state against a foreign citizen.

a) Certiorari - 28 USC §§1254 & 1257

b) Appeal

1) Three judge courts - 28 USC §1253 (abolished)

i) Legislative reapportionment cases; political

question - *Baker v. Carr*, legislative

reapportionment (“one man, one vote”)

ii) One judge not permitted

c) Certification of questions to Circuit Courts - 28 USC §1254 (2)

d) “Adequate state ground”

e) Criminal post-conviction review

1) Exhaustion of state remedies

2) Habeas Corpus

c. Jurisdiction of Federal Courts

1. “Case or controversy”

a. Declaratory judgments

2. Jurisdictional requisites - 28 USC §1251

a. Standing - *Bivens*

b. Ripeness - Advisory Opinions; *Roe v. Wade*

c. Justiciable issue

1) Finality

2) Exhaustion

d. Administrative review

1) “Substantial evidence”

2) Primary jurisdiction

e. 5th and 14th Amendments **- *DUE PROCESS***

3. Subject-matter

a. “Federal question” - 28 USC §1331

1) “Arising under” requirement – no “remote” federal claims

2) Supplemental jurisdiction - 28 USC §1367 (a)(1) State

Claims?

3) Well-pleaded complaint

4) *Voir dire*  and jury trial (civil and criminal)

5) *Frey* and *Daubert* for scientific evidence

b. Diversity jurisdiction – *Erie* Doctrine, 28 USC §1332

1) ”Citizens of Different States”

i) Individuals

ii) Corporations

2) Jurisdictional Amount - 28 USC §1332

3) Removal - 28 USC §1441

4) Ancillary Jurisdiction - 28 USC §1331

i) Separations of Powers - Dual sovereignty

Articles III and VI

ii) Supremacy Clause - Article VI

4. Personal

a. Venue - 28 USC §1391, 1404; *forum non conveniens*

**B. ARTICLE IV -** "full faith and credit"

**C. ARTICLE V - AMENDMENTS**

**D. ARTICLE VI**

1. Supremacy Clause - “supreme Law of the Land’

2. All treaties integral to the Constitution

**E. ARTICLE VII -** Ratification [9 of 13]

1. Virginia on June 25, 1788 [New Hampshire had ratified on June 21, but it was decided to wait to see whether Virginia or New York would be the next to ratify, making ten]

**F. BILL OF RIGHTS - 1791**

1. Specific limitations on government in relation to citizenry

2. Historical background of various Amendments

a. Amendment 1

1) Speech - William Penn

2) Religion - Colonial Experience, Flushing Remonstrance

3) Press - John Wilkes, *North Briton 45*

4) Assembly

b. Amendment 2 - Right to keep and bear arms – Revolutionary

Army

c. Amendment 3 - No quartering or soldiers - no cases

d. Amendment 4 - *No unreasonable searches or seizures;*

*warrant required* - writs of assistance

e. Amendment 5 - *Privilege against self-incrimination,*

*due process of law*, no public taking of private property

f. *Trial by Jury*

1) Amendment 6 - Criminal cases - Star Chamber

2) Amendment 7 - Civil cases

g. Amendment 8 - No **cruel or unusual punishments** (torture)

h. Amendment 9 - Residual power in people

i. Amendment 10 - “States rights”

1) Dual Sovereignty includes

**STATE COURTS**

**i. SUPREME COURT**

a) Title and jurisdiction varies from state to state

b) Appellate jurisdiction - “all writs”

**ii. INTERMEDIATE COURT OF APPEAL - not all states**

**iii. TRIAL COURTS**

1.Title varies with jurisdiction (civil, family, criminal,

probate, etc.)

2. Three types

a. *Nisi prius* - original and appellate

b. County

c. Justice of the Peace, Hustings, Municipal

**iv. JUDICIAL SELECTION**

1. Election - Partisan v. Non-partisan

2. “Merit” selection

3. Appointment with confirmation and review

5. “Full faith and credit” - Article IV §1, 28 USC

§§1738, 1738A & 1739

6. Sovereign Immunity

7. Precedent - case v. statute

STATE LEGISLATURE

GOVERNOR

**VI. THE FEDERALIST PERIOD 1789-1801**

**A. WASHINGTON 1789-1797**

1. *Treaty of Holston* with Cherokees - 1791

a. Confirmed their rights to lands in Georgia

b. Dealt with them as an independent nation

2. “Citizen” Genet - 1793-94

a. Diplomatic representative of France

b. Attempted to appeal directly to people

3. Neutrality between France and Great Britain

a. Economic sanctions considered, neutral rights (“free ships

make free goods”)

b*. Jay’s Treaty* -1795

1) Attempt to force British evacuation of western boundary

by 1796 and establish shipping rights;

2) Ratified by Senate, but Congress threatened to withhold

enabling funds

c. *Treaty of San Lorenzo* (Pinckney’s Treaty) - 1795

1) Spain ceded rights to navigate Mississippi and deposit

at New Orleans;

2) Established 31° N as Boundary of Spanish Florida

**B. JOHN ADAMS 1797-1801**

1. *XYZ Affair* -1797-98

a. Negotiations with Talleyrand

b. Pinckney, Gerry, Marshall

c. Refusal to bribe or yield status as ambassadors (“Millions for

defense, but not one cent for tribute”)

2. *“Undeclared War”* with France 1798-1800

a. “Armed Neutrality” - Hamilton

b. Ended by Treaty of Amity and Commerce with Napoleon,

September 1800

3. *Alien and Sedition Acts* – 1798

4. Appointment of John Marshall as the Fourth Chief Justice of the Supreme Court, served to 1835

**VII. PRE-CIVIL WAR DOMESTIC POLITICS 1801-1860**

**A. JEFFERSON’S ADMINISTRATION 1801-1809**

1. *Louisiana Purchase* - 1803 ($12 MM)

a. Doubled Territory of United States

b. Lewis and Clark Expedition

2. Tripolitan Wars - Barbary Pirates - 1804

3. British Orders in Council v. Embargo Act (1807) and Non-Importation

Act (1806)

