

Machiavelli and *The Prince*

At the peak of the Italian Renaissance, Niccolò Machiavelli wrote a brutally frank handbook for leaders, advising them how to take and hold political power.

Around 1500, the Italian Renaissance flourished. New styles of art, architecture, and literature emerged. At the same time, political conspiracies, warring mercenary armies, and foreign invasions stalked the land.

Several regional city-states dominated Italy. These states were suspicious, hostile, and often at war with one another. But they had reached a balance of power until European kings decided to make Italy a battleground for their ambitions.

In 1434, the Medici family established its rule over Florence, a city-state in the center of Italy. The Medici made Florence an economic powerhouse of banking and commerce. When Lorenzo de Medici (“The Magnificent”) came to power in 1469, his family had gained a reputation for supporting new artists like Michelangelo. But many also accused Lorenzo of being a tyrant who set the tone in Florence for corruption and immorality.

A Christian monk named Savonarola preached against the Medici and Catholic Church priests for their greed and vices. When Lorenzo died in 1492, Savonarola called for Florence to become a Christian republic. Two years later, King Charles VIII of France invaded Italy. With French support, the people of Florence rebelled against the Medici and drove them out of the city.

In December 1494, Florence established a “Great Council,” composed of several thousand men from noble families. The Great Council elected a small group and appointed others to run the city. The Florence Republic was born.



Machiavelli (right) met many times with Cesare Borgia, a ruthless leader who tried to create a powerful state in Italy. (Library of Congress)

Savonarola resumed his blistering attacks against corrupt priests. But the church eventually branded him a heretic, and city officials hanged him and burned his body in the town square in May 1498.

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Executive Power

This edition of *Bill of Rights in Action* examines issues of executive power. The first article looks at Machiavelli and his classic text on the use of power, *The Prince*. The second article examines a recent Supreme Court case, *Hamdi v. Rumsfeld*, on the president’s power to hold enemy combatants. The last article looks at how President Andrew Jackson pursued a policy of removing Cherokee Indians from their native land.

World History: Machiavelli and *The Prince*

U.S. Government: Detaining U.S. Citizens as Enemy Combatants

U.S. History: Jackson and Indian Removal

A young man named Niccolò Machiavelli witnessed all these dramatic events in Florence. Soon, his own life would radically change when he entered into the service of his beloved city.

The Rise and Fall of a Diplomat

Machiavelli, the son of a lawyer, was born in 1469. Machiavelli's family was not wealthy, but managed to educate him with tutors and books on ancient history that his father collected.

Despite Machiavelli's lack of any government experience, the new republican government of Florence appointed him in 1498 to a position concerned with foreign affairs and war. Thus the obscure 29-year-old Machiavelli began his career as a diplomat. At first, he carried out the policies that others decided.

Machiavelli's initial assignment was to work for the recovery of Pisa, a former seaport possession of Florence. It had asserted its independence during the French invasion. Florence had hired foreign mercenary troops to retake Pisa. The troops, however, refused to fight their way into the town. From this experience, Machiavelli concluded that Florence needed a citizen militia, which would be loyal to Florence.

Machiavelli traveled a great deal. He represented Florence on missions to other Italian city-states, the pope in Rome, and the major European powers. Once while he was visiting the new French king, Louis XII, one of the king's advisors remarked, "The Italians know nothing of war." Machiavelli replied, "The French know nothing of politics," the art of taking and holding power. Soon, Machiavelli gained a reputation for his sharp observations and witty comments in his diplomatic reports and letters.

In 1501, Machiavelli married and eventually had five children. But because he traveled a lot, he was not at home often. He soon gained another reputation—for having numerous love affairs and enjoying wild parties.

In 1502, the Great Council of Florence elected a new leader, Piero Soderini. He quickly recognized Machiavelli's keen diplomatic skills and sent him on many important missions.

With Pisa still remaining independent, Machiavelli argued that Florence needed to abandon its mercenaries and establish a citizen militia. Soderini agreed and authorized Machiavelli to personally recruit soldiers and oversee their training.

In 1509, Machiavelli led Florence's citizen militia in successfully besieging Pisa until it surrendered. It was the greatest moment in Machiavelli's career.

A few years later, France again invaded Italy. Pope Julius II assembled a "Holy League" of allies against the French. Soderini refused to join with Pope Julius since France was Florence's traditional foreign ally. Julius personally led his troops into battle and defeated the French invaders. He then turned his wrath against Florence.

Pope Julius enlisted the aid of Spanish troops and the Medici to attack Florence. When Machiavelli's inexperienced militia failed to hold a fortified outpost, Florence's citizens panicked and turned against Soderini, who fled. The Florentines surrendered, agreeing to allow the Medici to return to the city.

In September 1512, the Medici family quickly restored its rule of Florence. It abolished the republic and its militia. Shortly afterward, the Medici fired Machiavelli from his diplomatic post.

A year later, the Medici unjustly accused Machiavelli of participating in a conspiracy to overthrow them. He was imprisoned and brutally tortured. He won his freedom several months later in an amnesty that celebrated the election of a Medici family member as Pope Leo X.

The Prince

Machiavelli was depressed more by the loss of his job as a diplomat than the torture he had endured. "I am rotting away," he wrote. Then in a bold move to regain his position, he wrote a short handbook of advice to princes, kings, and popes. He dedicated it to the Medici ruler of Florence.

Machiavelli's book of advice to leaders, *The Prince*, differed from others of the time. It did not dwell on such Christian ideals as always keeping one's word. Machiavelli began with the idea that to take and hold power, a prince must "learn how not to be good" because most other men are not good. He based his advice on his diplomatic experience, but also on the enduring lessons he found in Greek and Roman history.

Machiavelli believed that the most important lesson from history was for a prince to be a "man of virtue." He described such men as those who "stand up all by themselves," relying on their own armies rather than mercenaries or fortune. Machiavelli never pointed to anyone in his time who was a "man of virtue." But one

came close: Cesare Borgia, whom Machiavelli had observed on several diplomatic missions.

