

# Bill of Rights in Action



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## IDA TARBELL AND THE MUCKRAKERS



The Ida M. Tarbell Collection, Pelletier Library, Allegheny College

Ida Tarbell helped pioneer investigative journalism when she wrote a series of magazine articles about John D. Rockefeller and his Standard Oil Trust. She and other journalists, who were called “muckrakers,” aided Progressive Movement reform efforts. But Tarbell also had another side to her career.

Ida Tarbell was born in western Pennsylvania in 1857, two years before oil was discovered nearby. This set off the first oil boom in the United States. Her father, Franklin, soon joined others to become independent oil producers and refiners.

In 1860, John D. Rockefeller, a 21-year-old bookkeeper from Ohio, appeared in the Pennsylvania oil fields and began to buy out the independent oil men. Some independents like Ida’s father refused his offers and Rockefeller made their businesses suffer.

Meanwhile, as Ida grew up, her mother Esther complained about the drudgery of a homemaker. She thought it was a waste of a woman’s time, which should be focused more on educational pursuits. At a young age, Ida vowed never to marry.

In 1876, Tarbell enrolled in Allegheny College, one of the first women to do so. She studied biology, a field almost totally dominated by men. She learned the scientific method, which involves proving facts by observation.

After graduating in 1880, she taught school for a short time, but then got a job on the staff of a magazine that promoted education and culture for America’s growing middle class. She gained valuable experience as a writer and editor.

In 1891, Tarbell decided to take a radical leap in her life and moved to Paris. She immersed herself in French

### BENEATH THE SURFACE

The first article in this issue analyzes the career of Ida Tarbell who pioneered what we now call “investigative journalism” and shows her similarities and differences with the “muckrakers” of her time. The second article takes a close look at what the Anglo-Zulu War in South Africa in the 19th century shows us about British imperialist policy. The third article outlines the background and possible outcomes of the investigation by Robert Mueller into Russian involvement in the 2016 presidential election.

**U.S. History:** *Ida Tarbell and the Muckrakers* by longtime contributor Carlton Martz

**World History:** *The Anglo-Zulu War and British Imperialism* by Carlton Martz

**U.S. Government/Current Issues:** *Will the Mueller Probe End With a Constitutional Crisis?* by contributing writer Patrick Jennings

culture, took classes on historical writing, and wrote a biography of a woman involved in the French Revolution. She supported herself by writing articles about French life for American newspapers and magazines. Back home, a reform movement was gathering steam.

### Rise of the Progressive Movement

Industrialization took hold in the U.S. after the Civil War. This meant the rapid growth of large corporations, banks to finance them, and railroads to ship their products. For example, by the 1890s, nearly every household lamp in the U. S. was lit by kerosene refined and sold by Rockefeller's Standard Oil Company.

Millions of men, women, and children left farms to labor in textile (cloth-making) mills, factories, iron and steel foundries, and other industries fueled by coal and oil. Much of this industrial activity occurred in the big cities, which drew large numbers of immigrants from eastern and southern Europe.

Successful corporation owners like Rockefeller and a growing middle class of managers prospered. But workers, both native-born and immigrant, barely survived on low wages, labored long hours under often harsh working conditions, and lived in crowded slum apartments called tenements.

Business abuses by corporations and railroads led Congress to enact some federal reform laws, such as a law to require "reasonable and just" railroad freight rates and a law to prohibit corporate monopolies from eliminating competition in order to charge higher prices. Corporations challenged these and other laws in courts that often ruled in their favor.

By 1900, the Progressive Movement demanded new reforms. Writers, politicians, and other middle class reformers called progressives became increasingly vocal about injustices in American society. They condemned poverty, child labor, unsafe working conditions, government corruption, the lack of regulation of big businesses, and other social ills.

At this time, new magazines with a nation-wide circulation emerged. Aimed at the middle class, they began to add factual articles to the fiction and poetry of traditional literary magazines.

In 1893, Sam McClure and his partner John Phillips founded *McClure's Magazine*. McClure assembled a group of talented writers who were paid a monthly salary that enabled them to do in-depth investigative reporting on economic, social, and political issues.

McClure met Ida Tarbell in Paris and was impressed with her writing. In 1894, he recruited her to join the staff of his magazine in New York City. She wrote popular biographical series on Napoleon and Lincoln. She went on to be one of *McClure's* editors.

In 1900, Republicans William McKinley and Theodore Roosevelt were elected president and vice president. The following year, McKinley was assassinated and Roosevelt, a former governor of New York, became president. He was known as a pro-business conservative Republican. But he had been drifting in a progressive direction, speaking out against the excessive power and political influence of large corporations.

In his first message to Congress, Roosevelt cheered the state of the economy. He was not opposed to large corporations, he declared. But he called for them to be "supervised" and reasonably controlled by the government. He soon came to see magazines like *McClure's* as allies.

### Tarbell's Investigation of Standard Oil

In 1882, Rockefeller formed the Standard Oil Trust. This was a huge collection of oil producing, refining, re-tailing, and related companies. By 1900, the Trust controlled nearly a 90 percent monopoly of the entire petroleum industry in the U.S.

In 1890, Ohio sued the Standard Oil of Ohio Company because it was controlled by the Trust in New York City, a violation of the state's law. The state supreme court ordered the Ohio company to be separated from the Trust. But this never happened, and Ohio eventually dropped the case.

Finally, in 1899, the Standard Oil Trust reorganized under New Jersey law that allowed corporations to hold stock in other corporations. This made Standard Oil of New Jersey a holding company that owned stock in numerous corporations throughout the country. Rockefeller's oil empire could now function in dozens of businesses such as refining, manufacturing, transportation, and investments. Profits were enormous because there were no personal or corporate income taxes.

Sam McClure decided to focus his magazine's coverage on Rockefeller's Standard Oil. After learning that Tarbell had grown up in the Pennsylvania oil fields and had witnessed Rockefeller's early practices there, he assigned her to the story.

Starting in 1901, Tarbell traveled the country on an exhausting investigation of Standard Oil. She read books and newspaper files on trusts and monopolies, studied reports of congressional and state legislature hearings, examined thousands of documents, and reviewed court testimony.

Tarbell also interviewed many who had had dealings with Rockefeller. This even included a Standard Oil executive at the corporate office in New York City. She never interviewed Rockefeller himself, however, since he went to great lengths to protect his privacy. Tarbell had to hire an assistant to help her comprehend the massive amount of material she collected.

*Tarbell discovered  
that Standard Oil  
used bribery, fraud,  
and selling oil  
below cost.*

Tarbell's first article in *McClure's* appeared in the November 1902 issue. A planned few articles turned into a long series that ended in October 1904. Later she wrote a book, *The History of the Standard Oil Company*, based on her magazine articles.

Spurred by the success of the Standard Oil series, McClure was determined to dig deeper into the dark side of American life. He declared he believed in "a vigilant and well-informed press, setting forth the truth."

### The Most Famous Woman in America

Tarbell found that from the earliest days of the Pennsylvania oil boom, Rockefeller plotted to own the entire oil industry in the U.S. and even the world. His strategy was to buy out successful independent oil men by persuasion or by threat. Suddenly, she wrote, "a big hand reached out" to steal their good fortune.

Rockefeller's key method of doing this was to make secret deals with railroads that agreed to rebate (return to) him a significant portion of the official oil transportation rate he paid. Then to make up for this discount, the railroads doubled the rate they charged Rockefeller's competitors. He could then sell his oil cheaper on the market and force his competitors out of business if they refused his offers to buy them out.

Once Rockefeller's competition was eliminated in a region, a Standard Oil monopoly existed that could jack up oil prices. Tarbell estimated that the consumer paid up to a third more for oil products.

