

Bill of Rights in Action



SPRING 2015

Volume 30 N°3

SAVED FROM THE GALLOWS – THE TRIAL OF LEOPOLD AND LOEB



Chicago Daily News negatives collection, Chicago History Museum

From right, defense attorney Clarence Darrow and his two clients, Richard Loeb and Nathan Leopold, sit in court.

IN 1924 IN CHICAGO, NATHAN LEOPOLD, 19, AND HIS FRIEND, RICHARD LOEB, 18, WERE TRIED FOR THE BRUTAL MURDER OF A 14-YEAR-OLD BOY. THE PROSECUTOR CALLED IT “ONE OF THE MOST COLD-BLOODED, CRUEL AND COWARDLY CRIMES EVER COMMITTED IN HISTORY.” NEWSPAPERS ALL OVER THE COUNTRY CARRIED STORIES OF THE ARREST AND THE GRISLY FACTS OF THE CRIME ON THE FRONT PAGE. THE PUBLIC CALLED FOR LEOPOLD AND LOEB’S EXECUTION. BUT THE BOYS

WERE SAVED FROM THE GALLOWS BY THE WORK OF THEIR ATTORNEY, CLARENCE DARROW, IN WHAT HAS OFTEN BEEN CALLED ONE OF THE MOST FAMOUS TRIALS OF THE 20TH CENTURY.

Nathan Leopold grew up in Chicago, Illinois. He came from a wealthy family; his father had made millions manufacturing boxes. By 1924, Nathan had graduated from college and was a law student at the University of Chicago. He engaged in

many hobbies and interests, including birding, which he pursued with a passion. At home he read books on philosophy, including books by the German philosopher, Friedrich Nietzsche. Nietzsche wrote often about the *Übermensch*, a superman who sets his own values and can affect the lives of others.

Leopold admired his close friend, Richard Loeb, whom he often described as a “superman.” Loeb, like Leopold, was extremely intelligent. He skipped several grades in school and was the youngest student ever to graduate from the University of Michigan. Like Leopold, he also came from a wealthy family; his father was a retired vice president of Sears Roebuck. Loeb did not read books on philosophy; he loved detective stories, reading every one he could find. Loeb also tried committing minor crimes — stealing bottles of liquor from a relative and a Liberty Bond from his brother’s desk. But minor crimes were not enough. ▶

THE LAW

This edition of *Bill of Rights in Action* looks at issues related to law. The first article explores the famous trial of Leopold and Loeb, which rocked the nation in the 1920s. The second article examines the *Great Qing Code*, the laws of the last dynasty of China, which was in power from 1644 to 1912. The last article looks at the meaning of the First Amendment’s free exercise clause.

U.S. History: Saved From the Gallows – The Trial of Leopold and Loeb

World History: The *Great Qing Code*: Law and Order During China’s Last Dynasty

Government: The Free Exercise of Religion in America

Guest writer Lucy Eisenberg, Esq., wrote the article on Leopold and Loeb. Our longtime contributor Carlton Martz wrote about the Qing Code. CRF’s senior writer Damon Huss wrote on the free exercise of religion.

U.S. HISTORY

What he really wanted was to commit the “perfect” crime, a crime in which he would collect ransom after kidnapping a young person and escape detection by murdering the kidnapped victim and hiding the body where it would not be discovered. Loeb managed to persuade his friend Leopold to help him create and carry out such a plan.

After at least two months of planning, Loeb and Leopold decided to carry it out. On May 21, they got into a car, which they had rented under a false name, and cruised a street near the Harvard school, where wealthy parents sent their children. It was late afternoon and a 14-year-old student, named Bobby Franks, was walking home. Leopold and Loeb pulled over to the curb and persuaded Bobby to climb into the car. Two minutes later Bobby had been hit four times on the head with a chisel, thrown onto the floor, and suffocated to death. The killers then drove into marshlands around Wolf Lake, a place where Leopold often went birdwatching. They stripped off Bobby’s clothes, poured hydrochloric acid on his body, and stuffed it into a drainpipe. They then called the Franks’ house, telling Bobby’s mother that her son had been kidnapped, he was safe, and further instructions would follow.