Borgia was the son of Pope Alexander VI. When Borgia decided to carve out a principality for himself in central Italy, the pope provided Borgia with troops.

Borgia did whatever was necessary to win. When leaders of allied families rebelled against him, he tricked them into attending a meeting where he had them strangled. In another instance, Borgia appointed a governor to restore order in a city he had conquered. Following Borgia's orders, the governor ruthlessly cracked down on the populace and restored order. To gain popularity with the people, Borgia then ordered the hated governor beheaded in the town square.

Borgia thought he had made plans for every possible contingency. But at the height of his success, misfortune struck when his father, the pope, suddenly died. Borgia himself became ill, preventing him from going to Rome to influence the election of the new pope.

Borgia agreed to the election of Pope Julius II after the new pope promised that he could keep his principality. But the pope had no intention of honoring his promise. He imprisoned Borgia and expelled him from Italy.

In *The Prince*, Machiavelli admired Borgia's bold and self-assured actions. But Machiavelli concluded that Borgia had depended too much on fortune. Good fortune made Borgia, and bad fortune destroyed him.

Machiavelli continued in *The Prince* to argue his long-held view that a leader must rely on his own armies and not mercenaries. The only thing that holds these soldiers, he said, is "a little pay," which is never enough "to make them want to die for you."

Machiavelli's most famous advice in *The Prince* concerned how to act to hold on to power:

- "A prudent lord, therefore, cannot and must not keep faith [keep his word] when this is to his disadvantage," he wrote.
- He declared, "in all actions of all men, and especially of princes where there is no court of appeal, the end justifies the means." Most people care only if



During the Renaissance, numerous city-states ruled in Italy. The five most powerful were Naples, Florence, Milan, Venice, and the Papal States (headed by Rome).

the prince wins, he argued, not what methods he uses to win, even if these include such things as lying, cruelty, and violence.

- He said, "it is much more secure to be feared than to be loved." Nevertheless, he also warned that a prince must never be hated since the people will then conspire against him.
- He cautioned that a prince must avoid "flatterers" and instead surround himself with those who speak the truth to him. A prince must question everything, listen carefully, but always decide what is best for him and his state. He pointed out that a prince "who is not wise himself cannot be well counseled."

In the concluding chapters of *The Prince*, Machiavelli focused on his main concern: the tragic condition of Italy, which had become overrun by foreign "barbarians." He challenged the princes of Italy (specifically the Medici) to be more aggressive in picking up the banner of Italian liberation. He said they should not wait for good fortune to come their way, "because fortune is a woman, and it is necessary to beat her and hit her in order to subdue her."

Machiavelli ended *The Prince* by quoting the great Italian Renaissance scholar Petrarch:

When virtue takes up arms
It tears its foes apart,
And shows that ancient valor
Still beats in Italy's heart.

Even though Machiavelli presented a handwritten copy of *The Prince* to the Medici ruler of Florence, the ruler probably never read it. But many others did.

The Influence of Machiavelli

Resigned to his forced retirement, Machiavelli spent the next few years writing his most extensive work, usually called *Discourses*. In this work, Machiavelli argued that the influence of even a virtuous prince could only last so long. Therefore, a republic, where people are “born free,” was the superior form of government. The best republics, he wrote, were those with good laws, a strong religion, severe criminal punishments, and a citizen army.

In 1526, Italy was invaded again, this time led by the German Holy Roman Emperor. Once again, the Medici were evicted from Florence, and the republic was restored. Machiavelli, age 57, hoped he would finally get his old position as a diplomat back, but the new government appointed someone else.

The following year, Machiavelli became seriously ill. On his deathbed, he told friends that he would prefer to go to hell, discussing politics with the wise men of history, than to go to heaven with boring saintly souls.

The Prince was never published in Machiavelli's lifetime. When printed copies became widely available after 1532, the Catholic Church banned it as an evil work. Others criticized it as a “handbook for tyrants.” By the early 1600s, Shakespeare was using “Machiavel” to refer to an unscrupulous and scheming person. Today, “Machiavellian” means acting in an evil, underhanded way.

Many others, however, have applauded Machiavelli's realism. They believe he described how the world of politics really operates. The French philosopher Rousseau thought *The Prince* was a service to the people, putting them on guard against the secrets of tyrants. Some believe that modern political science began with *The Prince*, which made the security and interest of a nation the highest priority of its leader.

Machiavelli wrote *The Prince* not just to get his old job back, but also to spark the liberation of Italy from foreign occupation. Above all, Machiavelli was a patriot. Toward the end of his life, he wrote, “I love my country more than my soul.”

For Discussion and Writing

1. Play the role of Machiavelli and write a letter to Cesare Borgia, telling him where he went wrong.
2. Do you believe Machiavelli was basically evil or good? Why?
3. Do you think American leaders should follow Machiavelli's advice in *The Prince*? Why?

For Further Reading

Rudowski, Victor Anthony. *The Prince, A Historical Critique*. New York: Twayne, 1992.

Viroli, Maurizio. *Niccolo's Smile, A Biography of Machiavelli*. New York: Farrar, Straus and Giroux, 2000.

A C T I V I T Y

The Prince and the President

Form small discussion groups to evaluate the hypothetical presidential decisions listed below. The groups should discuss and answer the following questions for each presidential decision:

1. Would Machiavelli agree or disagree? Why?
2. Do you agree or disagree? Why?

Presidential Decisions

- A. The president promises never to lie to the American people.
- B. The president recommends unilaterally canceling a foreign trade agreement because it is costing American jobs.
- C. The president wants Congress to restore the military draft.
- D. The president orders the CIA to use torture to get information from suspected terrorists.

After the groups have finished their discussions, they should debate with each other the answers to the questions on the presidential decisions.