## McClure's Magazine

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### THE HISTORY OF THE STANDARD OIL COMPANY

BY IDA M. TARBELL

Author of "The Life of Lincoln"

#### CHAPTER I—THE BIRTH OF AN INDUSTRY

ONE of the busiest corners of the globe at the opening of the year 1872 was a strip of Northwestern Pennsylvania, not over fifty miles long, known the world over as the Oil Regions. Twelve years before, this strip of land had been but little better than a wilderness its only inhabitants the lumbermen, who every season cut great swaths of primeval pine and hemlock from its hills, and in the spring floated them down the Allegheny River to Pittsburgh. The great tides of Western emigration had shunned the spot for years as too rugged and unfriendly for settlement, and yet in twelve years this region avoided by men had been transformed into a bustling trade center, where towns elbowed each other for place, into which the three great trunk railroads had built branches, and every foot of whose soil was fought for by capitalists. It was the discovery and development of a new raw product, petroleum, which had made this change from wilderness to market-place. This product in twelve years had not only peopled a waste place of the earth, it had revolutionized the world's methods of illumination and added millions upon millions of dollars to the wealth of the United States.



GEORGE H. BISSELL

The man to whom more than any other is due the credit of what is called the "discovery" of oil; for it was he who first took steps to find its value and to organize a company to produce it. It was he, too, who suggested the means of getting oil which proved practical. After the oil company which he organized obtained oil in the Drake well, he aided in establishing the needed industries and institutions in the new country.

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Starting in 1902, Tarbell's articles about Standard Oil were serialized (published in a series of installments) in *McClure's* magazine.

knows practically where every barrel shipped by every independent dealer goes; and where every barrel bought by every corner-grocer from Maine to California comes from."

Tarbell did not condemn Standard Oil for being too big or even a monopoly. She even wrote a chapter in her book on "The Legitimate Greatness of the Standard Oil Company." But she explained, "They had never played fair, and that ruined their greatness for me."

The *McClure's* series on Standard Oil was so popular that Tarbell became a national celebrity. Sam McClure called her "the most famous woman in America."

HathiTrust Digital Library (University of Michigan)

### Excerpt From Ida Tarbell's *The History of the Standard Oil Company* (1904)

To know every detail of the oil trade, to be able to reach at any moment its remotest point, to control even its weakest factor – this was John D. Rockefeller's ideal of doing business. It seemed to be an intellectual necessity for him to be able to direct the course of any particular gallon of oil from the moment it gushed from the earth until it went into the lamp of a housewife. . . . In spite of his bold pretensions and his perfect organisation, a few obstinate oil refiners still lived and persisted in doing business. They were a fly in his ointment – a stick in his wonderful wheel. He must get them out; otherwise the Great Purpose would be unrealised. And so, while engaged in organising the world's markets, he incidentally carried on a campaign against those who dared intrude there.

However, Tarbell was not finished with Rockefeller. In 1905, she wrote a long biographical profile of him in *McClure's*. Despite his well-known charity giving and church attendance, she described him as obsessed with money. He was, Tarbell wrote, “the man with a mask and a steel grip, forever peering into hidden places for money, always more money; planning in secret to wrest it even from his friends, never forgetting, never resting, never satisfied.”

Tarbell concluded, “Our national life is on every side distinctly poorer, uglier, meaner for the kind of influence he exercises.” Rockefeller remained publicly silent after this personal attack, but privately called Tarbell “Miss Tarbarrel.”

### The Muckrakers

Tarbell's astounding popular success spurred investigative reporting by *McClure's* and other magazines. But in 1906, President Roosevelt grew disturbed that too many writers were raking the “filth of the floor” of American society while ignoring what was good about it. Such writers were soon called “muckrakers.”

Although they were guided by the facts they investigated, the muckrakers had a point of view. They wanted to reform the economic, social, and political conditions that troubled society. Thus they became part of the Progressive Movement. Tarbell, however, rejected the label of muckraker. Instead, she described herself as an historian.

Tarbell and the muckrakers made important contributions to the Progressive Movement. The Hepburn Act of 1906 gave authority to the Interstate Commerce Commission to set reasonable railroad freight rates that did not favor big companies. The 16th Amendment enabled Congress to enact an income tax on individuals and corporations. The 17th Amendment provided for the direct election of U.S. senators rather than them being appointed by state legislatures, often as a result of political corruption.

The work of Tarbell and others led to many anti-trust lawsuits to finally curb the power of monopolies like Standard Oil. Roosevelt brought dozens of federal anti-trust lawsuits against corporate giants.

One of the most important federal anti-trust actions was *Standard Oil Company of New Jersey v. United States*. In 1911, the U.S. Supreme Court decided that the purpose of the Standard Oil Trust was “to drive others from the field and exclude them from the right to trade.” The Court ordered the breakup of Standard Oil into over 30 independent competing companies such as today's Exxon.

Rockefeller lost his quest to totally own the oil business. Ironically, he became even richer because he received cash and oil stock from the breakup just as

gasoline-powered cars were beginning to replace the horse and buggy.

### The Other Ida Tarbell

Tarbell and others left *McClure's* in 1906 and purchased the *American Magazine*. They wanted to write more about what was right in America. In 1915, she left this magazine to become a freelance writer and lecturer on current issues.

Tarbell seemed to soften her progressive image when she began to write positive articles about business and corporate leaders. Unlike some of the muckrakers, she was not a foe of capitalism. She admired Henry Ford and wrote a friendly profile of U.S. Steel board chairman Elbert Gary.

Confusingly, she wrote that “the business of being a woman” should be as a homemaker and to raise children, especially “opening a child's mind” to learning. This view contradicted her entire career as an unmarried and childless professional journalist.

Tarbell also strongly opposed women's suffrage (right to vote). She argued that politics would corrupt women. She was convinced women did not need more rights. Instead, they should embrace their natural gifts as wife and mother. Her mother was a lifelong suffragist. Her progressive journalist colleagues were puzzled. However, after the 19th Amendment granted women the right to vote in 1920, she traveled the country and found women voting enthusiastically. So she changed her mind. She even remarked that a woman should someday be president.

Ida Tarbell died in 1944 at 86. She is remembered today mainly as a muckraker journalist, a term she hated. Her major contribution to journalism, however, was the fact-based investigative reporting that she pioneered and passed on to today's journalists.