The next day, Mr. Franks received a ransom note, sent by special delivery, stating that if he put \$10,000 in old \$20 and \$50 bills into a cigar box and delivered it as instructed, Bobby would be safely returned in six hours. But that didn’t happen, because the perfect crime had gone wrong.

Glasses Foil the Crime

A day after the murder, a workman walking near Wolf Lake saw two feet sticking out of a drain pipe close to the railroad tracks. He yelled for help, and another group of workmen joined him. Together they pulled out the body of Bobby Franks and called the police. One of the workers noticed a pair of glasses nearby and handed those to the police. Bobby Franks’ father had been waiting to hear from the kidnappers, certain that the kidnappers would not harm his son. At first, he paid no attention to the news that the body of a

young boy had been found in a swamp. He refused to go to the morgue to look at the body, but finally agreed to send a family member, who came back with the horrible news that it was Bobby’s body.

With Bobby’s death known, the plot to collect ransom collapsed. But for eight days, the identity of the killers was unknown. Then suddenly the pieces of the puzzle came together. The police located the company that had sold the eyeglasses found near the crime site. The company had kept careful records, and after searching 54,000 records in the company’s files, the police discovered that the glasses had been sold in November 1923 to a person named Nathan Leopold. At 2:30 p.m. on May 29, the police went to Leopold’s house and took him in for questioning. He acknowledged that the glasses belonged to him. He told the police that he often walked near Wolf Lake to do birdwatching, and the

Two minutes later Bobby had been hit four times on the head with a chisel, thrown onto the floor, and suffocated to death.

glasses had probably fallen out of his breast pocket when he stumbled. The police questioned Leopold about where he had been on the day of the murder. At first, he said he could not remember, but then began to tell a story of hanging out with his friend Richard Loeb. The police picked up Loeb and began questioning him in a different room. At first, Loeb said he couldn’t remember where he had been on the day of the murder, and then he began talking. The two boys were telling different stories, but after more than 12 hours of questioning, both confessed to having together organized and carried out the murder. Their stories had one major difference: Each said that the other one had actually killed Bobby Franks.

At 6 a.m., the state’s attorney, Robert Crowe, came out of his office to address the gathered crowd of reporters. He was exhausted but beaming with

satisfaction. “The Franks murder mystery has been solved,” he said, “and the murderers are in custody. Nathan Leopold and Richard Loeb have completely and voluntarily confessed.” And with great confidence he said: “I have a hanging case.”

Darrow for the Defense

News of the confessions created a storm of publicity and excitement. The Hearst papers printed a confession “extra” and claimed that they distributed 100,000 copies within 10 minutes. The papers cried for blood: “Never has public opinion in Chicago been at such a white heat of indignation.” And they demanded action right away. The *Herald and Examiner* called for an immediate resolution of the case. The case, it editorialized, “should not be allowed to hang on Every consideration of public interest demands that it be carried through to its end at once.” Without dissent, the newspapers reported that public opinion demanded the death penalty.

The families moved quickly to find legal help. The day after the confessions were announced, Loeb’s brother Mike went to the state attorney’s office with an attorney named Benjamin Bachrach to find out where the accused boys were being held. A well-schooled criminal lawyer, Bachrach had successfully defended a number of gangsters. That same night Loeb’s uncle Jacob went to the apartment of an attorney named Clarence Darrow, pleading with him to represent his nephew, Leopold. With desperation, Loeb’s uncle said: “Get them a life sentence instead of death. That’s all we ask.”

In 1924, Clarence Darrow was best known for defending labor unions and strikers. His public image, in the words of one author, “was a defender of the underdog, a devil’s advocate, a man who stood perpetually opposed to the great and powerful of the earth.” He certainly was not accustomed to representing wealthy and powerful families. But he was passionately opposed to capital punishment, and he saw the Leopold-Loeb case as a chance to strike a blow against the death penalty.

Darrow went to work immediately and hired three of the most eminent

psychiatrists in the country to examine the boys and explain their medical condition. On June 11 (the day that Richard Loeb turned 19), the defendants appeared in court and pleaded not guilty to the charges against them, murder and kidnapping. Trial was set for August 4, with all motions to be filed on July 21. When that day arrived, the boys entered the courtroom carefully groomed and dressed in dark suits. Judge John R. Caverly called the courtroom to order, and Darrow began a lengthy statement about the facts of the crime as set forth in the defendants' confession. He acknowledged that given the facts of the crime, the boys should not ever be released and should be "permanently excluded from society." He then exploded an unexpected bombshell. After long reflection, he said, we have decided to move the court to withdraw the defendants' plea of not guilty and enter a plea of guilty.