Sources

Machiavelli

Hale, J. R. *Machiavelli and Renaissance Italy*. New York: Macmillan Co., 1960. • Machiavelli, Niccolo. *The Prince*. Atlantic Highlands, N. J.: Humanities Press, 1995. • Najemy, John and Birely, Robert. "Machiavelli, Niccolo." *Encyclopedia of the Renaissance*. New York: Charles Scribner's Sons, 1999. • Ridolfi, Roberto. *The Life of Niccolo Machiavelli*. Chicago: University of Chicago Press, 1963. • "Machiavelli, Niccolo." *Encyclopaedia Britannica Micropaedia*. 2002 ed. • Rudowski, Victor Anthony. *The Prince, A Historical Critique*. New York: Twayne, 1992. • Viroli, Maurizio. *Niccolo's Smile, A Biography of Machiavelli*. New York: Farrar, Straus and Giroux, 2000.

Detaining Enemy Combatants

Dworkin, Ronald. "What the Court Really Said." *New York Review of Books*, vol. 51, Number 13. August 13, 2004. • Vladeck, Stephen. "The Detention Power." *Yale Law & Policy Review*, vol. 22: 153, 2004. • Elsea Jennifer K. "Presidential Authority to Detain 'Enemy Combatants.'" Congressional Research Service. 2004. • *Hamdi v. Rumsfeld*, URL: <http://supct.law.cornell.edu/supct/html/03-6696.ZS.html> • Lichtblau, Eric. "U.S., Bowing to Court Ruling, Will Free 'Enemy Combatant.'" *New York Times*, Section A, Page 1, Column 1, Sept. 23, 2004.

Indian Removal

Forman, Grant. *Sequoyah*. Norman, Okla.: University of Oklahoma Press, 1938. • Gilbert, Joan. *The Trail of Tears Across Missouri*. Columbia, Mo.: University of Missouri Press, 1996. • King, Duane H., ed. *The Cherokee Indian Nation, A Troubled History*. Knoxville, Tenn.: University of Tennessee Press, 1979. • Perdue, Theda and Green, Michael D. *The Cherokee Removal, A Brief History with Documents*. Boston: Bedford Books, 1995. • "Sequoyah." *Encyclopaedia Britannica Micropaedia*. 2002 ed. • Tregle, Joseph G. "Jackson, Andrew." *Encyclopedia Americana*. 1999 ed. • Wallace, Anthony F. C. *The Long Bitter Trail, Andrew Jackson and the Indians*. New York: Hill and Wang, 1993.

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Standards Addressed

National High School World History Standard 27: Understands how European society experienced political, economic, and cultural transformations in an age of global intercommunication between 1450 and 1750. (7) Understands significant individuals and ideologies that emerged during the Renaissance and Reformation (e.g., the basic arguments in *The Prince* by Machiavelli; works of Renaissance writers and elements of Humanism in these works; individuals and factors that contributed to the revival of Greco-Roman art, architecture, and scholarship; differing ideas on women's roles in the Protestant household; social oppression and conflict in Europe during the Renaissance, as contrasted with humanist principles of the time). (8) Understands sources of military buildup of the 17th and 18th centuries (e.g., how they compare with the advice of Machiavelli on the use of mercenaries).

California History-Social Science Content Standard 7.8: Students analyze the origins, accomplishments, and geographic diffusion of the Renaissance. (2) Explain the importance of Florence in the early stages of the Renaissance and the growth of independent trading cities (e.g., Venice), with emphasis on the cities' importance in the spread of Renaissance ideas. (5) Detail advances made in literature, the arts, science . . .

California History-Social Science Content Standard 12.1: Students explain the fundamental principles and moral values of American democracy as expressed in the U.S. Constitution and other essential documents of American democracy. (1) Analyze the influence of ancient Greek, Roman, English, and leading European political thinkers such as . . . Niccolo Machiavelli . . . on the development of American government.

National High School Civics Standard 11: Understands the role of diversity in American life and the importance of shared values, political beliefs, and civic beliefs in an increasingly diverse American society. (6) Knows how shared ideas and values of American political culture are reflected in various sources and documents (e.g., . . . landmark decisions of the Supreme Court of the United States)

National High School Civics Standard 18: Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights. (2) Knows historical and contemporary practices that illustrate the central place of the rule of law (e.g., . . . higher court review of lower court compliance with the law . . . , executive branch compliance with laws enacted by Congress).

California History-Social Science Content Standard 12.5: Students summarize landmark U.S. Supreme Court interpretations of the Constitution and its amendments. (1) Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, speech, press, petition, and assembly) articulated in the First Amendment and the due process and equal-protection-of-the-law clauses of the Fourteenth Amendment.

National High School U.S. History Standard 9: Understands the United States territorial expansion between 1801 and 1861, and how it affected relations with external powers and Native Americans. (3) Understands shifts in federal and state policy toward Native Americans in the first half of the 19th century (e.g., arguments for and against removal policy, changing policies from assimilation to removal and isolation after 1825).

California History-Social Science Content Standard 8.8: Students analyze the divergent paths of the American people in the West from 1800 to the mid-1800s and the challenges they faced. (1) Discuss the election of Andrew Jackson as president in 1828 . . . and his actions as president (e.g., . . . policy of Indian removal . . .). (2) Describe the purpose, challenges, and economic incentives associated with westward expansion, including the concept of Manifest Destiny (e.g., . . . accounts of the removal of Indians, the Cherokees' "Trail of Tears" . . .) and the territorial acquisitions that spanned numerous decades.

California History-Social Science Content Standard 11.1: Students analyze the significant events in the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of Independence. (3) Understand the history of the Constitution after 1787 with emphasis on federal versus state authority and growing democratization.

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Detaining U.S. Citizens as Enemy Combatants

The war on terror has brought forward many questions of due process. In 2004, the Supreme Court dealt with the case of a U.S. citizen named by the president as an “enemy combatant” and locked in prison. The man had been held incommunicado with no charges filed against him.

Yaser Esam Hamdi is an American citizen. He was born in Louisiana in 1980 and raised in Saudi Arabia. In 2001, members of the Northern Alliance—an anti-Taliban group—captured Hamdi in Afghanistan and turned him over to U.S. troops. (The Taliban is an Islamic fundamentalist group, which ruled Afghanistan and harbored Osama bin Laden and his Al Qaeda terrorist group.) Hamdi was transferred to the U.S. naval base at Guantanamo Bay, Cuba, in January 2002 and later to a naval brig in South Carolina. He was held as an “enemy combatant.”