### WRITING & DISCUSSION

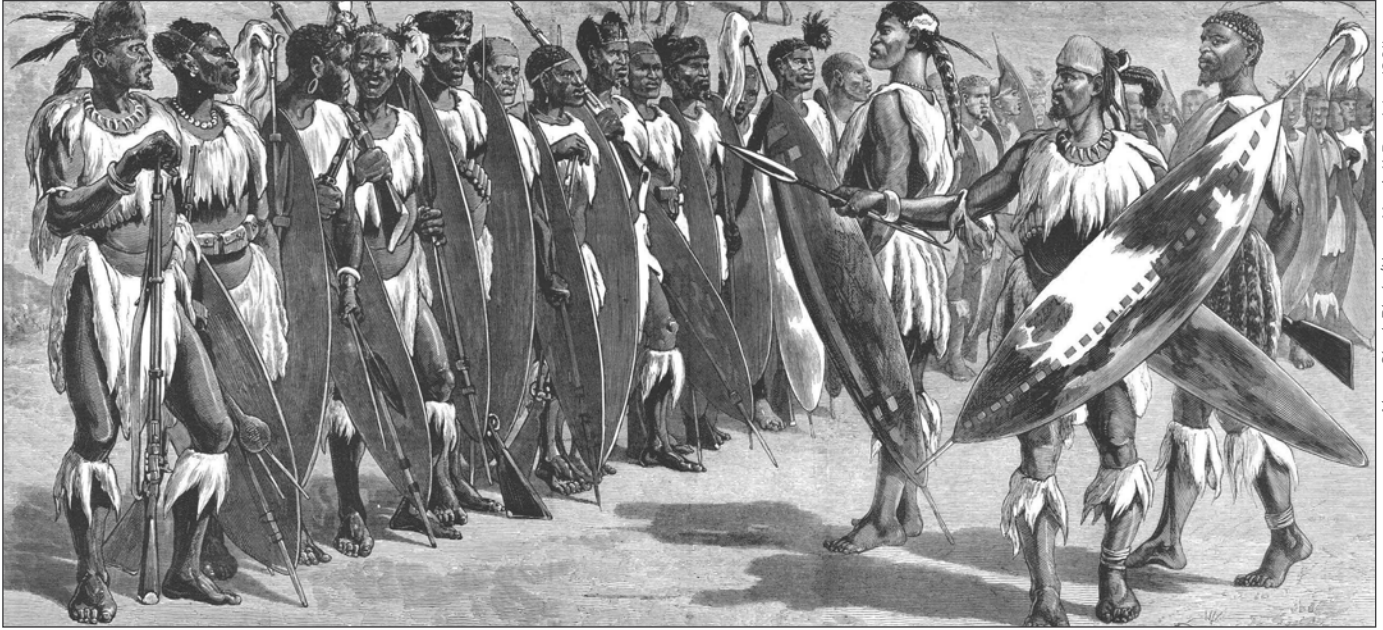
1. How could monopolies like Standard Oil be harmful to the consumer?
2. What do you think was the worst aspect of Rockefeller's Standard Oil Company that Tarbell revealed? Why?
3. How did the muckrakers play an important role in the Progressive Movement?

#### ACTIVITY: Who Was Ida Tarbell?

Ida Tarbell was a complicated, even contradictory, person. Meet in small groups to discuss, choose, and report which one of the following terms best describes her. Justify your choice with evidence from the article.

|             |                 |                          |
|-------------|-----------------|--------------------------|
| Muckraker   | Historian       | Investigative Journalist |
| Progressive | Liberated Woman | Hypocrite                |

# THE ANGLO-ZULU WAR AND BRITISH IMPERIALISM



Alamy Stock Photo/Henry Marriott Paget (ca. 1901)

Zulu warriors gather in preparation for an attack on British troops during the Anglo-Zulu War.

Dutch, British, and native peoples clashed over land in southern Africa. The British finally dominated except in the powerful Zulu Kingdom. British imperialism finally led to the Anglo-Zulu War of 1879.

After the Napoleonic wars ended in Europe in the early 1800s, Britain took possession of the Dutch Cape Town area in southern Africa to protect its trade route to India. British immigrants then joined the prior Dutch settlers, called Boers, in settling on land in the British Cape Colony. Meanwhile, a powerful African Zulu Kingdom had arisen northeast of Cape Colony.

## The Rise of the Zulu Kingdom

The Zulus were a small tribe of warriors and cattle herders. In the late 1700s, Shaka, the son of the Zulu king, proved himself to be a superior warrior. He drilled his unit of fighters, called an *impi*, to always obey his orders.

The Zulu had a unique military system. At 18, young men left their families and local chiefs to form a new military age group system from which *impis* loyal only to the Zulu king were formed.

In 1816, Shaka succeeded his father as king. He demanded that the Zulus obey his every word, sometimes ordering individual and group executions of those who displeased him. He also incorporated other tribes into his kingdom through a system of patronage, giving out privileges and treasure to friendly chieftains in return for loyalty.

Shaka abandoned the traditional Zulu throwing spear and made it into a flat-bladed stabbing spear for hand-to-hand combat. He redesigned the cow-hide shield into a weapon. He perfected an attack strategy for his *impis* based on the shape of the two-horned head of a steer.

As the Zulu population grew, Shaka needed more land for his people. He made alliances with neighboring clans and embarked on wars against other rival clans. He defeated larger armies with close-in fighting tactics. After a battle, Zulus took the women and children of conquered enemies. Over a ten year period, Shaka conquered every enemy he faced.

Shaka created a unified Zulu Kingdom (aka Zululand). The Zulu people prospered. But then in 1828, his two half-brothers assassinated him. This happened at a time when land-hungry Boers and British imperialists were beginning to move toward Zululand.

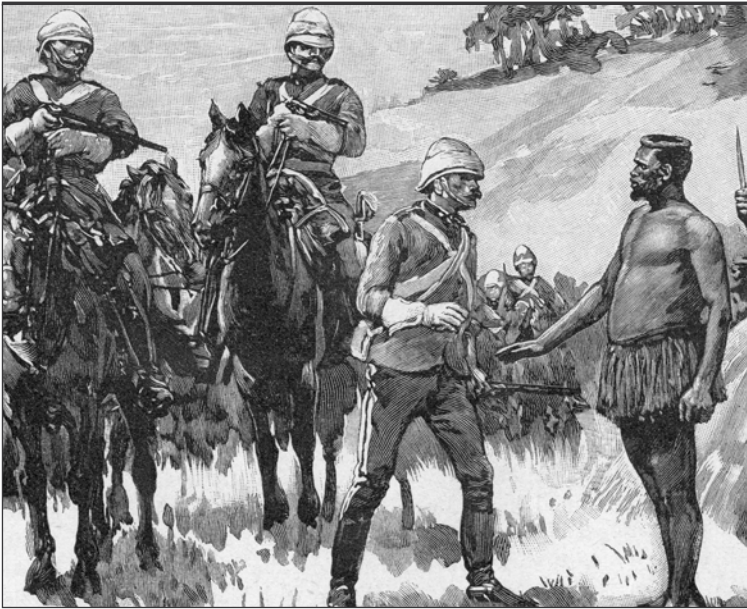
## Boers and Zulus Fight Over Land

As Shaka was expanding Zululand, the Boers who had long settled in the area of Cape Colony were growing resentful about British rule and taxes. When Britain abolished slavery in its colonies in 1833, the Boers were further angered. Wealthy Boers purchased African slaves from Portuguese slave traders to labor on Boer farms.

Starting in 1834, Boers migrated northeast in search of land and independence from the British. They soon came upon the Zulu.

In an attempt to negotiate for land with the Zulu king in 1837, Boers started claiming homesteads before an agreement was reached. For the next several decades, Zulus and Boers fought against each other. The Boers had the advantage of being well-armed with guns.

As more Boers poured in to the area, they established two republics: Transvaal and the Orange Free State. But Boer farmers continued to move eastward, ever closer to the Zulu heartland.



Captured by British soldiers, Cetshwayo surrenders on August 29, 1880.

In 1861, Transvaal Boers claimed that Cetshwayo (Tsk-tsh-way-o), the Zulu's leader but not yet king, granted a large tract of land to the Boers in exchange for peace. Cetshwayo denounced this claim.

In 1872, Cetshwayo became king and the Transvaal land claim became disputed territory. He demanded that the Boers who had settled there be expelled and began to obtain guns from Portuguese traders.

### British-Zulu Relations

At first, the British had an entirely different relationship with the Zulu than the Boers. A British trader was the first to visit Zululand in 1824 at the peak of King Shaka's power. When the trader used some medical aid to help Shaka recover from a wound, the Zulu king granted him a large amount of land around a Zululand seaport.

The British developed the port and began to colonize the rest of the granted area. In 1839, the Zulu and British agreed on a boundary between Zululand and what became the British colony of Natal.

The Zulu saw the British as allies against the Boers encroaching on their land. Friendly relations between the British and Zulus prevailed for the next 40 years.

In 1874, the British government in London proposed a radical shift in imperial policy for southern Africa consisting of a confederation that would include Cape Colony, Natal, the Boer republics, and the Zulu Kingdom.

Under the confederation, the British would resolve all conflicts over land. The concept of the confederation, however, had a much bigger purpose. It was designed to develop the economic resources such as farming, cattle herding, and especially diamond mining to Britain's advantage.