No one had anticipated a guilty plea; everyone was in shock and reporters raced for the door. But Darrow's goal was simple: to avoid a jury trial. If the defendants pleaded not guilty by reason of insanity, the law required a jury trial. And Darrow believed that public opinion was so inflamed that no jury would accept insanity as a defense. But he had hope that with the judge making the decision, he might be able to obtain mercy for his clients. He planned to introduce evidence of the mental condition of his clients "to show the degree of responsibility they had" as grounds for mitigating the sentence. "With that," he concluded, "we throw ourselves upon the mercy of this court — and this court alone."

A Crime Without a Motive

The trial began on July 23, 1924. Three hundred people — 200 of whom were reporters from all over the country — packed Judge Caverly's courtroom. There were 70 seats set aside for the public, which were hotly contested for each day. The trial — which technically was a hearing for mitigation of the sentence because of the guilty pleas — lasted just over a month. Even though guilt was no longer an issue, the state called 102 witnesses to confirm the facts of the crime and impress

the court with its horror and cold-bloodedness. Darrow stipulated to the facts and chose not to cross-examine any witnesses. The evidence presented by the defense was the testimony of the eminent psychiatrists who had examined Loeb and Leopold while they were in jail. The defense also presented various other medical specialists, including neurologists and endocrinologists, who testified to various metabolic abnormalities that affected the boys' mental condition.

At the closing arguments, one of the state's three attorneys boomed out with passion: "You have before you one of the most cold-blooded, cruel, cowardly, dastardly murders that was ever tried in the history of any court." It was then time for Darrow's closing argument, the demanding task of persuading the judge to spare the boys from hanging.

Darrow's argument began at 2:30 on Friday, August 22. Crowds rushed to the courthouse to hear him speak. Judge Caverly had to battle his way through the mob to get into the courtroom. Finally, Darrow rose to speak. His argument rested on two points: (1) disproving the state's claim that the boys' motive in kidnapping and killing Bobby Franks was to collect \$10,000, and (2) convincing the judge that since there was no motive, the boys were driven by diseased minds that they could not control.

On the issue of motive, Darrow did not — and could not — dispute the evidence that the state had presented of the intricate plan the boys had concocted to collect money from the Franks family. But Darrow reminded the judge that evidence had also been presented that the boys had plenty of money: Loeb had a \$3,000 checking account, and Leopold had a monthly allowance of \$125, got money from his parents whenever he wanted it, and had arranged to go to Europe and bought his ticket before he was arrested.

"And yet," Darrow said, "they murdered a little boy against whom they had nothing in the world, without malice, without reason, to get \$5,000 each. All right, all right, your honor, if the court believes it, if anyone believes it, I can't help it."



The mugshots of Leopold (top) and Loeb when they entered the Illinois State Penitentiary to begin serving their sentences.

Wikimedia Commons

If not money, then what was their motive? And if they had no motive, then why did they commit the crime?

The defense had offered the testimony of many psychiatrists and other physicians who had examined the boys. But in his closing argument, Darrow did not rely on the science of mental health. Yes, he said, nothing happens without a cause. And the boys did suffer some defects, perhaps defective nerves. But he, in effect, dismissed the experts' testimony: "I want to say, your honor, that you may cut out every expert in this case . . . you may decide this case on the facts as they appear here alone; and there is no sort of question that these boys were mentally diseased."

"I know it is something," he said, "and it must have been something because without a motive the boys cannot be held to blame. . . . Without (a motive) it was the senseless act of immature and diseased children, wandering around in the dark and moved by some emotion that we still perhaps have not the knowledge or the insight into life to thoroughly understand."