Hamdi’s father filed a petition for writ of habeas corpus in June 2002. He alleged that his son was being held incommunicado. The government had not filed charges against Hamdi and had denied him access to legal counsel. Hamdi’s father argued that the government was violating his son’s rights guaranteed by the Fifth and 14th amendments. In other documents, he stated that his 20-year-old son went to Afghanistan in July 2001 to do relief work. He said that Hamdi had been traveling alone for the first time and had gotten trapped in Afghanistan after the military campaign began “because of his lack of experience.”

What Is a Writ of Habeas Corpus?

The Fifth Amendment to the U.S. Constitution provides that no person shall be deprived of life, liberty, or property without “due process of law.” For hundreds of years, the instrument for obtaining due-process rights has been the writ of habeas corpus (also known as the “Great Writ”).

The word “writ” comes from English common law. It means a court order. “Habeas corpus” in Latin literally means “you have the body.” A writ of habeas corpus is a court order to an official (a prison warden or a military commander) holding someone in custody. It orders the official to deliver the person to the court. The writ allows the court to decide whether the person



The U.S. government is holding hundreds of foreign nationals as enemy combatants on the U.S. naval base located at Guantanamo Bay, Cuba. (U.S. Department of Defense)

is being held illegally, and if so, to order the executive branch to release the prisoner.

The Great Writ was developed in England, adopted by the colonies, and preserved in the U.S. Constitution. It is mentioned in what is known as the “suspension clause.” Under the suspension clause, Congress may suspend habeas corpus, but only in times of emergency: “The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it.” (Article, I, Section 9, clause 2.)

Yaser Esam Hamdi v. Donald Rumsfeld

Hamdi’s father filed a petition for a writ of habeas corpus in federal court in Virginia. (The government had imprisoned Hamdi there before transferring him to South Carolina.) The government was holding Hamdi in solitary confinement and barred him from communicating with his father—or with anyone else. The District Court appointed a public defender as counsel and ordered that the lawyer be given access to Hamdi. The U.S. government immediately appealed. The Court of Appeals for the Fourth Circuit reversed this order and sent the case back to the District Court. It

ordered the court to use “cautious procedures” to determine whether Hamdi was an “enemy combatant.”

Back in the District Court, the government submitted a declaration by Michael Mobbs, a special advisor to the Defense Department. He had reviewed government records and reports on Hamdi. Mobbs’ declaration was nine paragraphs long. It stated that during July and August of 2001, Hamdi was living in Afghanistan and was connected with a Taliban military unit. The Taliban was a hostile force in conflict with U.S. armed forces. The declaration stated that because Hamdi was connected with the Taliban and was carrying a rifle when he was captured, he met the criteria for an “enemy combatant.” The District Court found the declaration to be inadequate and ordered the government to turn over other materials for its review.

Once again, the government appealed. The Court of Appeals ordered the habeas petition dismissed. It ruled that the facts stated in the Mobbs declaration were sufficient to support Hamdi’s detention. Hamdi appealed to the U.S. Supreme Court.

The Supreme Court faced two issues:

- (1) Did the president have the authority to name U.S. citizens as enemy combatants and hold them in prison without filing criminal charges?
- (2) If the president has this authority, what manner of habeas corpus review is due to citizens who contest their status as enemy combatants?

The court was fragmented on the issues and published four separate opinions. On the first issue, five justices concluded that the president had the authority to hold U.S. citizens in prison as enemy combatants. On the second issue, eight justices concluded that Hamdi’s due process rights had been wrongfully denied and that he should be accorded a greater habeas corpus review. But the justices could not agree on the underlying legal principles for either issue. The result was what is called a “plurality decision” with four justices joining the controlling opinion. Two other justices dissented in part, but concurred with the judgment of the controlling opinion so that Hamdi would get another hearing. Three other justices dissented.

O’Connor’s Opinion—The Opinion of the Court

Justice Sandra Day O’Connor wrote the controlling opinion in the case. She was joined by three other justices: Anthony Kennedy, Stephen Breyer, and Chief Justice William Rehnquist.

O’Connor first addressed the issue of whether the president had authority to detain citizens as “enemy combatants.” Her opinion held that Congress had authorized such detention through a resolution called the Authorization for Use of Military Force (“AUMF”). Congress passed AUMF a week after the 9/11 attacks. AUMF authorized the president to use force against those who committed or aided the terrorist attacks or harbored the terrorists.

O’Connor found that detaining combatants was basic to waging war. The military needed to prevent those captured from returning to the battlefield. By authorizing the use of force, Congress had “authorized detention in the narrow circumstances considered here.” O’Connor noted that unlike most wars, a “war on terror” would not end with a formal cease fire. She voiced concern that if the war on terror dragged on, Hamdi could be detained for his lifetime. But she put aside that concern because combat was still going on in Afghanistan. As long as U.S. troops are engaged in combat in Afghanistan, O’Connor stated, detaining someone captured there is part of the proper use of force. It is “therefore authorized by the AUMF.” O’Connor’s opinion also ruled that indefinite detention “for the purpose of interrogation” is not authorized.

Having ruled in favor of the government on detention, O’Connor’s opinion then addressed the second issue: What manner of habeas corpus review is due to a citizen who contests his status as an enemy combatant? The government argued that at most the courts should review the question of determining enemy combatants under a “some evidence” standard of proof. Under this standard, the court hearing a habeas corpus petition would assume that the facts the government presented were true. Based on the facts presented, the court would then simply decide whether the petitioner had been correctly classified as an “enemy combatant.” The government also argued that requiring courts to review the facts concerning an individual detainee would intrude upon the president’s authority as commander in chief. Hamdi argued, to the contrary, that due process requires that he receive a hearing in which he could challenge the Mobbs declaration and present his own counter evidence.

O’Connor’s opinion pointed out that the government had a strong interest in keeping someone captured on the battlefield from returning to wage war against the United States. It also noted that going to court placed a

burden on the military. But on the other side of the scale was Hamdi's private interest in being free. This "is the most elemental of liberty interests." O'Connor said it is of "great importance" to strike the proper balance between these competing interests—especially during war when it is tempting to ignore them.