The Zulu and other native peoples would play the important role of providing the labor. But under Shaka and successor kings, Zulu warriors were forbidden to

work for foreigners. The confederation would have to abolish this royal decree.

The proposed British confederation made sense to those with imperial ambitions in London. But Cape Colony, Natal, the two Boer republics, and the Zulu Kingdom all valued local control and did not support it.

The Transvaal Republic was the weakest of the proposed confederation parts. It was deeply in debt and managed poorly, causing discontent among its citizens. Britain took advantage of this situation and took control of it in 1877. The Transvaal Boers were upset but had no army to oppose the British.

In taking over Transvaal, however, Britain inherited the bitter conflict over the disputed territory supposedly granted to the Boers by Cetshwayo. The Zulus soon discovered that the British were taking the Boers' side in order to quell growing anti-British unrest in Transvaal.

### Advancing the Confederation

In the meantime, the British government appointed Sir Henry Frere as governor of Cape Colony to advance the confederation policy. Frere was a veteran administrator of British India.

Frere saw the powerful Zulu Kingdom as the greatest threat to the confederation. His solution was to take control of it by force, if necessary. He spread false rumors to fuel hysteria that King Cetshwayo was preparing a bloody invasion of Natal.

Next, Frere calculated that Boers had to be victorious in the conflict with the Zulus over the disputed territory. He predicted that this would provoke King Cetshwayo to go to war. The British military would then invade Zululand and quickly conquer the Zulus. Frere began organizing an invasion force.

Frere saw an opportunity for his plan to go forward when officials in Natal proposed a commission to investigate and recommend a settlement of the disputed territory. Frere assumed a commission appointed by his own government would award the land to the Boers.

However, the commission surprisingly concluded that the Zulu king and his council had never agreed to give away this land as required by Zulu law. The commission concluded that the entire disputed territory belonged to the Zulus.

Frere was shocked when he received the commission's report. He tried to keep it secret. Instead of his planned war against the Zulus, he feared the Transvaal Boers might revolt.

On December 11, 1878, after a long delay, the commission's report was presented to the Zulus, much to their satisfaction. But Frere followed up with an ultimatum to the Zulus, requiring that King Cetshwayo disband his army and abandon the Zulu age group military

system forever. The ultimatum had to be met within 30 days. Frere believed Cetshwayo would never accept this ultimatum. This time he was right.

## The Zulu War

Cetshwayo never intended to attack Natal. He was confused as to why the British had suddenly become hostile to the Zulus after years of peace. He tried to negotiate the terms of the ultimatum but was ignored.

After reading the commission's report, the government in London saw no need for a costly war against the Zulus. The confederation idea was dead anyway due to strong opposition from the independent-minded British and Boer settlers.

According to the British colonial secretary in London, British troops sent to Frere were "not to furnish the means of any aggressive operations" except for the defense of Natal. Nevertheless, Frere continued to prepare for an invasion of Zululand.

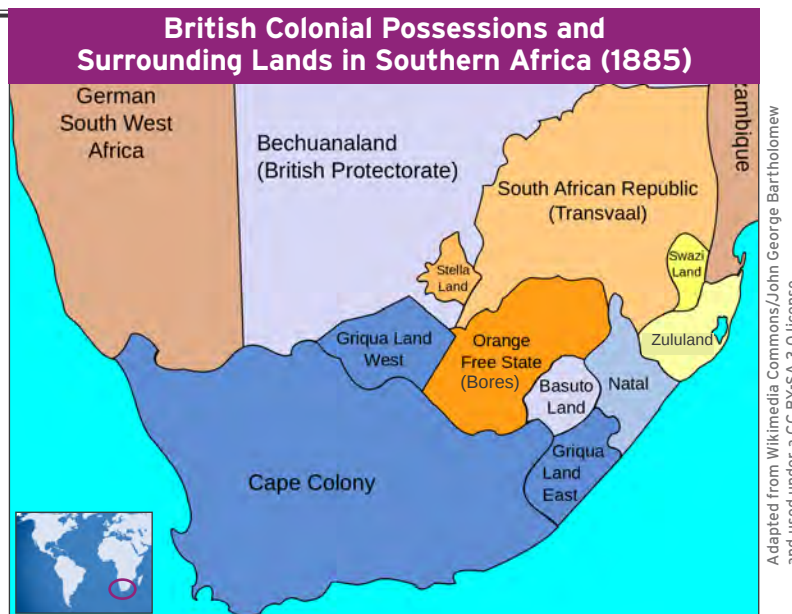
In January 1879, Lord Chelmsford, a British general with battle experience in India and Africa, crossed the Natal border into Zululand before the 30-day ultimatum period expired. He commanded a force of about 16,000 British troops, colonial volunteers, and Natal African allies. Most carried a modern single shot rifle that fired a cartridge with a heavy lead bullet.

King Cetshwayo commanded about 35,000 warriors. After Lord Chelmsford invaded, they were eager to "wash their spears" (Zulu military saying) with British blood. Most carried the Shaka stabbing spear and shield; some were armed with outdated musket guns. Cetshwayo again tried to negotiate before any blood was spilled, but the British refused.

Lord Chelmsford divided his force into five columns with the objective of defeating Zulu forces on the way to Cetshwayo's capital at Ulundi. Chelmsford led the center column that reached a hill called Isandlwana to set up a temporary camp. Here he made a fatal mistake by taking half his men on to scout the route ahead, leaving about 1,700 to defend the camp.

Using deception, the Zulus diverted Chelmsford away from the main Zulu force of 25,000, which then attacked the Isandlwana camp. British firepower killed many Zulus, but their overwhelming numbers finally broke through the British camp's defenses. The defenders, including disabled wounded, were slaughtered. Every defender at Isandlwana was killed, the worst ever British defeat by an indigenous enemy.

When word of the Isandlwana disaster reached London, the British government and public were stunned. Blame fell down upon Frere who had ordered the invasion against government directions. But a cry arose to avenge Isandlwana.



Back in Zululand things only got worse for Cetshwayo and his *impis*. During the spring of 1879, the Zulus lost many more warriors in battles against the British. For the first time, the British used a machine gun.

The British decided to organize a second invasion with a force of 25,000 to sweep into Zululand and take the Zulu capital at Ulundi. They wanted to demonstrate enough power to dominate not only native peoples but the Boers as well.

The British reached Ulundi on July 4, 1879. Cetshwayo still tried to negotiate peace, but the British demanded impossible conditions. They then used their superior firepower against the Zulu defenders and burned the royal capital. Cetshwayo was captured and taken to Cape Town to live in exile.

The Anglo-Zulu War, which lasted only six months, cost the lives of about 1,000 British troops and officers plus another 1,000 Natal African allies. Up to 10,000 Zulu were killed in the fighting.

## A Long and Tragic Collapse

After their victory at Ulundi, the British forced the Zulu to adopt harsh changes to their society:

- The king's position was abolished and replaced by 13 chiefs friendly to the British. Each ruled a part of Zululand under British supervision.
- The chiefs had to agree to end the Zulu age-group military system.
- The prohibition against Zulus hiring out as wage workers was abolished.
- The Zulu could not sell or buy land without British permission.
- The British also disregarded the commission's recommendation on the disputed territory and ordered it annexed to Transvaal.

Conflicts among the 13 chiefs soon led to civil war. Many Zulu called for the return of King Cetshwayo from

exile to restore order. Finally in 1883, the British allowed him to return but only after partitioning Zululand again. Two large areas were reserved for the minority of Zulus who opposed the king's return. Cetshwayo ended up with a much smaller kingdom.