A Plea for Mercy

Darrow's closing argument lasted 12 hours over three days. In pleading for life and against the death penalty, he emphasized the boys' youth. He

Excerpts From the Closing Arguments

Defense Attorney Clarence Darrow

1 [N]either the parents, nor the friends, nor the attorneys would
2 want these boys released . . . [T]hose the closest to them
3 know perfectly well that they should not be released, and that
4 they should be permanently isolated from society. We have
5 said it and we mean it. We are asking this court to save their
6 lives, which is the last and the most that a judge can do.
7 . . .
8 How insane they are I care not, whether medically or legally.
9 They did not reason; they could not reason; they committed
10 the most foolish, most unprovoked, most purposeless,
11 most causeless act that any two boys ever committed . . .
12 . . .
13 What is [the state attorney's] idea of justice? He says to this
14 court . . . "Give them the same mercy that they gave to
15 Bobby Franks." Is that the law? Is that justice? Is this what
16 a court should do? Is this what a state's attorney should do?
17 For God's sake, if the state in which I live is not kinder, more
18 human, more considerate, more intelligent than the mad act
19 of these two mad boys, I am sorry I have lived so long.
20 . . .
21 Dick and Nathan . . . see the Franks boy, and they call to him
22 to get into the car. It is five o'clock in the afternoon, on a
23 thickly settled street, the houses of their friends and their
24 companions; known to everybody, automobiles on the
25 street, and they take him in the car – for nothing. If there
26 had been a question of revenge, yes; if there had been a
27 question of hate, where no one cares for his own fate, intent
28 only on accomplishing his end, yes. But without any
29 motive or any reason picking up this little boy right in sight
30 of their own homes, surrounded by their neighbors. They
31 drive a little way on a populous street, where everybody
32 could see, where eyes might be.
33 . . .
34 There is not a sane thing in all of this from the beginning to
35 the end. There was not a normal act in any of it, from its inception
36 in a diseased brain, until today, when they sit here awaiting their
37 doom. But they say they planned. Well, what does that mean? A
38 maniac plans, an idiot plans; an animal plans; any brain that
39 functions may plan, but their plans were the diseased plans of a
40 diseased mind, of boys.
41 . . .
42 What do they want? Tell me, is a lifetime for the young spent
43 behind prison bars – is that not enough for this mad act? And
44 is there any reason why this great public should be re-galed by
45 a hanging?
46 . . .
47 And for what? Because the people are talking about it.
48 Nothing else. Just because the people are talking about it.
49 It would not mean, your honor, that your reason was convinced.
50 It would mean in this land of ours, where talk is cheap, where
51 newspapers are plenty, where the most immature expresses his
52 opinion and the more immature the harder it is that a court couldn't
53 help feeling the great pressure of public opinion . . .
54 . . .
55 . . .
56 . . .
57 . . .
58 . . .
59 . . .
60 . . .

Prosecutor Robert Crowe

1 I would suggest that if they want mercy and charity they
2 practice a little bit of it. Treat them with kindness and
3 consideration? Call them babes, call them children? Why,
4 from the evidence in this case they are as much entitled
5 to the sympathy and mercy of this court as a couple of
6 rattlesnakes, flushed with venom, coiled and ready to
7 strike. They are entitled to as much mercy at the hands
8 of your honor as two mad dogs are entitled to, from the
9 evidence in this case.
10 They are no good to themselves. The only purpose that
11 they use themselves for is to debase themselves. They are a
12 disgrace to their honored families and they are a menace to
13 this community. The only useful thing that remains for them
14 now in life is to go out of life and go out of it as quickly as
15 possible under the law.
16 . . .
17 Having taken into consideration everything that the doctors
18 for the defense had testified to, having taken into consideration
19 everything contained in the Hulbert report, Dr. Church, Dr. Patrick,
20 Dr. Singer and Dr. Krohn said that there was absolutely nothing
21 to indicate mental disease in either one of these defendants.
22 . . .
23 . . .
24 No person in all this broad land who knew these two defendants
25 ever suspected that they were mentally diseased until after
26 Bachrach and Darrow were retained to defend them in a case
27 where they had no escape on the facts. If I had taken them into
28 custody on the 20th day of May and attempted to have them
29 committed to an insane asylum Mr. Darrow would have been
30 here, their families would have been here, and all the doctors
31 they could hire; and there would be only one crazy man in the
32 courtroom, and that would be the state's attorney.
33 . . .
34 . . .
35 Would it be possible in this case, if this crime had not been
36 committed, to persuade any reasonable authority to commit
37 either to an asylum as insane?
38 . . .
39 It was not for the thrill or the excitement. The original
40 crime was the kidnaping for money. The killing was an afterthought,
41 to prevent their identification, and their subsequent apprehension
42 and punishment. He said he did not anticipate the killing with
43 any pleasure. It was merely necessary in order to get the money.
44 Motive? "The killing apparently has no other significance" – now,
45 this is not my argument, your honor, but in their own report,
46 their own evidence . . . "The killing apparently has no other
47 significance than being an inevitable part of a perfect crime in
48 covering one possible trace of identification."
49 . . .
50 . . .
51 That is the motive for the murder, self-preservation, the same
52 as a thief in the night in your house, when suddenly surprised,
53 shoots to kill. Why? He did not go into your house to kill; he
54 went in to rob. The killing had no significance, except he did
55 not want to be apprehended; the desire, the urge of self-preservation.
56 And that is the only significance that the murder in this case
57 has.
58 . . .
59 . . .
60 . . .