**B. MADISON’S ADMINISTRATION 1809-1817**

1. Annexation of West Florida, Baton Rouge, Mississippi Territory

a. Embargo Act repealed and replaced by Non-Intercourse Act,

later itself repealed by Macon’s Bill No. 2 (attempt to end

economic warfare before 1812)

2. *War of 1812* - Resulted from failure of Congress to be advised as to

British intent to repeal Orders in Council; ended by Treaty of Ghent,

December 24, 1814; Battle of New Orleans fought January 8, 1815;

Andrew Jackson, “Hero of New Orleans”

**VIII. THE ERA OF GOOD FEELINGS - 1817-1825**

**A. PRESIDENCY OF JAMES MONROE**

1. Dissolution of the Federalist Party and rise of "Republicanism"

2. American Colonization Society, founded 1816

3. *Monroe Doctrine* - 1823

a. Centered on Western Hemisphere

b. Set up US as “policeman” of the Americas

c. Fostered split of Spanish colonies from mother country

**B. PANIC OF 1819**

1. Eruption of Mount Tambora, 1815 and The Year Without a Summer, 1816

2. The American System

a. Second Bank of the United States, 1816

1) Regulation of state banks

2) Failure to have metallic currency to redeem paper

b. "Internal improvements"

3. *McCulloch v. Maryland* , 1819 - federal v. state sovereignty [taxation of the notes of the Second

Bank of the United States]

**C. MISSOURI CRISIS AND COMPROMISE OF 1820**

1. Senator Henry Clay, the Great Compromiser

**IX. JACKSONIAN AND PRE-CIVIL WAR DEMOCRACY**

**A. JOHN QUINCY ADAMS - 1825-1829**

1. Son of John and Abigail Adams

2. Served as diplomat

3. Sought to update the national economy and promote education

4. Died in the cloak room of the House of Representatives - 1848

**B. ANDREW JACKSON - 1828-1836**

1. Wounded by British soldier during the Revolution

2. Hero of the Battle of New Orleans, death of Rachel in 1828

3. "Spoils system"

4. Nullification Crisis of 1828 - John C. Calhoun

5. Indian Removal Act of 1830 - *Trail of Tears*, 1839

6. Destroyed the Second Bank of the United States by executive order - 1833

7. Death of Chief Justice John Marshall - 1835

8. Texas Independence - 1836

**C. MARTIN VAN BUREN - 1837-1841**

1. Refused Texas Annexation

2. Spoke English as a second language

3. Known as "Old Kinderhook", the origin of "OK"

4. Opposed re-chartering the Bank of the United States

5. Panic of 1837, lasted into the mid-1840's

6. Conflict with Britain over Canada

7. *Amistad* - 1840

**D. WILLIAM HENRY HARRISON AND JOHN TYLER - 1841-1845**

1. Harrison, last President to be born before Independence of the US, dies after 31 days in office, caught pneumonia giving his inaugural speech, succeeded by

2. John Tyler

a. Believed in "manifest destiny"

b. Webster-Ashburton Treaty, 1842

c. Favored annexation of Texas - the *Princeton* disaster, 1844

1) Treaty failed in the Senate

2) Joint resolution of Congress, 1845

**E. JAMES K. POLK - 1845-1849**

1. Texas enters the Union - December 1845 [Polk signs resolution], February 19, 1846 [Anson Jones formally lowers the Texas flag at the Capitol and announces, "The Republic of Texas is no more."]

2. Oregon Treaty - February 15, 1846 (49th parallel border with Canada)

3. The Mexican War-1846-1848

4. Treaty of Guadalupe Hidalgo, 1848 (Mexican Cession)

5. Independent Treasury Act - 1846

6. California Gold Rush began

**F. ZACHARY TAYLOR AND MILLARD FILLMORE -1849-1853**

1. Taylor was the hero of the Mexican War, died in 1850

2. Compromise of 1850 (included admission of California as a free state and Fugitive Slave Act)

3. Perry expedition to Japan, 1853

**G. FRANKLIN PIERCE - 1853-1857**

1. Kansas-Nebraska Act 1854 , nullified the Missouri Compromise of 1820

2. Gadsden Purchase, 1854

3. "Bleeding Kansas" 1854-56

4. Know-Nothing Party [anti-Catholic and nativist] and Republican Party created

**H. JAMES BUCHANAN 1857-1861**

1. Only bachelor president

2. *Dred Scott* decision - 1857 (overturned by the 14th Amendment Birthright Clause)

3. Panic of 1857 - high unemployment in the North, not the same in the South

**X. PRE-CIVIL WAR FOREIGN RELATIONS**

**A. SOURCES OF FOREIGN POLICY**

1. “President is the sole organ of the nation in its external relations” -

John Marshall, Secretary of State, 1800

a. Commander-in-Chief

b. Executive agreements (not submitted to or ratified by Senate)

c. Public statements

d. Sending and receiving ambassadors, *i. e.* recognition *vel non*

2. Congress

a. Negative - non-ratification (Senate), e.g. Treaty of Versailles, 1919 1919

b. Tonkin Gulf Resolution - 1964

3. Supreme Court

a. *Worcester v. Georgia*, 1832

b. Trail of Tears, 1837-39

**XI. CIVIL WAR AND RECONSTRUCTION 1860 - 1876**

**A. CONSTITUTIONAL WATERSHED**

1. Lincoln’s election -1860

2. Secession of South Carolina, December 1860

**B. RELATIONS WITH GREAT BRITAIN**

1. Northern blockade of Southern ports

2. “King Cotton” diplomacy of South

3. Slidell Affair

4. *Alabama* Claims

a. Supreme Court involvement

b. Settled by reparations agreed to by President

**C. RELATIONS WITH OTHER FOREIGN POWERS**

1. France in Mexico

**XII. AMERICAN OVERSEAS EXPANSION 1876 - 1914**

**A. CHINA - “OPEN DOOR” POLICY, 1899**

**B. SPANISH-AMERICAN WAR, 1898**

1. Cuba (1902), Puerto Rico, Guam

2. Philippines (Organic Act, 1902; granted independence, 1946)

3. *Insular Cases* (1900-01) - Does the Constitution follow the Flag?