Soon another civil war erupted between those for and against Cetshwayo. His newly rebuilt capital at Ulundi was again demolished. Most of the chiefs who represented the old Zulu traditions died. Cetshwayo escaped into hiding but died a short time later, perhaps by poisoning.

Historians mark this civil war as the final collapse of the Zulu Kingdom, although Cetshwayo's 16-year-old son, Dinuzulu, continued fighting. Dinuzulu appealed to the British for help, but the British did not respond. In a bizarre twist, then, Dinuzulu formed an alliance with the Transvaal Boers who proclaimed him king in exchange for more grants of land.

Dinuzulu finally won the civil war with Boer fire-power, but the Zulu Kingdom was no more. In 1887, the British annexed it to Cape Colony and put it under the rule of the governor of Natal, Sir Arthur Havelock. He assembled the remaining Zulu chiefs and declared:

Dinuzulu must know, and all the Zulus must know, that the rule of the House of Shaka is a thing of the past. It is dead. . . . The Queen [Victoria] rules now in Zululand and no one else.

### WRITING & DISCUSSION

1. Describe the elements of Shaka's rise to power.
2. After their victory at the Battle of Ulundi, why do you think the British forced harsh changes on Zulu society? Use evidence from the article in your answer.
3. What was the aftermath of the Zulu War in the 19th century?

### ACTIVITY: Was the War Inevitable?

Form small groups. Discuss the events listed below and briefly describe how they would have looked to both the Zulu and the British in South Africa. Use evidence from the article in your findings. Finally, discuss whether the Anglo-Zulu War was inevitable and reasons why or why not. Choose a spokesperson to share your group's findings with the class.

| Event                                                                                                                                 | Zulu Perspective | British in South Africa's Perspective |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------|
| 1874 - The British government in London proposed a confederation of Cape Colony, Natal, the Boer republics, and the Zulu Kingdom.     |                  |                                       |
| 1878 - The Natal commission's report recommended the disputed territory between Boers and Zulus belonged to the Zulus.                |                  |                                       |
| 1878 - Frere issued an ultimatum to the Zulus requiring that King Cetshwayo disband his army and abandon the Zulu age group military. |                  |                                       |
| 1879 - Lord Chelmsford, a British general with battle experience in India and Africa, crossed the Natal border.                       |                  |                                       |
| 1879 - A Zulu force of 25,000 defeated the British army at Isandlwana.                                                                |                  |                                       |
| July 4, 1879 - King Cetshwayo tried to negotiate peace with the British.                                                              |                  |                                       |
| Was the Zulu War Inevitable?                                                                                                          |                  |                                       |
| Yes                                                                                                                                   | No               |                                       |
|                                                                                                                                       |                  |                                       |

# WILL THE MUELLER PROBE END WITH A CONSTITUTIONAL CRISIS?

In May 2017, Deputy Attorney General Rod Rosenstein appointed former FBI Director Robert Mueller as special counsel to investigate Russian interference in the presidential election of 2016. Specifically, Mueller's task was to look into interference to benefit then-candidate Donald Trump. Many elected officials, news analysts, and scholars wonder if the special counsel's investigation (aka the Mueller probe) could lead to a constitutional crisis.

The term *constitutional crisis* is complex. Generally, a constitutional crisis is a conflict in the function of government that the U.S. Constitution cannot resolve. Either the Constitution does not say what to do about the conflict, is too vague to resolve the conflict, or presents options to resolve the conflict that lead to other serious political dilemmas. Any constitutional crisis threatens the proper functioning of the government.

In the case of the Mueller probe, some political observers worry that President Trump might interfere with Mueller's investigation, especially if the president believes it will lead to charges against him personally. President Trump has repeatedly called the investigation a "witch hunt" and accused Mueller and members of his investigative team of unfair bias. The press has reported that Trump twice told aides that he wanted the Mueller probe to end.

The administration has also repeatedly stated that Mueller ought to complete his investigation. To date, President Trump has not made any moves to hinder the investigation.

## Russia's Interference

In 2011, then-Secretary of State Hillary Clinton questioned the victory of Russian President Vladimir Putin's party in a Russian parliamentary election. Clinton also supported financial sanctions against Russia in response to its illegal annexation of Crimea. In doing so, she earned Putin's ire. Beginning in 2014, employees of the Internet Research Agency, a Russian company, used fake internet identities to troll popular internet sites to attack Hillary Clinton's prospective candidacy.

The Democratic National Committee (DNC) is the controlling organization of the Democratic Party and administers that party's primary election to choose the party's presidential candidate. In 2016, hackers stole emails from the DNC, which ended up in the hands of WikiLeaks, an organization that publishes leaked information from governments, corporations, and individuals. Several of the emails were embarrassing for the DNC and Clinton. WikiLeaks published the emails during the DNC party convention.

Several U.S. intelligence agencies concluded that people with some ties to the Russian government had passed the emails to WikiLeaks. After the email hack, the FBI launched an investigation. The FBI investigated Trump campaign advisor George Papadopoulos on suspicion that he knew of the DNC email theft before WikiLeaks made the emails public.

As a result, the FBI began to focus on possible Trump campaign knowledge of and involvement with Russian



Clockwise from top: President Donald Trump, Paul Manafort, George Papadopoulos, Michael Flynn, Michael Cohen.

meddling in the election. In October 2016, the Department of Homeland Security declared it was "confident" that the Russian government was behind the hacking in order "to interfere with the U.S. election process."

President Barack Obama waited until after Donald Trump's election on November 8, 2016, before taking stronger action. On December 29, the Obama administration expelled 35 Russian officials from the United States, closed two Russian East Coast compounds, and imposed new sanctions on Russian organizations suspected of meddling in the election.

Putin at first threatened to retaliate against the administration's actions. Later, he announced that he would not engage in "irresponsible diplomacy" but would work to improve relations with the incoming administration of Donald Trump. Trump also repeatedly stated that he wanted better relations with Russia and dismissed the allegations of Russian hacking as "ridiculous."

The FBI continued to investigate members of the incoming Trump administration. Trump campaign advisor Mike Flynn telephoned the Russian ambassador to the United States, Sergei Kislyak, after Obama placed the sanctions on Russian organizations. Later, Vice President-elect Mike Pence told the press that Flynn had assured him that the conversation with Kislyak had nothing to do with sanctions against Russia. When Trump took office in January 2017, Flynn joined Trump's Cabinet as national security advisor.

By Andrew Costly with images licensed under CC BY SA 2.0 - Trump (Michael Vandon, Manafort (Wikimedia Commons), Papadopoulos (Wikimedia Commons), Flynn (Gage Skidmore), Cohen (IowaPolitics.com).



James Comey succeeded Robert Mueller (standing to Comey's right) as director of the FBI and is pictured here at the White House in 2013 after his nomination for that position by President Barack Obama. Below is the letter in which President Trump fired Comey.

When the FBI interviewed Flynn about his conversation with Kislyak, Flynn denied that he had discussed sanctions with Russian ambassador. The Justice Department warned the Trump administration, however, that Flynn had misled Trump, Pence, and the Justice Department about the communications with Kislyak. The White House demanded his resignation. Flynn resigned in February 2017. The press reported that Flynn had discussed sanctions with Kislyak. The Kremlin (Russian government) denied the press reports.

### The Comey Firing

On May 9, 2017 Trump fired FBI Director James Comey. The White House communications staff portrayed Comey's firing as a response to Comey's handling of the probe into Hillary Clinton's use of a private email server. The staff claimed that the firing was a joint decision between President Trump and the attorney general's office. But during a televised interview, Trump himself stated that he alone had made the decision to fire Comey. And he said it was, in part, because of the "Russia thing."

Comey's firing touched off a firestorm of criticism. Many Democrats accused the president of trying to obstruct the FBI's investigation. They demanded the appointment of a special counsel, an attorney who officially investigates official wrongdoing independent from the attorney general's office. The U.S. attorney general appoints the special counsel. Attorney General Jeff Sessions had been involved in Trump's campaign, however, so he recused himself from the Russia investigation. Deputy Attorney General Rod Rosenstein had to decide what to do.