stated that no one in Chicago had ever been sentenced to death who was under the age of 23 and who had pleaded guilty. And, “I think I am safe in saying — that never has there been such a case in the state of Illinois.” Why then, asked Judge Caverly, is the state demanding the death penalty? Yes, Darrow said, children were hanged in days long past. But to send these boys to the gallows would be turning your face toward the past. By saving these boys lives, you will make it

easier for every human being with an aspiration and a vision and a hope and a fate. I am pleading for the future; I am pleading for a time when hatred and cruelty will not control the hearts of men. When we can learn by reason and judgment and understanding and faith that all life is worth saving, and that mercy is the highest attribute of man.

When Darrow finished his closing argument, there were tears in his eyes and tears on the judge’s face. And the courtroom was silent for two minutes.

Darrow’s argument did not change the state’s position. In his rebuttal argument, the state’s lead attorney Robert Crowe insisted that if the case had been tried by a jury, it would have fixed the punishment as death — and if not, everyone would believe that the verdict “was founded in corruption.” Crowe insisted that the boys’ motive was indeed money. “All the way through this unusual crime runs money, money, money,” he claimed. And these defendants are not entitled to mercy. “They are as much entitled to sympathy and the mercy of this court as a couple of rattlesnakes flushed with venom, coiled, ready to strike.” Crowe finished his argument warning the judge not to follow Clarence Darrow’s philosophy of life, because by doing so, “a greater blow had been struck to our institutions than a hundred, yes, a thousand murders.” With that, after 32 days, the hearing in mitigation of the boys’ guilty plea was adjourned.

Life, Not Death

After two weeks, Judge Caverly returned to the courtroom to announce his decision. He acknowledged the considerable amount of testimony concerning the defendants’ mental and emotional conditions, but said that absent legislative guidelines, his decision would not be affected by it. And he acknowledged that the case was one of “singular atrocity” and had been carefully planned and executed “with every feature of callousness and cruelty.” Though “the path of least resistance” would be to impose the death penalty, the judge announced that the punishment would be life imprisonment, rather than death. In making that decision, he said, he was “moved chiefly by the consideration of the age of the defendants, boys of 18 and 19 years.” The defendants will not be put to death by hanging, “but to the offenders, particularly of the type they are, the prolonged suffering of years of confinement may well be the severest form of retribution and expiation.”

The boys were sent to the state penitentiary. In 1936, Loeb was killed in a fight with another inmate. Leopold managed to keep intellectually active, teaching in a prison school and work-

ing as an X-ray technician in the prison hospital. He also volunteered to be tested with an experimental malaria vaccine. In 1958, after 34 years of confinement, he was released from prison. He moved to Puerto Rico, where he earned a master’s degree, taught mathematics, and worked in hospitals and church missions. He died in 1971, at age 66.

DISCUSSION & WRITING

1. Describe the crime in this case. What was the prosecution’s theory of why the crime occurred? What was the defense’s theory?
2. Why did the case draw so much press attention? How do you think the publicity affected the case? Why is it important that judges and juries not be influenced by publicity and public opinion?
3. Why did the defense plead guilty? What decision did the judge have to make in the case?
4. The day after Leopold died in 1971, the *Chicago Sun Times* editorialized that Leopold’s life in prison, and after, was “a clear case of rehabilitation. And it clearly argues against the death penalty even for heinous crimes, for no one can reasonably say that Society would have benefitted more by Leopold’s execution.” Do you agree? Explain.