a. Residents of overseas territories (other than Hawaii and Alaska) not citizens and not automatically entitled to

Constitutional rights

b. Congress empowered to legislated as to each territory by

organic acts

**C. ROOSEVELT COROLLARY TO MONROE DOCTRINE - US HAS AFFIRMATIVE RIGHT TO INTERVENE IN CARIBBEAN AREA**

1. Panama - 1903

a. Hay-Bunau-Varilla Treaty

b. Construction of Canal

2. Santo Domingo - 1905

3. *Bay of Pigs* - 1961

4. *Blockade of Cuba* - 1962

5. *Chile*

6. *Grenada* - 1988

7. *Haiti* - 1994

**D. RELATIONSHIP BETWEEN IMMIGRATION POLICY AND DIPLOMACY**

1. Japanese schoolchildren segregated in San Francisco

**E. MEXICO** -1915 (Pancho Villa)

**XIII. 1914-1917 NEUTRALITY IN FIRST WORLD WAR**

**A. WOODROW WILSON**

1. “Moral Diplomacy”

2. Submarine Issue

a. Sinking of *Lusitania*, May 7, 1915

3. Zimmermann Telegram - February 1917

a. Made public on March 1, led to

b. Declaration of War, April 6, 1917

**XIV. WAR AND THE FOURTEEN POINTS**

**A. BRITAIN REJECTS FREEDOM OF THE SEAS**

1. Accepts “free and independent Poland”

2. Balfour Declaration results in creation of Palestine as British mandate

**B. FRANCE DEMANDS REPARATIONS**

**C. WILSON SUCCEEDS IN OBTAINING GERMAN ARMISTICE AND WITHDRAWAL FROM FRANCE**

**D. PARIS CONFERENCE**

1. Foreign policy determined by President on the scene - League of Nations

2. *Versailles Treaty* rejected by Senate - 1919

a. Senators v. President in appeal to public opinion

b. Partisan politics - Lodge v. Wilson

**XV. ISOLATIONISM 1919-1939 - “NORMALCY AND DEPRESSION”**

**A. DEMOBILIZATION OF MILITARY – WASHINGTON NAVAL TREATY, 1922**

1. Insult to Japan [5-5-3-2.2-2.2 ratio] and limitations on German Navy [no U-boats]

from Treaty of Versailles

**B. NON-RECOGNITION OF BOLSHEVIK RUSSIA UNTIL 1933**

**C. DAWES PLAN (1924) AND YOUNG PLAN (1929) TO HELP STABILIZE**

**EUROPEAN CURRENCIES AND REPARATIONS PAYMENTS**

**D. KELLOGG-BRIAND PACT (1928**) **- “Worthless, but perfectly harmless”**

1. Abolish war as an instrument of national policy

2. Settle disputes by pacific means

3. Laid foundation for war crimes trials at Nuremberg

**E. FOCUS ON WESTERN HEMISPHERE**

**F. MONETARY DIPLOMACY AFTER 1931**

1. Moratorium on Allied debts and reparations

2. Destruction of American banks

**XVI. ROOSEVELT (FDR) 1932-1945**

**A. RECOGNITION OF USSR, 1933**

**B. NEUTRALITY**

1. Japan in Manchuria - 1931

2. Italy in Ethiopia - 1935, Neutrality embargo

**C. FIRST NEW DEAL**

1. AAA, NRA - Declared un-Constitutional, led to

2. Court “Packing”

**D. “GOOD NEIGHBOR POLICY” IN WESTERN HEMISPHERE**

1. Effectively repeals Roosevelt Corollary (see X. C. 3.-7. above)

**E. “CASH AND CARRY” AS WAY AROUND NEUTRALITY**

**F. REARMAMENT 1938-1941**

1. Response to failure of appeasement

2. Japan renounces Washington Naval Treaty, 1936 resulting in

3. Arms race, including German construction of pocket battleships

and British expansion of battle cruiser fleet

**G. “DESTROYERS FOR BASES” (1940) AND LEND-LEASE (1941)**

1. “Four Freedoms” (January 1941) - Speech and Expression, Worship,

Freedom from Want, Freedom from Fear

**H. ATLANTIC CHARTER, AUGUST 1941**

**I. PEARL HARBOR AND WAR**

1. Japanese diplomacy – ultimatum arrives half-hour after attack

2. Interment of Japanese-American citizens in "relocation centers"

a. Reparations for lost property

3. French North Africa, November 1942

4. *Unconditional Surrender* policy

**XVII. THE COLD WAR: US and ALLIES v. USSR - 1945-1962**

**A. DEATH OF ROOSEVELT - April 12,1945**

**B. ACCESSION OF TRUMAN**

1. San Francisco Conference on UNO - April 25

2. VE Day - May 8, 1945

3. Potsdam - July 17 - August 2

4. *The Atomic Bomb* - August 6&9

5. VJ Day - August 14, 1945

6. The Fair Deal

**C. POSTWAR REORGANIZATION OF EUROPE** - America as international participant

1. Nuremberg War Crimes Trials - November 1945 - October 1946

2. Eastern Europe - Poland [Katyn Forest], Rumania, Hungary, Bulgaria

3. Italy - Trieste

4. *“Iron Curtain”* Speech - March 1946

5. Yugoslavia - Shooting down of American aircraft

6. Soviet demand on Turkey for access to Dardanelles

7. Communist aggression in Albania, Bulgaria, Yugoslavia

8. Threat against Greece [1947] leads to articulation of

**D. TRUMAN DOCTRINE** - America to aid any country in resistance to totalitarian entities, whether external or internal; support of “freedom fighters”

**E. DOMESTIC REORGANIZATION**

1. McMahon Atomic Energy Act - 1946

a. Baruch Plan - Inspection and inability to veto actions of

UN Atomic Energy Authority unacceptable to Soviets

2. Philippine Independence - July 4, 1946

a. Reward for support against Japan

3. Resignation of Secretary of State Byrnes - 1947

4. Creation of the Department of Defense - James Forrestal

a. Unification of command of services

b. Racial integration of military

5. Recessions and Inflation - 1947-49

a. Taft - Hartley Act

b. Increase in national debt, despite prosperity

6. 22nd Amendment - Two term limitation (1951)