O'Connor's opinion rejected the "some evidence" standard. Instead it held that a citizen challenging his classification as an enemy combatant must be given a chance to contest the classification before "a neutral decision maker." It further held that Hamdi "has the right to access to counsel." In rejecting the argument that courts should not examine individual cases, O'Connor said that barring such review would only "condense power into a single branch" (the executive). O'Connor wrote, "We have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens."

O'Connor then discussed the type of hearing that might meet the court's standards. She indicated that detainees might not be entitled to appeal to an ordinary court. She said that a military tribunal might be a proper forum. O'Connor also said that enemy combatant hearings might be specially "tailored" to reduce the burden on the executive. For example, hearsay might be admissible. And the normal burden of proof might be reversed, so that a citizen would have to prove that he was **not** an enemy combatant. "Due process" in this situation would be far different from what would be required if a citizen were accused of treason (or some other crime) and tried in a criminal court.

The Supreme Court vacated the Fourth Circuit Court's judgment and sent the case back to the District Court. It held that the president did have authority to detain citizen "enemy combatants" without charging them with a crime. But it also held that due process required that Hamdi be given a fair chance to contest the factual basis for his detention.

Souter's Opinion—Dissenting in Part and Concurring in Part

Justice David Souter issued a separate opinion. Justice Ruth Bader Ginsberg joined his opinion. Souter strongly disagreed with the court's holding that AUMF authorized detaining citizens. He based his argument on a law passed by Congress in 1971—the Non-Detention Act. It states: "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress." Souter noted that Congress had passed the Non-Detention Act to prevent the government from violating citizens' rights as it had done during World

War II. The government had put citizens of Japanese ancestry in detention camps during the war without any evidence of wrongdoing.

Congress, he argued, intended to require clear congressional authorization "before any citizen can be placed in a cell." Congress had passed the AUMF resolution. But, Souter pointed out, AUMF concerns only the use of force and says nothing about detention. It did not, in Souter's opinion, authorize detaining citizens as enemy combatants.

Although Souter argued that AUMF did not give the president authority to detain citizens without charges, the opinion of the court ruled otherwise. Souter believed that Hamdi should be given the chance to challenge his classification as an enemy combatant. Souter therefore concurred with O'Connor on the second issue and in the judgment. He explained that he concurred so that Hamdi would get another hearing to prove that he is not an enemy combatant. Souter wrote that Hamdi "should at least have the benefit of that opportunity."

Scalia's Opinion—Dissenting

Justice Antonin Scalia (joined by Justice John Paul Stevens) dissented. Scalia did not agree that the president was authorized to detain citizens as enemy combatants without charges. Nor did he agree with the "tailored" process outlined by O'Connor. The government, he argued, has only two options if a citizen is accused of waging war against it. One is to prosecute him in federal court for treason or some other crime. The other—in times of emergency—is for Congress to suspend the writ of habeas corpus. Scalia contended that the court's decision undermined the power of Congress. Moreover, he wrote, under the "guise" of the due process clause, the court had begun to rewrite the Constitution by coming up with an "unheard-of system in which the citizen rather than the Government bears the burden of proof, testimony is by hearsay rather than by live witnesses, and the presiding officer may well be a 'neutral' military officer rather than judge and jury."

Thomas' Opinion—Dissenting

Justice Clarence Thomas offered a far different dissent. He wrote that the president, as commander in chief and through AUMF, had clear authority to detain Hamdi. He believed that O'Connor's opinion placed too many limits on this authority. He disagreed with O'Connor on whether a citizen could be detained for interrogation. He argued that gathering intelligence about the enemy was an important and valid purpose of detention. He also disagreed on how long detention should last. He

stated that the power to detain does not end when formal hostilities cease.

Thomas also dissented on the second issue. He believed that the judicial branch should only resolve the first issue of whether the president could detain enemy combatants. He did not think that the courts should determine whether a specific citizen was actually an enemy combatant. That question, he said, is for the executive alone. It should not be second-guessed by the courts. He wrote that Hamdi's habeas corpus petition should fail because Hamdi had received "all the process to which he was due under the circumstances."

Unanswered Questions

The same day it ruled on *Hamdi*, the Supreme Court decided two related cases. *Rasul v. Bush* involved 12 Kuwaitis and two Australians captured in Afghanistan and held at Guantanamo Bay. They alleged they were not combatants and challenged their detention by filing writs of habeas corpus. The lower courts ruled that as foreign nationals outside of U.S. territory they had no right to file a writ. The Supreme Court in a 6–3 vote reversed and held they had such a right. The court did not, however, address the right to counsel, the rules of evidence, or the how the petitioners' claims would be heard.

In *Padilla v. Rumsfeld*, Jose Padilla, a U.S. citizen arriving from Pakistan, was arrested in Chicago as a material witness to the September 11 attacks. The federal government moved him to New York and held him in criminal custody. When his lawyer challenged Padilla's detention, the president ordered Secretary of Defense Donald Rumsfeld to hold Padilla as an enemy combatant. Padilla was sent to a naval brig in South Carolina. His lawyer filed a writ of habeas corpus in New York challenging the president's right to hold a U.S. citizen arrested on American soil as an enemy combatant. The Supreme Court did not decide this question. Instead, it dismissed his writ because it was filed in the wrong court. Padilla has filed a new petition for writ of habeas corpus in South Carolina. His case may reach the Supreme Court again in the future.

The Supreme Court's ruling in *Hamdi* also left many questions undecided. It is uncertain whether courts or military tribunals will decide cases involving U.S. citizens. Nor is it even clear who qualifies as an enemy combatant. (Justice O'Connor noted that the government had never provided the criteria that it uses to classify individuals as enemy combatants.) These questions will likely be decided in future cases that come before the court.