ACTIVITY

Life or Death?

Imagine that you are living in 1924 and are in charge of writing editorials for a major U.S. newspaper. You are going to write a 200–400 word editorial on what the sentence for Leopold and Loeb should be. Your editorial should:

1. State a clear position on whether they should get the death penalty or a life sentence.
2. Give reasons for your position. Cite evidence supporting your position from the article and from the **Excerpts From the Closing Arguments**.
3. Specifically address and offer counterarguments to the arguments made by the side you disagree with in the case. (These arguments appear in the article and in the **Excerpts From the Closing Arguments**.)
4. Be well-organized and use proper grammar and spelling.

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Standards

Leopold and Loeb

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 (5) Understands how the individual's rights to life, liberty, and property are protected by the trial and appellate levels of the judicial process and by the principal varieties of law (7) Understands the importance of an independent judiciary in a constitutional democracy.

National High School Civics Standard 25: Understands issues regarding personal, political, and economic rights. (1) Understands the importance to individuals and to society of personal rights such as . . . the right to due process of law

National High School U.S. History Standard 22: Understands how the United States changed between the post-World War I years and the eve of the Great Depression. (1) Understands the major social issues of 1920s America

Common Core Standard RH.11-12.3: Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

Common Core Standard W.11-12.1. Write arguments to support claims with clear reasons and relevant evidence.

Common Core Standard W.11-12.4: Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

Common Core Standard RH.11-12.8: Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

Great Qing Code

National High School World History Standard 30: Understands transformations in Asian societies in the era of European expansion. (4) Understands the cultural, economic, and social structure of China during the period of European commercial expansion (e.g., cultural and economic achievements of the Chinese during the reigns of the Kangzi and Qianlong emperors; . . . aspects of life of the elite in China; the family and its role in Chinese society).

National High School World History Standard 34: Understands how Eurasian societies were transformed in an era of global trade and the emergence of European power from 1750 to 1870.

(5) Understands China's relations with Western countries. . . .

National High School World History Standard 36: Understands patterns of global change in the era of Western military and economic domination from 1800 to 1914. (13) Understands significant political events in 20th-century China. . . .

California History-Social Science Standard 7.3: Students analyze the geographic, political, economic, religious, and social structures of the civilizations of China in the Middle Ages. (3) Analyze influences of Confucianism and changes in Confucian thought during the Song and Mongol periods. (6) Describe the development of the imperial state and the scholar-official class.

Common Core Standard RH.6-10.1: Cite specific textual evidence to support analysis of primary and secondary sources

Common Core Standard SL.9-10.1: Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 9-10 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

Free Exercise of Religion

National High School Civics Standard 2: Understands the essential characteristics of limited and unlimited governments. (5) Knows essential political freedoms (e.g., freedom of religion, speech) and economic freedoms . . . and understands competing ideas about the relationships between the two

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. (1) Knows how the racial, religious, socioeconomic, regional, ethnic, and linguistic diversity of American society has influenced American politics through time.

National High School U.S. History Standard 8: Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. (3) Understands the Bill of Rights and various challenges to it (e.g., . . . recent court cases involving the Bill of Rights).

National High School U.S. History Standard 31: Understands economic, social, and cultural developments in the contemporary United States. (3) Understands how the rise of religious groups and movements influenced political issues in contemporary American society (e.g., . . . how Supreme Court decisions since 1968 have affected the meaning and practice of religious freedom).

California History-Social Science Standard 11.3: Students analyze the role religion played in the founding of America, its lasting moral, social, and political impacts, and issues regarding religious liberty. (5) Describe the principles of religious liberty found in the Establishment and Free Exercise clauses of the First Amendment, including the debate on the issue of separation of church and state.

California History-Social Science 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, . . .) articulated in the First Amendment and the due process . . . clauses of the Fourteenth Amendment.

Common Core Standard RI.11-12.8: Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning (e.g., in U.S. Supreme Court majority opinions and dissents)

Common Core Standard SL.11-12.1: Initiate and participate effectively in a range of collaborative discussions . . . with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

Common Core Standard RH.11-12.1: Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

Common Core Standard RH.11-12.8: Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

Common Core Standard WHST.11-12.4: Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

Common Core Standard WHST.11-12.9: Draw evidence from informational texts to support analysis, reflection, and research.

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