7. *House Un-American Activities Committee* (Thomas Committee) v. Civil Rights Committee (Wilson Committee)

a. Attacks on Hollywood writers and actors

b. Resistance to invasion of civil rights

c. Temporary Commission on Employee Loyalty

**F. GENERAL OF THE ARMY GEORGE C. MARSHALL - SECRETARY OF STATE**

1. *European Recovery Program* *[Marshall Plan]* (1947)

a. Expansion of concept of Greek-Turkish aid while forestalling Soviet penetration of Western Europe

b. Paris Conference - September 1947 (Soviet Union and its then eight satellites did not attend)

c. Marshall receives Nobel Peace Prize, the only professional soldier so honored

2. Four years - $12 billion in loans and grants; advisers; result is Europe 50% above the 1936-38 industrial production index (the highest in history up until then)

3. Reaction to creation of Cominform - Berlin Airlift (3000 tons per day by autumn 1948)

4. China Policy

a. Collapse of Chiang Kai-Shek and withdrawal to Formosa (Taiwan)

b. Nationalist China retains seat at UN for time being

5. Nobel Peace Prize

**G. THE ELECTION OF 1948**

1. “Dixiecrat” revolt on issues of civil rights

2. Republicans Thomas E. Dewey and Earl Warren

3. Congress controlled by coalition of Republicans and

“Dixiecrats”, even though Democrats nominally in majority

**H. NATO AND COLLECTIVE SECURITY - 1949**

1. CENTO - Middle East

2. SEATO - Southeast Asia

3. *Departure from traditional American foreign policy since George Washington*

4. Eisenhower commander of NATO ground forces; need to

rearm West Germany, but only as part of an international force

**I. TRUMAN’S DOMESTIC POLICY - 1948-1952**

1. Housing Act of 1950

2. Increase in minimum wage

3. Expansion of Social Security Act

4. Defense Production Act - attempt to establish production and price controls

5. Reaction to inflation is increase in taxes

6. Communism and security issues

a. Communist Party of the United States

b. Alger Hiss and Whittaker Chambers

c. The “atomic spies” - Julius and Ethel Rosenberg -

executed 1953

7. *Senator Joseph McCarthy* - 1950

a. McCarran - Nixon Bill - 1950

b. McCarran Act - 1952 (passed veto)

**J. MACARTHUR AND JAPAN**

1. Relationship between MacArthur and Emperor

2. *Zaibatsu* broken up (temporarily)

3. Economic Stabilization Program - 1949

**K. KOREA 1950-1953**

1. Division at 38th Parallel

2. Invasion of South - June 26, 1950

3. *Security Council action - July 7 (USSR walked out, so no veto)*

4. Unified command under MacArthur

a. Pusan Perimeter under General Walker, September 1950

b. Inchon landing - counterattack

c. Recapture of Seoul, September 26

d. Capture of Pyongyang and advance to Yalu, October -

MacArthur exceeds instructions

e. Wake Island meeting between Truman and MacArthur, October 15 –

MacArthur’s report - China will not counterattack

f. Chinese counterattack in November as attempt to divert resources from ERP; situation

critical by December 3; stabilizes between Seoul and 38th parallel

g. MacArthur relieved by Truman - April 11, 1951

1) December speech by Truman on “limited” war

2) March 24 speech by MacArthur followed by April 5 letter to

Speaker of the House (Martin) - insubordination letter to Speaker of the House (Martin) - insubordination

3) Return of MacArthur in triumph - speech to Congress, April 19, 1951

*4) Reaffirms superiority of civilian authority* *over military*

h. Neo-Isolationism v. NATO

1) Eisenhower calls for rearmament of Europe

2) Relationship between rearmament, inflation, and prosperity; continues

into Eisenhower Administration

5. Winter and Spring 1951 - B-29 and F-86 v. MiG-15 in air; Casualties in

first year of war: 400,000 UN dead, 1.5MM North Korean and Chinese

Communist dead

**L. THE ELECTION OF 1952 AND KOREAN TRUCE**

1. Eisenhower (Republican) v. Stevenson (Democrat)

a. Impact of television - “I Like Ike”

b. Eisenhower promises to end the war in Korea

c. *Hydrogen Bomb* - Eniwetok Atoll, November 1, 1952

d. Victory of Eisenhower a personal, not partisan, one

2. John Foster Dulles becomes Secretary of State

a. *“Containment”* policy toward Communism

3. *Death of Stalin* - 1953

4. Negotiation of armistice at Panmunjom under Eisenhower’s

Administration, creation of Demilitarized Zone (DMZ), repatriation of

prisoners - July 27, 1953

5. Geneva Conference (Korea and Indo-China) - 1954

a. Division of Indo-China after Dienbienphu led to

b. Creation of SEATO at Manila, September

**M. EISENHOWER’S DOMESTIC POLICY - 1952-1956**

1. Goal was to reduce bureaucracy, enhance authority of the states, and

*laissez-faire* economics

a. Waiver of title to *tidelands*

2. Limit government involvement

a. Labor-management disputes

3. “Dynamic liberalism” - middle of the road or centrist policies

4. Created Department of Health, Education and Welfare [later divided

into the Department of Health and Human Services and the

Department of Education] to administer educational and social programs

5. Appointed Earl Warren of California to be Chief Justice of the United States United States

6. Created the Small Business Administration

7. Extended the Reciprocal Trade Agreements Act for one year

8. Expanded foreign aid by 4.5 billion USD for a total of 6.6 billion USD by

end of 1953

9. Reform of Internal Revenue Code -1954

10. Bipartisan Congressional action for

a. St. Lawrence-Great Lakes Seaway, passed 1954, opened 1959

b. Defeat of Bricker Amendment to the Constitution (treaty power

v. Supremacy Clause)

c. *Censure of Senator McCarthy* - 1954

d. Communist Control Act of 1954 and J. Edgar Hoover

**N. FOREIGN POLICY - 1952-1956**

1. Creation of European Union (EU) leads to

a. Rearmament of West Germany - 1955

2. Disarmament Conference at Geneva - July 1955

a. Attended by all of the Powers

b. “Geneva Spirit” evaporates over “open skies” inspection

proposal

**O. THE ELECTION OF 1956**

1. Eisenhower suffers heart attack - September 24, 1955

2. Eisenhower (“New Republicanism”) v. Stevenson (“New America”)

3. Balanced budget and surplus work in favor of Eisenhower

4. Israeli attack on Egypt - October 29, 1956; Soviet suppression of

Hungary - little impact on American election

a. Riots in Poznan, Poland

b. Suez Crisis - US and Israel - Britain and France in UN leads to

c. *Eisenhower Doctrine* (1957) - authorizes President to use

force in Middle East if necessary to “secure and protect”

territorial integrity of any nation requesting it against an

armed aggression from any Communist nation. [Gulf War - 1991]