Rosenstein appointed Robert Mueller, a former head of the FBI under Presidents George W. Bush and Barack Obama, as special counsel. Mueller, in turn, hired 15 or so attorneys and several other support staff. While Democrats generally praised the appointment, Republican leaders disagreed on the need for a special counsel.

### Conspiracy?

As of February 2019, Mueller has not yet filed the final report of the investigation with the attorney general. But the investigation has resulted in over 30 criminal indictments, as well as a few criminal convictions, including those of Papadopoulos and Flynn. Twenty-five Russian citizens and three Russian companies have also been indicted.

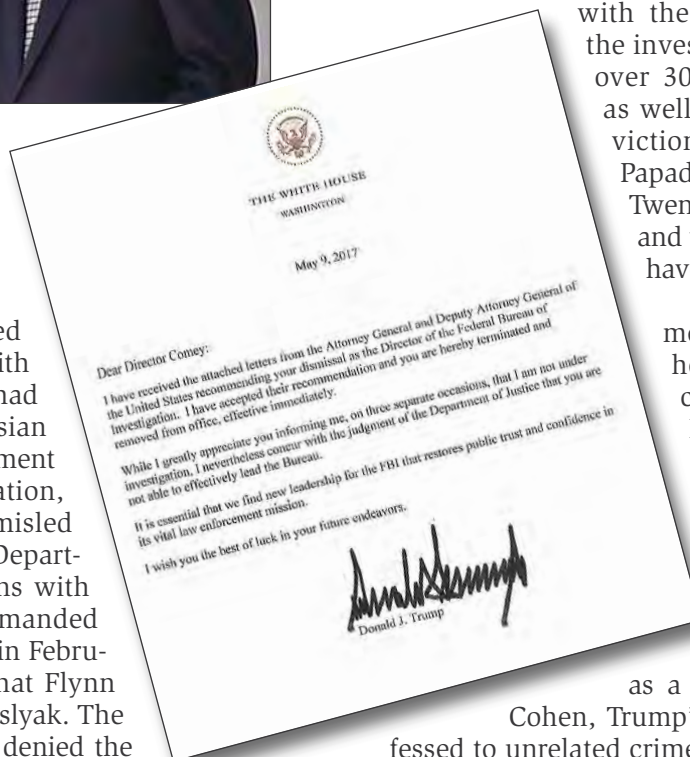
None of the indictments or convictions are, however, for criminal conspiracy related to Russian interference in the election. For example, Trump's campaign chair Paul Manafort was convicted of multiple counts of income tax evasion and failure to register

as a foreign agent. Michael

Cohen, Trump's personal lawyer, confessed to unrelated crimes discovered during the investigation. The FBI arrested Trump's campaign advisor Roger Stone for making false statements to Congress and other charges.

A grand jury is investigating whether a June 2016 meeting at Trump Tower between at least one Russian official and Paul Manafort (and others from the Trump campaign) involved a conspiracy to release the DNC emails. Nonetheless, the special counsel has not yet answered the central question of the probe: *Did any members of the Trump campaign conspire with Russian operatives to influence the 2016 U.S. presidential election?*

Critics of the Mueller probe point to more than a lack of proof of collusion or conspiracy. They also argue that members of Mueller's team have a political bias against Donald Trump. At least seven of the original attorneys on Mueller's legal team had donated to Democratic Party candidates. FBI lawyer Peter Strzok was on Mueller's team, but he had exchanged texts critical of Trump during the 2016 presidential campaign with another FBI lawyer. When the texts were revealed in summer 2017, however, Mueller fired Strzok.



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## A Looming Constitutional Crisis?

To understand whether a constitutional crisis might result from the Mueller probe, we need to look at previous events that scholars rank as constitutional crises.

Reacting to the election of Abraham Lincoln in 1860, 11 southern states seceded from the United States on a theory that individual states, having voluntarily agreed to join the Union, could voluntarily leave it. They seceded primarily because Lincoln pledged to contain slavery in the South. The Constitution, however, provides no procedure for a state to secede. Naturally, the federal government disputed the southern states' position. Only four bloody years of the Civil War decided the argument.

Another constitutional crisis occurred in 1876. Republicans and Democrats disputed the Electoral College votes of several states, leaving neither presidential candidate with a clear majority. The Constitution did not define how to settle a disagreement about electors, so Congress appointed a special commission to decide the matter. The commission members voted along party lines. The Republican candidate Rutherford B. Hayes became President. Congress had found a solution. But the winning Republicans promised Southern Democrats that Hayes would end the deployment of federal troops in the South. Once Hayes removed the troops, an era of segregation and disenfranchisement of African-Americans began.

In 1973, special prosecutor Archibald Cox formally demanded that the White House turn over tapes in the investigation of the break-in of the DNC headquarters in the Watergate office complex. President Richard Nixon ordered the U.S. attorney general to fire Cox. The attorney general declined to fire Cox and resigned instead. Nixon then ordered the acting attorney general to fire Cox, but he also refused and resigned. Finally, Solicitor General Robert Bork, who had assumed the leadership of the Justice Department, terminated Cox and his staff. The firing was dubbed the "Saturday Night Massacre." Members of Congress, including some in Nixon's own Republican Party, saw Nixon's actions as an attempt to cover up wrongdoing. They saw this as a constitutional crisis, and it caused a political furor that contributed to Nixon's eventual downfall.

In the first two examples, the Constitution was silent on the issues at hand: secession and disagreement about electors. Today, the Constitution's silence on issues involved in the special counsel's investigation might lead to a crisis. On the one hand, many Democrats and some Republicans suggest that if President Trump fires Mueller *without cause* (without a legal reason), it would be to stop an investigation into Trump's own campaign. They believe that would be obstruction of justice, a crime, and therefore a constitutional crisis.

The Constitution is clear that no president is above the law. On the other hand, current Justice Department

guidelines say that a sitting president cannot be indicted even for a crime like obstruction of justice. Given that, Robert Mueller himself could trigger a crisis if he tries to indict the president.

The Supreme Court eventually resolved the issue in the third example above by ordering Nixon to release the tapes to the special prosecutor. Similarly, the Supreme Court would likely have to resolve any constitutional crisis related to the Mueller probe. Should a president refuse to comply with a ruling from the Supreme Court, the remedy the Constitution offers is impeachment (formal accusation) and removal from office.

Impeachment would happen if and only if the House of Representatives initiates the process. And removal would happen if and only if the Senate votes to remove the president. It was the threat of impeachment that led Richard Nixon to resign from office. But because the Constitution provides a remedy, which we saw in the example of Nixon, perhaps this would not be a constitutional crisis if it happened today.

### Who Could Fire Mueller?

In 1999, Attorney General Janet Reno issued regulations that restored a previous power of the attorney general to appoint independent, or special, counsel. The attorney general also has the exclusive power to fire the special counsel. In turn, the president appoints the U.S. attorney general, so he also has the authority to order the attorney general to fire the special counsel or terminate an investigation. However, under the 1999 regulations the president cannot directly fire the special counsel.

Today, if Trump decided to terminate Mueller or the investigation itself, he might have to accept the resignations of several Justice Department leaders, just as Nixon did in 1973. However, it is likely that Trump would eventually find someone to do the deed. Such an act may amount to obstruction of justice, since Mueller is investigating Trump's own 2016 campaign.

Again, many believe that obstruction of justice would be a constitutional crisis in itself. However, many others point out that the Constitution makes the president the chief executive, the highest authority in the executive branch of government. With that authority, they believe the president may fire whomever he wants within the executive branch. That authority seems to stretch back to a political conflict in the 19th century.