Hamdi's case will not be one of these cases. Soon after the court's ruling, the Department of Defense began negotiations with Hamdi's lawyers. Three months later, it announced an agreement. The United States agreed to release Hamdi and return him to Saudi Arabia. In exchange, Hamdi agreed, among other things, to give up his U.S. citizenship, to waive his right to sue the U.S. government for detaining him, and not to travel outside Saudi Arabia for five years.

For Discussion and Writing

1. What were the facts in the *Hamdi* case? What two issues did the Supreme Court have to decide? What were the four opinions on each issue? Which opinion do you agree with? Why?
2. What is a writ of habeas corpus? Do you think non-citizens held in custody should be allowed to use a writ of habeas corpus? Why or why not?
3. How would you define an "enemy combatant"?
4. Do you think the deal to release Hamdi was fair? Explain.

A C T I V I T Y

Decide the Case

The U.S. Supreme Court was deeply divided on the two issues in the *Hamdi* case. Only four justices could agree on the reasons for the court's decision. This makes it a plurality decision instead of a majority decision. In this activity, students will get an opportunity to role play the court and see whether they can get a majority decision on the two issues in the case.

1. Divide the class in small groups of 3, 5, 7, or 9 students.
2. Each group should:
 - a. Examine the first issue: Did the president have the authority to name U.S. citizens as enemy combatants and hold them in prison without filing criminal charges?
 1. Discuss the issue fully.
 2. Vote on it.
 3. Decide the reasons for the decision.
 - b. Do the same for the second issue: If the president has this authority, what manner of habeas corpus review is due to citizens who contest their status as enemy combatants?
 - c. Be prepared to announce the decisions and explain the reasons to the rest of the class.

Indian Removal: The Cherokees, Jackson, and the “Trail of Tears”

President Andrew Jackson pursued a policy of removing the Cherokees and other Southeastern tribes from their homelands to the unsettled West.

For a thousand years before Europeans came to North America, the Cherokees occupied a large area where the states of Alabama, Tennessee, North Carolina, South Carolina, and Georgia now come together. They inhabited over 50 towns. Cherokee women tended crops while the men hunted and made war.

Each town had a council, usually made up of a religious leader and elders. The council discussed important matters such as going to war against an enemy tribe. The council members and people of the town debated an issue until they agreed on what to do.

Traditionally, no tribal government or chief held authority over all the Cherokees. But in 1721, South Carolina colonists succeeded in persuading the Cherokees to choose a principal chief for the entire tribe to negotiate selling some of its hunting grounds.

After the French and Indian War, the British tried to ban any further white settlement on Native American lands west of the Appalachian Mountains. But colonists kept moving into Cherokee and other Indian lands.

During the American Revolution, the Cherokees sided with the British. A colonial army attacked and destroyed 50 Cherokee towns. After the revolution, many Americans considered the Cherokees a conquered people and forced them to give up thousands of square miles of hunting grounds. Suddenly, the traditional ways and even survival of the Cherokee tribe were threatened.

“Civilizing” the Indians

Many Americans believed that the Cherokees as allies of the British had forfeited all rights to their land. Henry Knox, President George Washington’s secretary of war, disagreed. Instead, he concluded that they and all the Indian tribes were sovereign nations. He believed they eventually would have to give up



Andrew Jackson (1767–1845) became a national hero by defeating the British at the Battle of New Orleans in 1815. He was elected president in 1828. (Library of Congress)

their lands to the inevitable tide of white settlement, but only voluntarily through negotiated treaties.

Knox convinced President Washington that Native Americans would also have to be integrated into American society. To do this, they would have to become “civilized,” becoming like white Americans in dress, speech, work, religion, and in all other ways.

In 1791, the new American nation signed a treaty with the Cherokees with the goal of leading them to “a greater degree of civilization.” The main way of achieving this was for Cherokee men to give up hunting and become farmers, which had been the traditional role of women.

To some degree, all the Southeastern tribes accepted the idea of “civilizing” themselves. But the Cherokees embraced it enthusiastically. The Cherokees believed that if they became more like their white neighbors, the

Americans would leave them alone on their remaining land.

By the 1820s, most Cherokees were living in family log cabins, cultivating fields on tribal land. Some owned stores and other businesses. A few borrowed from Southern whites the idea of establishing large cotton plantations complete with a mansion and black slaves. The Cherokees also welcomed white Christian missionaries to set up schools to teach English and agricultural skills.

Sequoyah, a Cherokee silversmith and farmer, believed that white people gained their power from their ability to remember and communicate through writing. Although he never went to school or learned English, Sequoyah experimented for a dozen years before developing 86 symbols that represented all the syllables of spoken Cherokee.

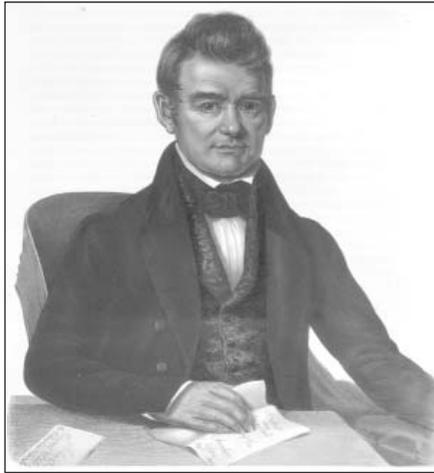
The mission schools soon adopted Sequoyah's writing system and taught it along with English. Within a decade, probably a greater percentage of Cherokees could read and write in their native language than Southern whites could in English. In 1828, the *Cherokee Phoenix*, the first Native American newspaper, began publishing in both Cherokee and English.

Also by 1828, the Cherokees had adopted a constitution modeled on the American one. The Cherokee constitution provided for a two-house legislature, called the General Council, a principal chief, and eight district courts. It also declared all Cherokee lands to be tribal property, which only the General Council could give up.

Jackson and Indian Removal

The idea of removing Native American tribes from the East to the West began with President Thomas Jefferson after the Louisiana Purchase of 1803. But only a few Cherokees and members of other Southeastern tribes agreed to relocate.