**P. DOMESTIC DEVELOPMENTS - 1956-1960**

1. Economic recession - 1957-58

2. Increasing deficits

3. Crisis in education and science - *Sputnik - October 4, 1957*

a. National Defense Education Act of 1958

b. National Aeronautics and Space Administration Act of 1958

c. Explorer (Army) and Vanguard (Navy) satellites - 1958

4. Bipartisan Congressional action - *Lyndon Johnson* in Senate

a. Reciprocal Trade Agreement extended four years with 3.3 billion USD

b. Creation of Federal Aviation Agency

c. Alaska becomes 49th State - 1958

d. Reorganization of Department of Defense

e. Senate investigation of corruption in Teamsters Union (James

Hoffa) and the Kohler Company strike by United Auto Workers

(Walter Reuther) leads to

f. Landrum-Griffin Act of 1959

g. Hawai’i becomes 50th state - 1960 [bill passed in 1959]

5. Death of Dulles (May 24, 1959) and resignation of Sherman Adams

a. Foreign policy increasingly under Presidential control

6. “Military-industrial complex” - Eisenhower farewell address

**XVIII. CIVIL RIGHTS - 1954-1992**

**A. FACTORS IN SPARKING THE CIVIL RIGHTS MOVEMENT**

1. Supreme Court decisions in 1950’s and 60’s - reaction of *Warren Court* to McCarthyism

a. *Miranda v. Arizona*

b. *New York Times v. Sullivan*

2. “Conscience” North coupled with increased voting power of blacks

3. Lynching of blacks by white racists, sometimes with connivance of local police

4. Black leadership

a. Rev. Martin Luther King, Jr.

1) March on Washington - July 1963 (“We Shall Overcome”

and “Free At Last” Speech)

b. Asa Philip Randolph - Labor (Brotherhood of Pullman Car

Porters)

c. Thurgood Marshall - Law (Supreme Court Justice)

d. James Baldwin - Literature (*Go Tell It On The Mountain*,

*Giovanni’s Room*)

e. James Farmer, Jr. – Founder of the Congress of Racial Equality (CORE),

graduate of Wiley College, *The Great Debaters*

5. Participation of blacks and women in military operations in World War II

6. Civil Rights Act of 1964 - outlawed discrimination in voting, etc.

**B. RACIAL DISCRIMINATION**

1. Transportation - *Rosa Parks* refuses to sit in the back of the bus in

Montgomery, Alabama; boycott led by *Rev. Martin Luther King, Jr.*

2. Public accommodations - *Plessy v. Ferguson* (1896) [“separate, but equal

doctrine”] overturned November 1956

a. “Freedom Riders” - 1961

3. Voting Rights - Civil Rights Act of 1957, created the Civil Rights

Division of the Department of Justice

a*. Baker v. Carr* - 1962

b. *Voting Rights Act of 1965 - Primarily aimed at states of the Confederacy*

1) Three Judge Federal Court v. State Legislatures

2) Constitutionality in question in 21st Century

4. Education - *Brown v. Board of Education of Topeka* (1954) [“all

deliberate speed”]

a. University of Alabama - 1956

b. *Little Rock* - 1957 (National Guard v. 101st Airborne Division)

c. University of Mississippi – 1962

d. Murder of Medgar Evers, 1963 – “Mississippi Burning”

5. March on Washington, April 1967 - interaction between civil rights

and Viet-Nam protests

6. Newark and Detroit Riots - Summer 1967

7. *Assassination of Martin Luther King, Jr. - April 4, 1968 - Riots*

8. *Assassination of Robert Kennedy – June 1968 - Riots*

**C. CONSTITUTIONAL ISSUES**

1. Pentagon Papers - Daniel Ellsberg’s psychiatrist - First Amendment

2. Privacy - *Roe v. Wade* (1973) - abortion rights

3. Changes on the Supreme Court under Nixon: Burger, Blackmun,

Powell, Rehnquist [later Chief Justice], clear shift to right

4. *Crime Control and Safe Streets Act of 1968* - wiretaps allowed, attacks on press

5. Attica Prison riot - September 1971

6. *Supreme Court further shifted to right under Reagan during 80’s* with appointments of:

O’Connor (first woman), Scalia, Kennedy, and elevation of Rehnquist; rejection of Bork

by Senate a victory for liberals

7. Bush appoints David Souter and Clarence Thomas to Supreme Court [Anita Hill]

8. Creation of FISA Court – 1978 – secret warrants and hearings

**D. GENDER AND DISCRIMINATION AGAINST DISABLED**

1. Failure of Equal Rights Amendment at the federal level - 1975

2. Gender discrimination largely alleviated through voting power and

lawsuits directed at gender specific issues, such as abortion rights, sexual harassment in the workplace, spousal abuse

3. *Americans with Disabilities Act of 1988* - Bush Administration

a. Bars job discrimination on the basis of disabilities

b. “Reasonable accommodation” – economic impact significant

**E. INDIGENOUS PEOPLES**

1. Native Americans begin to assert treaty rights through court actions

2. Organization of American Indian tribes - relationship with federal

government through

a. Bureau of Indian Affairs of the Department of the Interior

b. Department of State

3. *Worcester v. Georgia* (1833)