In 1867, Congress passed the Tenure of Office Act, which required the president to seek Senate approval for terminating any Cabinet-level officers. President Andrew Johnson then violated this law by firing the Secretary of War Edward Stanton. The House of Representatives impeached Johnson, but the Senate failed by a single vote to remove him from office. Later, in 1926, the Supreme Court affirmed the president's sole power to remove appointed officers of the federal government.

*The Constitution  
is clear that no  
president is  
above the law.*

Others, however, believe that it would not be a constitutional crisis because the Constitution specifies a remedy for such a “high crime or misdemeanor”: impeachment and removal from office. Article I, sec. 2, of the Constitution gives the House of Representatives the power to impeach federal officials, including the president. Article I, sec. 3, gives the Senate the sole power put the impeached official on trial. Only a two-thirds majority of senators may convict and then order the removal of the official from office.

In the end, it is up to Congress to determine whether a sitting president’s action involved obstruction of justice, and whether the crime is serious enough to reverse the decision of the voters who elected the president.

## WRITING & DISCUSSION

1. Choose one of the three historical crises described in the section “A Looming Constitutional Crisis?”. Explain in your own words why some consider the event you chose to be a constitutional crisis.
2. Do you think that President Trump’s firing of James Comey made appointment of the special counsel necessary? Why or why not?
3. Is it more important that (a) the results of the 2016 election be final to reflect the will of the people, or that (b) the allegations of wrongdoing by the Trump campaign be investigated thoroughly? Use evidence from the article in your answer.

### ACTIVITY: Where’s the Crisis?

Form small groups. In your group, discuss the following hypothetical events and determine if any of them would be a constitutional crisis. Discuss reasons for your group’s answers. Choose a spokesperson to share your findings with the class.

| Hypothetical Outcome of the Mueller Probe                                                             | Constitutional Crisis? |    | Reasons |
|-------------------------------------------------------------------------------------------------------|------------------------|----|---------|
|                                                                                                       | Yes                    | No |         |
| 1. President Trump fires Robert Mueller himself.                                                      |                        |    |         |
| 2. President Trump orders his attorney general to fire Mueller.                                       |                        |    |         |
| 3. Mueller probe finds no wrongdoing, and the House Judiciary Committee does not accept the findings. |                        |    |         |
| 4. Mueller probe finds no wrongdoing, yet the House impeaches President Trump.                        |                        |    |         |
| 5. House votes to impeach, yet the Senate does not put the president on trial.                        |                        |    |         |
| 6. The Senate votes to remove Donald Trump, but he refuses to leave office.                           |                        |    |         |

## Sources

### Ida Tarbell

Chernow, Ron. *Titan, the Life of John D. Rockefeller, Sr.* New York: Vintage Books, 1998. • Goodwin, Doris Kearns. *The Bully Pulpit*, Theodore Roosevelt, William Howard Taft, and the Golden Age of Journalism. New York: Simon & Schuster, 2013. • Hofstadter, Richard. *The Age of Reform, From Bryan to FDR*. New York: Vintage Books, 1955. • Hillstrom, Laurie Collier. *The Muckrakers and the Progressive Era*. Detroit: Omnigraphics, 2010. • “Ida Tarbell.” Wikipedia. 9/30/18. URL: [en.wikipedia.org](https://en.wikipedia.org). • “Interstate Commerce Act of 1887.” Wikipedia. 11/1/18. URL: [en.wikipedia.org](https://en.wikipedia.org). • Kochersberger, Robert. ed. *More Than a Muckraker, Ida Tarbell’s Lifetime in Journalism*. Knoxville: University of Tennessee Press, 1994. • McCully, Emily Arnold. *Ida M. Tarbell, The Woman Who Challenged Big Business and Won!* Boston: Clarion Books, 2014. • “Muckraker.” Wikipedia. 10/11/18. URL: [en.wikipedia.org](https://en.wikipedia.org). • “Sherman Antitrust Act of 1890.” Wikipedia. 11/8/18. URL: [en.wikipedia.org](https://en.wikipedia.org). • “Standard Oil.” Wikipedia. 10/30/18. URL: [en.wikipedia.org](https://en.wikipedia.org). • Tarbell, Ida M. *The History of the Standard Oil Company*. vol. 2. New York: McClure, Phillips & Co., 1904. • ———. “John D. Rockefeller: A Character Study.” Part Two. *McClure’s Magazine*. Aug. 1905. URL: [reformation.org/john-d-rockefeller2.html](http://reformation.org/john-d-rockefeller2.html). • Weinberg, Steve. *Taking on the Trust, The Epic Battle of Ida Tarbell and John D. Rockefeller*. New York: W. W. Norton, 2008.

### The Zulu War and British Imperialism

“Anglo-Zulu War.” *Britannica Online Encyclopaedia*. 2/22/17. URL: [www.britannica.com](http://www.britannica.com). • “Anglo-Zulu War.” *Wikipedia*. 11/8/18. URL: [en.wikipedia.org](https://en.wikipedia.org). • Cobbing, Julien R. D. “South Africa: The Expansion of European Colonialism (c. 1835-70).” *Britannica Online Encyclopaedia*. 11/11/18. URL: [www.britannica.com](http://www.britannica.com). • Cope, Richard. *Ploughshare of War, the Origins of the Anglo-Zulu War of 1879*. Pietermaritzburg, South Africa: University of Natal Press, 1999. • Greaves, Adrian and Mkhize, Xolani. *The Zulu War, The History, Rise, and Fall of the Tribe That Washed Its Spears*. New York: Skyhorse Publishing, 2014. • Guy, Jeff. *The Destruction of the Zulu Kingdom, The Civil War in Zululand,*

*1879-1884*. London: Longman, 1979. • Mahr, Krista. “Apartheid Haunts the Land in S. Africa.” *Los Angeles Times*. 12/27/18: A1. • Morris, Donald R. *The Washing of the Spears*. New York: Simon and Schuster, 1965. • “South Africa.” *The World Almanac and Book of Facts 2018*. New York: World Almanac Books, 2017. • “South Africa: British Colonisation.” *Wikipedia*. 12/30/18. URL: [en.wikipedia.org](https://en.wikipedia.org). • Stapleton, Timothy J. *A Military History of Africa*. Vol. 2. Santa Barbara: Praeger, 2013. • “Zululand.” *Britannica Online Encyclopaedia*. 12 Sept. 2018. URL: [www.britannica.com](http://www.britannica.com).

### Mueller Probe

“A burglary turns into a constitutional crisis: Watergate break-in: June 17, 1972.” CNN.com. 6/16/04. URL: [www.cnn.com](http://www.cnn.com). • Azari, Julia and Seth Masket. “Many serious political crises are perfectly constitutional. That’s a problem.” *Vox*. 2/28/17. URL: [www.vox.com](http://www.vox.com). • Azari, Julia and Seth Masket. “The 4 Types of Constitutional Crises.” *FiveThirtyEight*. 2/9/17. [fivethirtyeight.com/features/constitutional-crisis/](http://fivethirtyeight.com/features/constitutional-crisis/). • Bassetti, Vistoria. “How Trump Could Turn the Mueller Probe Into a Constitutional Crisis.” *Brennan Center for Justice*. 5/17/18. [www.brennancenter.org](http://www.brennancenter.org). • Goldsmith, Jack. “The Cycles of Panicked Reactions to Trump.” *Lawfare*. 4/11/18. [www.lawfareblog.com/cycles-panicked-reactions-trump](http://www.lawfareblog.com/cycles-panicked-reactions-trump). • Jurecic, Quenta and Benjamin Wittes. “Is America on the Verge of a Constitutional Crisis?” *The Atlantic*. 3/17/18. URL: [www.theatlantic.com](http://www.theatlantic.com). • McCarthy, Tom. “Michael Flynn: Timeline of the former national security Adviser’s case.” *The Guardian*. 12/4/18. [www.theguardian.com](http://www.theguardian.com). • Oprysko, Caitlin. “DOJ investigation turns up thousands of missing texts from Peter Strzok and Lisa Page.” *POLITICO*. 12/13/18. URL: [www.politico.com](http://www.politico.com). • Shane, Peter. “Even if Trump Tries to Fire Mueller, He Can’t Fire the Grand Jury.” *Slate*. 12/10/18. URL: [slate.com](http://slate.com). • “Special counsel investigation (2017-present).” *Wikipedia*. 2/21/19. URL: [en.wikipedia.org/wiki/Special\\_Counsel\\_investigation](https://en.wikipedia.org/wiki/Special_Counsel_investigation).