Pressure for relocation grew in Georgia after it gave up its land claims to the west. In exchange, the U.S. government promised to acquire the Cherokee heartland and turn it over to the state for white settlement. But by the 1830s, land-hungry Georgians looked with alarm at the "civilized" Cherokees. Most of them were successfully adopting American ways and showing every sign



John Ross (1790–1866), chief of the Cherokee nations, opposed government efforts to make his people move their homeland. (Library of Congress)

that they meant to stay on their land.

The president who had to deal with this problem was Andrew Jackson. Jackson was a Tennessee political leader, judge, and land speculator. He was also a war hero, fighting Indians and defeating the British at the Battle of New Orleans in 1815.

After the War of 1812, Jackson served as a federal commissioner to negotiate treaties with the Choctaws, Chickasaws, Creeks, Seminoles, and Cherokees—the so-called "Five Civilized Tribes" of the Southeast. Sometimes resorting to military threats and

bribery, Jackson got most of the tribes to give up a total of 50-million acres of tribal land.

In 1828, Jackson was elected president. He declared that the only hope for the Southeastern tribes' survival would be for them to give up all their land and move west of the Mississippi River. Jackson warned the tribes that if they failed to move, they would lose their independence and fall under state laws.

Jackson backed an Indian removal bill in Congress. Members of Congress like Davy Crockett argued that Jackson violated the Constitution by refusing to enforce treaties that guaranteed Indian land rights. But Congress passed the removal law in the spring of 1830.

The Indian Removal Act offered tribes in the East lands in an area west of the Mississippi (soon to be called "Indian Territory"). The U.S. government promised to compensate the tribes for the property they would have to abandon.

Although removal was supposed to be voluntary, Jackson cut off payments to the tribes for previous land deals until they moved to the West. He also agreed with Georgia and other Southern states that their laws controlled tribal land. For example, Georgia had passed legislation that abolished the Cherokee government.

In 1830, the U.S. Supreme Court ruled in *Worcester v. Georgia* that Jackson was wrong. Chief Justice John Marshall wrote in the majority opinion that the Constitution gave to Congress, not the states, the power to make laws that applied to the Indian tribes. Despite this clear court victory for the Cherokees, Jackson

(Continued on next page)

openly refused to enforce it, and the Southern states ignored it.

Georgia settlers, gold miners, and land speculators swarmed onto Cherokee lands, often seizing or destroying Cherokee homes and other property. In 1832, Georgia ran a lottery to distribute Cherokee land. The white invaders sang about their hopes:

All I want in this Creation
Is a pretty little wife and a
big plantation
Way up north in the
Cherokee Nation.



Major Ridge (c. 1771-1839) headed a faction of the Cherokees who favored moving their homeland. (Library of Congress)

Division Among the Cherokees

Adding to the Cherokees' troubles, the tribe split over whether to accept or resist removal. A small minority argued that the Cherokees could not stop the land-hungry whites and the only hope for surviving as a tribe was to emigrate west. Longtime Cherokee political leader Major Ridge led this so-called "Treaty Party" in favor of removal.

John Ross, the principal chief of the Cherokees, led the tribal government and majority of Cherokees opposed to removal. The "Ross Party" argued that the Cherokees should defend their legal rights as a sovereign nation under treaties going back to George Washington.

Ross tried and failed to negotiate a new treaty with the United States. Finally, in 1835, U.S. officials called a meeting at New Echota, the Cherokee capital, to negotiate a removal treaty.

While Ross was in Washington, Major Ridge and a small group of his supporters signed a treaty granting to the United States "all the lands owned, claimed, or possessed" by the Cherokees. The United States agreed to pay the tribe \$5 million and to provide new land in the West that would never be included within any future state.

The Treaty of New Echota also required the U.S. government to compensate individual Cherokees for their houses and other property. Finally, the United States promised to pay the Cherokees their emigration expenses and support them for one year after their arrival in Indian Territory.

Chief Ross and the Cherokee General Council rejected the treaty because it did not reflect the will of the Cherokee majority. But in 1836, the U.S. Senate, amid great public criticism, ratified the treaty by one vote.

The treaty gave the Cherokees two years to leave. But more than 16,000 Cherokees defied the treaty, refusing to abandon their homes.

The "Trail of Tears"

By 1838, the U.S. government had removed most Choctaws, Creeks, and Chickasaws from their tribal lands in the Southeast. The Seminoles held out and fought a guerilla war against the

United States that lasted almost 10 years. Meanwhile, Georgia land-seekers continued to drive many Cherokee families out of their homes and farms.

President Jackson had completed his second term by the deadline for Cherokee removal in 1838. When most Cherokees still refused to emigrate, the new president, Martin van Buren, ordered General Winfield Scott to round up and force them to leave.

In the summer of 1838, Scott's soldiers arrested about 15,000 Cherokees and marched them into primitive stockades. Even before the trek west began, poor food, limited water, filthy living conditions, and disease caused the death of an estimated 3,000 Cherokees.

With no hope of resisting the U.S. Army, Chief Ross finally decided to organize and lead the removal himself. He formed the Cherokees into groups of about 1,000 persons that departed separately every few days.

Ross arranged for private contractors to provide supplies along the route that extended nearly 1,000 miles through parts of five states. Federal money for this mass migration was slow in coming, so Ross and other well-off Cherokees paid for many of the expenses.

The first group left in October 1838 for a journey that took up to four months. Most people walked. As the winter weather worsened, many elderly persons and children died from disease and the harsh conditions. The worst time came when groups became stranded on the east bank of the Mississippi River, which was clogged with floating ice. The last groups finally reached their new homeland in March 1839.

In addition to the thousands who died in the military stockades, another 1,000, including John Ross' wife, died on the way west. Altogether, about 25 percent of the tribe perished during what the Cherokees call the "Trail of Tears."

In 1907, the U.S. government broke its word once again by incorporating the new Cherokee land within the state of Oklahoma. Even so, the Cherokees have survived. Today, they make up the largest tribe of Native Americans in the country.

For Discussion and Writing

1. In what ways did the Cherokees become "civilized"? Why did they do this?
2. If you had been a member of Congress in 1836, would you have voted to ratify the Treaty of New Echota? Explain.
3. Do you think Major Ridge or John Ross had the best strategy for the Cherokee people? Why?