**XIX. THE VIET-NAM ERA - 1962-1975**

**A. KENNEDY ADMINISTRATION [“THE NEW FRONTIER”] - 1961-1963**

1. Catholic issue in election

2. Bay of Pigs invasion of Cuba - April 17,1961

a. CIA - Allen Dulles

3. *Cuban Missile Crisis* - October 22, 1962 - response based on Monroe Doctrine (1823)

4. Entry into Viet Nam - “Domino theory”

a. Laos - U. S. sends Seventh Fleet

1) CIA-led revolt - 1958

2) “Advisors”

b. Viet-Nam

1) French withdrawal - 1954 (Geneva Agreement)

2) Viet Cong - Ho Chi Minh and General Giap

3) Conflict between Buddhists and Catholics

4) Ngo Dinh Diem regime - supported by Eisenhower, later

ousted by CIA

c. Kennedy sends in Green Berets - 1962

1) “Advisors”

2) 16000 “support” troops by October 1963

4. Failure of Congressional legislative program

5. *Assassination in Dallas, November 22, 1963*

**B. JOHNSON ADMINISTRATION - 1964-1968**

1. *Tonkin Gulf incident* - August 24, 1964, led to

2. *Resolution* allowing President the authority to use “armed force” in any state of the region “in

defense of its freedom”

3. Increase in combat operations and personnel (550,000) by 1968

4. 1968 - Turning point

a. Peace movement

b. Draft resisters

c. *TET Offensive* - January 31, 1968

d. *Johnson withdraws from Presidential election* - March 31, 1968

e. Bombing of North Viet Nam halted

**C. “SPACE RACE” - MERCURY, GEMINI, APOLLO (July 20, 1969)**

1. Economic impact of Apollo Program, including

2. Spinoff into general economy

**D. NIXON AND KISSINGER - 1968-1974**

1. Nixon appoints *Henry Kissinger* as Secretary of State

2. Vietnam Moratorium - October 1969

3. Invasion of Cambodia - April 30, 1970

a. My Lai Massacre

4. *Kent State University*, May 4, 1970

5. Bombing of North resumed and Haiphong Harbor mined, Spring 1972

6. Paris Conference - Settlement, October 1972

a. Broke down when Nguyen Van Thieu refused to sign

7. Settlement of January 1973 agreed to, included

a. US to withdraw all armed forces and

b. Resupply South Vietnamese forces

8*. Collapse of South Vietnam - winter and spring 1975 (April 30*)

9. Fall of Cambodia to Khmer Rouge and Laos to Pathet Lao forces

**E. CIA AND MILITARY OPERATIONS - 1965-1975**

1. Dominican Republic - 1965, overthrow of Juan Bosch by US Marines (“Communist conspiracy”)

2. Support of Military dictatorships in Greece, Dominican Republic, Brazil

3. Overthrow of Makarios in Cyprus

4. Overthrow of Allende in Chile (1974)

**F. JOHNSON DOMESTIC POLICY [“THE GREAT SOCIETY”] - 1964-1968**

1. Contrasts with Kennedy

2. *Civil Rights Act of 1964* and *“war on poverty”* as typical of Johnson

pushing through Kennedy’s agenda in spring 1964

3. Election of 1964 - Johnson v. Goldwater

4. “Great Society” programs - Medicare, “war on poverty”

5. Growth of anti-war protests - Berkeley (1964), Washington (1966-

SDS), March on Pentagon (1967)

6. Poor People’s Campaign (Washington, April 1968)

7. Democratic National Convention - Chicago Seven (1968)

**XX. NIXON TO CLINTON - 1968-1992**

**A. ELECTION OF 1968 - Nixon v. Humphrey**

1. National debt increases to 395 billion USD

2. Growth of corporate strength - defense contractor major

beneficiaries of government spending

3. Agribusiness - product of government subsidies

4. *Kerner Commission*

5. Environmental issues -

a. Water Quality Improvement Act of 1970

b. National Air Quality Act

c. Energy crisis - oil shortage of 1973

6. Recession of 1974-75

7. Family assistance program died in 1972

8. Revenue sharing died in 1972

9. Office of Economic Opportunity abolished

**B. PENTAGON PAPERS - 1967-68**

1. Daniel Ellsberg

2. Daniel Ellsberg’s psychiatrist

3. Court case - First Amendment Freedom of Press

**C. WATERGATE AFFAIR - Election of 1972**

1. “The Plumbers”

2. Involvement of Attorney General John Mitchell and CREP

3. *Breakin* of June 17, 1972 at Democratic National Committee Headquarters at Watergate Hotel in Washington

4. Coverup involved White House officials including

a. Robert Haldeman, John Erlichman, John Dean, G. Gordon Liddy,

Jeb Stuart Magruder, Charles Colson

5. Senate Select Committee - 1973 (Senators Sam Ervin and Howard Baker)

a. White House Tapes - 1973

1) Firing of Archibald Cox

2) U. S. v. Nixon - July 24, 1973 (President not above the law)

6. Impeachment voted July 30, 1974

7. *Nixon resigns* August 8, 1974, replaced by

**D. FORD ADMINISTRATION - 1974-1976**

1. Pardon of Nixon - September 8, 1974

2. Amnesty for Vietnam draft dodgers

3. Vietnam War winding down, final settlement

4. Inflation, increasing unemployment, increasing oil prices

5. Vetoed 1976 Education Appropriation Act

6. Clean Air Act limitations postponed to 1976 (pressure from Detroit)

7. Approved using CIA funds in Portugal and Italy

a. Retained Kissinger as Secretary of State

b. *Mayaguez* incident - May 1975

1) “Rescue effort” - 38 dead, violation of 1973 War Powers Act

2) Secretary of Defense James Schlesinger

**E. ELECTION OF 1976 - FORD V. CARTER**

1. Result a product of general disgust with Republicans

2. Carter an “outsider”

3. Trilateral Commission links to

a. National Security Adviser Zbigniew Brzezinski (anti-Soviet)

b. David Rockefeller

4. “Neo conservatism” of Nixon and Ford carried forward to Carter

5. Outright pardon of draft evaders

6. Created new Cabinet post - Department of Energy, March 1977 (Schlesinger)

7. Inflation up to 12%, unemployment up to 6 million

8. Campaign financing - "PACs"

**F. CARTER’S FOREIGN POLICY - 1976-1980**

1. Diplomatic recognition of People’s Republic of China, January 1, 1979

2. SALT I - 1972 (Nixon) led to SALT II - June 1979 (withdrawn from

Senate, but followed in principle)