## Standards Addressed

### Ida Tarbell

National U.S. History Standard 20: Understands how Progressives and others addressed problems of industrial capitalism, urbanization, and political corruption. High School Benchmark 1: Understands the origins and impact of the Progressive movement (e.g., social origins of Progressives and how these contributed to the success and failure of the movement; Progressive reforms pertaining to big business, and worker’s and consumer’s rights; arguments of Progressive leaders).

California History-Social Science Standard 11.2: Students analyze the relationship among the rise of industrialization, large-scale rural-to-urban migration, and massive immigration from Southern and Eastern Europe. (9) Understand the effect of political programs and activities of the Progressives (e.g., federal regulation of railroad transport, Children’s Bureau, the Sixteenth Amendment, Theodore Roosevelt, Hiram Johnson).

Common Core State Standards: SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.3, WHST.11-12.10.

### The Zulu War and British Imperialism

National World History Standard 36: Understands patterns of global change in the era of Western military and economic dominance from 1800 to 1914. High School Benchmark 7: Understands African resistance movements against the British during the period of European imperial expansion (e.g., the successes and failures of prominent African resistance movements in West Africa, Sudan, Ethiopia, and South Africa; the nature of the Sudanese resistance to the British, as well as the general success of Mahdi Muhammad Ahmed and the Mahdi uprising against British imperialism).

California History-Social Science Standard 10.4: Students analyze patterns of global change in the era of New Imperialism in at least two of the following regions or countries: Africa, Southeast Asia, China, India, Latin America, and the Philippines. (3) Explain imperialism from the perspective of the colonizers and the colonized and the varied immediate and long-term responses by the people under colonial rule.

Common Core State Standards: SL.9-10.1, SL.9-10.3, RH.9-10.1, RH.9-10.2, RH.9-10.10, WHST.9-10.10.

### Mueller Probe

National Civics Standard 4: Understands the concept of a constitution, the various purposes that constitutions serve, and the conditions that contribute to the establishment and maintenance of constitutional government. High School Benchmark 2: Understands how constitutions set forth the structure of government, give the government power, and establish the relationship between the people and their government.

California History-Social Science Standard 12.4: Students analyze the unique roles and responsibilities of the three branches of government as established by the U.S. Constitution. (1) Discuss Article I of the Constitution as it relates to the legislative branch, including . . . the roles of the House and Senate in impeachment proceedings [and] . . . the enumerated legislative powers . . .

Common Core State Standards: SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.2, RH.11-12.10, WHST.11-12.10, 8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, RH.6-8/11-12.10, WHST.6-8/11-12.1, WHST.6-8/11-12.2, WHST.6-8/11-12.9, WHST.6-8/11-12.10.

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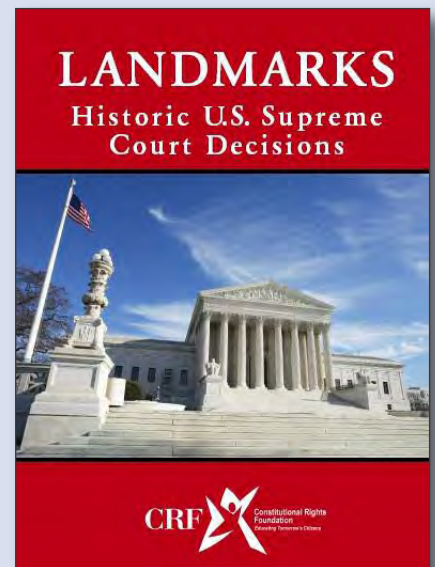
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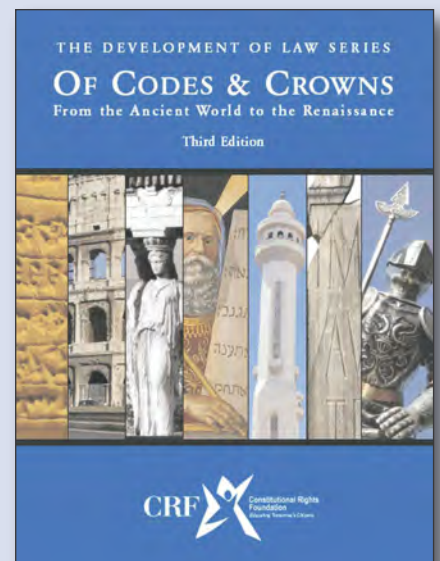
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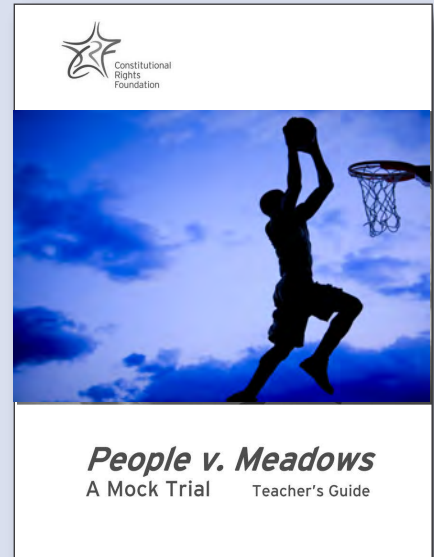
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### A Murder Trial

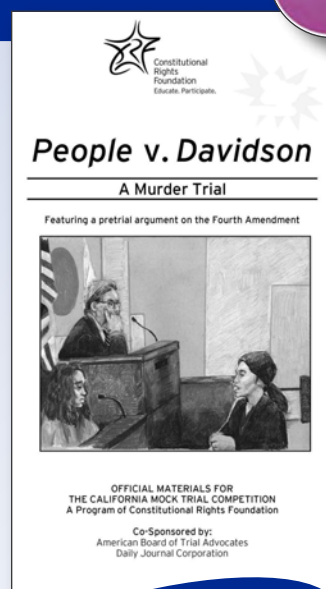
#### Featuring a pretrial argument on the Fourth Amendment

Casey Davidson faces a felony count of first degree murder for the death of Alex Thompson, a member of an extremist nationalist group. The prosecution alleges that Davidson murdered Thompson shortly after a political rally. After Thompson was punched at the rally and walked away, Davidson allegedly followed Thompson. A short time later, Thompson's was found dead. The prosecution alleges that Davidson willfully and deliberately struck Thompson and that Davidson had done so with premeditation, even posting threatening messages on a social network.

The defense argues that Davidson did not murder Thompson and has an alibi for the time of death. According to the defense, Davidson was an activist in a nonviolent group, and had a history of mediating conflicts. The defense also argues that forensic blood evidence found on Davidson's clothing was the result of Davidson's close proximity to Thompson when Thompson was punched at the rally. The messages on the social network, the defense argues, were in one case the result of someone other than Davidson, and in another case the result of Davidson responding to an incident in which Thompson physically injured Davidson.

The pretrial issue focuses on whether it is a search under the Fourth Amendment for the government to obtain routinely collected GPS location data from a third-party GPS provider and against self-incrimination.

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