For Further Reading

Gilbert, Joan. *The Trail of Tears Across Missouri*. Columbia, Mo.: University of Missouri Press, 1996.

Perdue, Theda and Green, Michael D. *The Cherokee Removal, A Brief History with Documents*. Boston: Bedford Books, 1995.

A C T I V I T Y

Choosing a Native American Policy

Imagine that you are advisors to President Andrew Jackson. Since George Washington, American presidents have wrestled with devising a Native American policy. There are six policy proposals summarized in the next column. Which one do you think the United States should adopt?

1. Form small groups to discuss the six policies.
2. Try to reach a consensus on the best policy.
3. Each group should then report its choice and reasons for it to the class.

Policy Choices

A. Abolish tribes and deny them claims to land.

- Tribes abolished and people left to survive on their own.
- Native Americans subject to state and federal laws.
- U.S. citizenship immediate.

B. Remove tribes to an unsettled part of American territory with compensation for giving up their homelands and property.

- Tribes remain and control tribal land.
- Native Americans subject to tribal government laws that are not in conflict with U.S. laws.
- U.S. citizenship denied.

C. Allot tribal land to individual members of the tribe.

- Tribes gradually disappear as some members sell their land and most become assimilated into American society.
- Native Americans subject to state and federal laws.
- U.S. citizenship possible in future.

D. Create federal reservations for specific tribes.

- Tribes occupy and control their reservation land.
- Native Americans subject to tribal government and federal laws.
- U.S. citizenship possible in future.

E. Create one state for all tribes.

- Tribes occupy sections of the state, but elect a state government.
- Native Americans subject to state and federal laws.
- U.S. citizenship immediate.

F. Recognize each tribe as a sovereign foreign nation.

- Tribes have supreme authority within their national boundaries.
- Native Americans subject only to tribal laws.
- U.S. citizenship not possible.



PostScript

RESOURCES AND MATERIALS FOR CIVIC EDUCATION

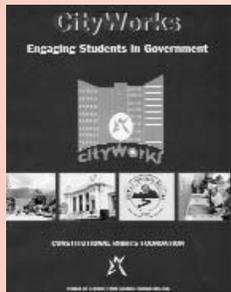
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Grades 9–12

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CityWorks

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- #35355CBR Student Handbook (Set of 35) \$64.95
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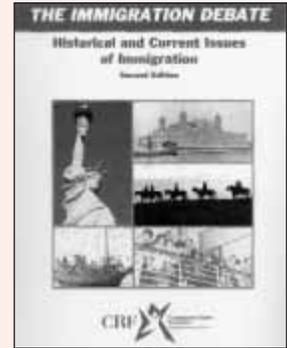
- A reading based on a middle school U.S. history standard.
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- A product-based activity that helps students delve more deeply into the reading and develop critical-thinking skills.

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- 2: The Federalist Papers
- 3: Night Forever: Slavery in the American South
- 4: How the Women's Rights Movement Began
- 5: Black Soldiers in Union Blue
- 6: Rockefeller and the Standard Oil Monopoly

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- 10: Illegal Immigrants
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Web Links. The CRF web site www.crf-usa.org supports *The Immigration Debate* with online links to more readings, the latest statistics, and other information on immigration issues.

32001CBR The Immigration Debate, 88 pp. \$16.95

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Established in 1962, CRF is guided by a dedicated board of directors drawn from the worlds of law, business, government, education, and the media.

CRF's program areas include the California State Mock Trial, History Day in California, youth internship programs, youth leadership and civic participation programs, youth conferences, teacher professional development, and publications and curriculum materials.

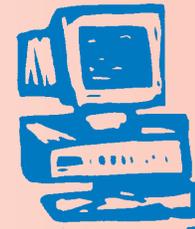
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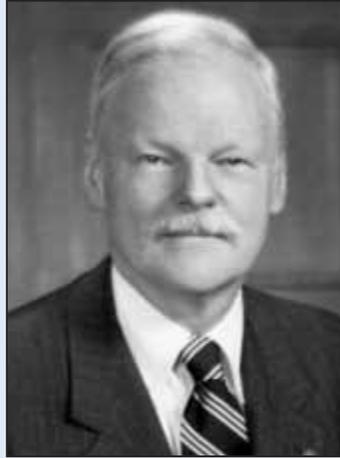
Norman Clement (1920–2004)

It is with great sadness that Constitutional Rights Foundation notes the passing of Norman Clement. He joined the Constitutional Rights Foundation's Board of Directors in 1983 and continued to be an active member of the board. In 1999, CRF honored him with its Lloyd M. Smith Award for his commitment to youth.

Clement grew up in Buffalo, New York, as the youngest of four sons. He graduated from Yale University and received an MBA from Harvard (where he was a "Baker Scholar"). During World War II, he served as an officer in the U.S. Navy, commanding minesweepers in the Pacific.

He began his career in Scranton, Pennsylvania, and then joined as a partner in the international consulting firm of Cresap, McCormick, & Paget, working in both its New York and Los Angeles offices. In 1962, he moved his family to Pasadena.

He joined Korn/Ferry International in 1972, shortly after it was formed. He became a vice president in the Los Angeles office and managed a broad range of search assignments for senior management positions. He was



particularly active in helping clients find candidates for their boards of directors, working with chairmen, chief executive officers, and board search committees to identify, evaluate, and help recruit qualified directors for both corporate and non-profit organizations.

For several years, he lectured at UCLA's Anderson Graduate School of Management. He helped found the Institute of Management Consultants and the California Executive Recruiters Association. He also served on the boards of several educational and philan-

thropic organizations, including the Metropolitan YMCA, Episcopal Church Foundation, French Foundation (for Alzheimer research), Bishop Stevens Foundation (for promising priests), Pacific Oaks College, and the Alumni Association of the Harvard Business School.

He is survived by three children and seven grandchildren. His wife, Lisa, died in 1994.

Norman Clement's warmth, wisdom, and generosity will be greatly missed.

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