3. Central America

a. Cuban prisoner release – problem of immigrants in Florida

b. Nicaragua - fall of Somoza, 1979

c. El Salvador - Coup

d. *Panama Canal Treaty* - April 1979

4. Human rights issues

5. Middle East

a*. Camp David Accords*, September 17, 1978 - Israel (Begin) and Egypt

(Sadat) leads to Treaty - March 1979

b. Iran - Overthrow of Shah; Ayatollah Khomeini

1) Entry of Shah into US for medical treatment

2) Seizure of American Embassy

c. Soviet invasion of Afghanistan (1979) leads to

1) Boycott of Moscow Olympics – 1980

**G. REAGAN-BUSH - 1980-1988**

1. Conservative reaction to Carter’s ineffectiveness

2. Low voter turnout (53%); more than 300 electoral votes; shift in Congress

3. Emergence of Religious Right - three “anti” s - “pro” patriotism

4. *Assassination attempt* - March 30, 1981 (John W. Hinckley)

5. Corruption in both public and private sectors

6. Bipartisan Congressional support for tax cuts and spending cuts

a. Gramm-Rudman-Hollings Act - balanced budget

b. Administrative deregulation - S&L industry

7. Massive corporate mergers through leveraged buyouts

8. Clean Air Act of 1988, Highway and Mass Transit Act of 1988, Plant

Closing Act, Immigration Reform Act of 1986, Tax Reform Act of 1986

9. Foreign policy

a. Beirut - bombing of Marine quarters, October 1983

b. Soviet Union - Gorbachev 1985

1) Intermediate Nuclear Forces Treaty - December 1987

c. Human rights - friendly dictatorships

d. Philippines - fall of Marcos, 1986

e. Haiti and Grenada

f. Counter terrorism 1980-1992

1) Iran 1980-81

2) No negotiations with hostage takers

3) All hostages released by 1992

4) Bombing of Twin Towers, 1993

**H. IRAN-CONTRA SCANDAL - 1985-1987**

1. Nicaraguan “Contras” - rebels against Sandanistas

a. Supported covertly by CIA; trained in Honduras or Costa Rica

b. Congressional ban on aid to Contras

2. Sale of TOW anti-tank missiles to Iran by Israel authorized as a means to

secure release of hostages - enormous profits to arms dealers

a. Counter to announced policy of non-negotiation with hostage takers

3. *LTC Oliver North, USMC* - Deputy Director of Political-Military Affairs of National Security Council

a. Became conduit *for profits from arms sales* to go to Contras

b. Defied Congressional ban

c. CIA Director William Casey and Admiral John Poindexter

(North’s superior) knew of deal before publication on

November 3, 1986

d. Attorney General Edwin Meese investigated so poorly that

North and Poindexter had opportunity to shred most of evidence

e. *Tower Commission* - Tower, Muskie, Scowcroft

1) Presidential management faulted

2) White House Chief of Staff Donald Regan replaced by

Howard Baker

f. Death of Casey ends open criticism of President Reagan

g. North and Poindexter tried and convicted of lying to Congress,

later overturned on appeal

**I. GEORGE H. W. BUSH ADMINISTRATION - 1988-1992**

1. Bush v. Dukakis - 50.1% turnout, lowest since 1924

a. Willie Horton issue

2. Personnel choices questionable - Quayle as Vice President; Tower’s rejection by Senate; Sununu as Chief of Staff; James Baker as

Secretary of State

3. Domestic policy

a. Civil Rights Act of 1991

b. Clean Air Act of 1989

c. Americans with Disabilities Act (ADA)

d. Child care legislation (22 billion USD) and block grants for

housing (2 billion USD)

e. Tax increases

4. Foreign policy

a. Eastern Europe

1) Poland, Czechoslovakia, Baltic States, Hungary, Romania, Bulgaria

2) Reunification of Germany - October 3, 1990

b. Gulf War

1) Iraq invades Kuwait - August 2, 1990

2) Diplomatic maneuvering through UN to assemble coalition against Hussein

3) Desert Shield to Desert Storm

a) Congress authorizes use of force - January 12, 1991

b) Ultimatum deadline - January 15, 1991

c) Attack on January 17, 1991 - 100 hours land war

d) 300 American dead, 339 wounded

4) Cost 45 billion USD v. loss of access to Kuwaiti oil

**J. CLINTON ADMINISTRATION - 1992-2000**

1. Deaths of Prominent Members of Administration

a. Vince Foster - White House Counsel

1) Disappearance of Files

b. Ron Brown - Secretary of Commerce

2. Paula Jones Scandal

3. Monica Lewinsky Scandal - Impeachment

4. Foreign Policy Initiatives - Bosnia, Kosovo, Middle East

5. Pardons scandal after leaving office

**XXI. ELECTION OF 2000**

**A. VOTING IRREGULARITIES**

**B. ELECTORAL COLLEGE**

**XXII. GEORGE W. BUSH ADMINISTRATION 2001- 2008**

**A. SEPTEMBER 11, 2001 AND AFTERMATH INCLUDING IRAQ WAR**

**.** 1. Opposition to invasion inside administration

2. WMD issue

**B. “PATRIOT” ACT AND NATIONAL SECURITY ISSUES**

1. Expiration/Extension of Patriot Act – 2005-06

2. NSA Domestic “Spying” [“Terrorist Surveillance”] program

a. Absence of warrants

b. FASI Court

3. National security preparedness

4. Impact on domestic and international financial transactions

5. Extended for one year with no debate as to privacy concerns - 2010

**C. RE-ELECTION 2004**

1. Replacement of Colin Powell by Condoleezza Rice as Secretary of State

2. Israeli-Hezbollah War of 2006

3. North Korean Nuclear Crisis

**D. HURRICANES KATRINA and RITA**

**E. APPOINTMENTS TO SUPREME COURT**

1. Roberts as Chief Justice; Alito as Associate Justice – definite shift to the right

**F. SEX SCANDALS INVOLVING MEMBERS OF CONGRESS**

**G. ELECTION OF 2008**

1. Appointment of Obama's successor - allegations of bribery solicitation, etc.

2. Economic crisis - proposed solutions

**XXIII. OBAMA ADMINISTRATION 2009-2016**

**A. ECONOMIC COLLAPSE**

1. Bailout of GM, AIG, Banks

2. Unemployment exceeds 10% in first year of administration

3. "Stimulus funds"

**B. HEALTH CARE REFORM**

1. Economic impact on growth of deficit

2. Paralysis of Congress v. White House

3. Death of Teddy Kennedy

4. Economic implications for states; Constitutionality of "individual mandate"

**C. MID-TERM ELECTION OF 2010**

1. Loss of majority in House of Representatives and reduction of majority in Senate

a. Impact of "tea party" representatives

2. Appointments of Sotomayor and Kagan to Supreme Court and federal judicial appointments

D. **RE-ELECTION - 2012**

1. "Fiscal cliff" and "sequestration" in relation to human services

2. Immigration policy

3. Supreme Court review of Voting Rights Act of 1965 - Division of Supreme Court

4. Newtown shooting

5. Superstorm Sandy damage to northeast

E. **THE SUPREME COURT - APPOINTMENTS AND RULINGS**

1. Sotomayor, former Federal District Judge

2. Kagan, former Solicitor General who advised the Administration on the Affordable

Care Act [Obamacare]

3. Definition of Obamacare as a "tax"

4. Privacy issues - cell phone warrants

5. Constitutionality of Obamacare

6. Statutory/judicial action relative to hacking and cybersecurity

**F. FOREIGN POLICY**

1. Middle East - Al Queda and ISIL/ISIS

2. Europe - Ukraine Crisis and Relations with Europe

**G. MID-TERM ELECTION OF 2014**

1. Separation of powers issues

2. Divisions within political parties

**XXIV. TRUMP ADMINISTRATION 2017-2021**

**A. ATTACKS ON THE OUTCOME OF THE ELECTION BY THE PRESS** - attempted delegitimization of the President-elect

**B. ALLEGATIONS CONCERNING RUSSIAN INTERFERENCE IN THE ELECTION**

1. Appointment of Special Counsel to investigate

2. Indictments of former administration officials

**C. PRESIDENTIAL ACTIONS**

1. Appointment of Supreme Court Justices: Gorsuch; Kavanagh

2. Revocation of executive orders from previous administration relating to

a. Immigration

b. Regulation of businesses

3. Repeal of forced enrollment in medical insurance, thus effectively repealing Obamacare

**D. FOREIGN POLICY ISSUES**

1. North Korea

2. NATO and EU

3. Immigration controversy

4. Russia - Crimea/Ukraine

5. Middle East - Abraham Accords

6. Impeachment Twice - Federalist No. 65 - Alexander Hamilton [see attached below]

**E. ELECTION OF 2020 IRREGULARITIES - FRAUD?**

1. Impact of COVID on election outcome

2. Lockdown of economy

3. Judicial intervention in the election process

**XXV. BIDEN ADMINISTRATION 2021-**

1. Executive orders - 47 issued in 21 days

2. COVID as a political issue/tool

3. Domestic and foreign policy issues - immigration, Ukraine

**XXVI. LAW IN FEDERAL COURTS RELATIVE TO STATES**

**A. CHOICE OF LAW - RULE OF DECISION ACT, 28 USC §1652**

**B. ABSTENTION and PREEMPTION**

**C. *ERIE* AND EXHAUSTION**

**D. FEDERAL “COMMON LAW”**

**E. ANTI-INJUNCTION SUITS**

**F. COMITY**

**XXVII. FEDERAL RULES OF CIVIL PROCEDURE**

**A. ORGANIZATIONAL STRUCTURE OF RULES**

**B. AMENDMENTS AND CHANGES PROCESS**

**XXVIII. FEDERAL RULES OF EVIDENCE**

**A. DISTINCTION FROM COMMON LAW RULES**

**B. RECENT DEVELOPMENTS**

**XXIX. SPECIFIC CONSTITUTIONAL ISSUES**

**A. FREE SPEECH AND PRESS**

1. *In re Debs*

2. Defamation

a. *New York Times v. Sullivan* - actual malice, public figure

b. Sandmann case

c. Lyle Rittenhouse case

3. Political correctness and the Patriot Act limitations on freedom of speech and information

**B. FREEDOM OF RELIGION**

1. Establishment and Free Exercise Clauses

2. Jehovah’s Witnesses - Flag Cases

**C. SEARCH AND SEIZURE - AMENDMENT 4**

1. *“Reasonableness”* of search - *Terry v. Ohio*

2. Warrant requirement

3. Airport searches by Transportation Safety Administration

**D. SELF-INCRIMINATION - AMENDMENT 5**

1. *Miranda v. Arizona*

2. Waiver

**E. JURY TRIAL - AMENDMENTS 6 & 7**

1. *Right of cross-examination*

2. Criminal

a. Effective counsel

b. Confrontation

3. Civil - at law or in equity as of 1791

4. Rights of detainees at Guantanamo

**F. PUNISHMENT - AMENDMENT 8**

1. Death Penalty

a) Juveniles

b) Mentally Ill defendants

**G. PRIVACY**

1. “Reasonable expectation”

2. *Roe v. Wade* (1973) - abortion

**H. IMMIGRATION - HAITIAN & CUBAN “BOAT PEOPLE”**

**I. IMPEACHMENT**

**XXX. LEGAL ETHICS**

**A. SOURCES**

1. Inherent power of the court to control practice

2. Disciplinary Rules and Rules of Procedure

**B. ENFORCEMENT MECHANISMS**

1. Grievance Committees

2. Trial Court

3. Board of Disciplinary Appeals

**C. PROFESSIONALISM AND PUBLIC CONFIDENCE**

**D. DISCOVERY AND PREPARATION FOR TRIAL**