

Bill of Rights in Action



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THE SENATE FILIBUSTER: ABOLISH, KEEP, OR REFORM?

On May 28, 2021, the U.S. Senate voted 54-35 on a bill for a commission to investigate the January 6 mob attack on the Capitol Building. Despite this majority vote, the bill did not pass. This was because a rule called the filibuster required a 60-vote “supermajority.” Why does the Senate have a rule allowing the filibuster?

The Senate filibuster is a procedure to block the voting on a bill or some other matter. The word comes from the Dutch word for “pirate.”

In the Senate, the minority party typically uses this tactic to oppose a majority party’s bill. Currently, a 60-vote supermajority of the 100 senators is required to end a filibuster and allow a final vote on a bill.

At the Constitutional Convention in 1787 and in the debates about ratification, the Founders discussed the danger of what James Madison called the “tyranny of the majority.” They were concerned that minority *fac-tions* (groups within government), including small states, would have no power. So, they designed the Senate with two senators from every state, unlike the House of Representatives where large states had more representatives than small states. The Founders intended to enable the Senate to take more time to debate bills passed by the House where the majority controlled almost everything.

The U.S. Constitution, however, makes no mention of a filibuster in the Senate. Instead, the Senate and the House of Representatives decide their own rules of procedure, which they did in 1789. Both the House and Senate rules included a procedure called the “previous



When Republican Sen. Bob LaFollette filibustered a bill in 1917 to arm American ships, he declared, “I will continue on the floor until I complete my statement unless somebody carries me off, and I should like to see the man who will do it.”

question” motion to cut off debate on bills by a simple majority vote (more than 50 percent). Eventually, at the urging of Vice President Aaron Burr, the Senate did away with the previous question motion in 1806.

Early Use of the Filibuster

Few significant filibusters occurred until 1841 when Senator John C. Calhoun of South Carolina organized Southern senators to oppose a bank bill. Calhoun and his supporters held the Senate floor by making speeches there for two straight weeks. They finally gave up, and the bank bill passed. But their “talking filibuster” tactic became more common in the years that followed.

In 1890, Southern Democrats filibustered a Republican bill to protect the voting rights of formerly enslaved people in federal elections. The filibuster succeeded when the Republicans dropped the bill to focus on the economy. Southern Democrats realized that the filibuster was a powerful tactic to keep in

IN THIS ISSUE

Government: <i>The Senate Filibuster: Abolish, Keep, or Reform?</i> by longtime BRIA contributor Carlton Martz	1
U.S. History: <i>The Life and Poetry of Phillis Wheatley</i> by BRIA editor Damon Huss and Leslie Smith, teacher at John A. Rowland High School in California	5
World History: <i>Buddhism in China</i> by Damon Huss	8

Some Future Issues of Bill of Rights in Action Will Only Be Available Electronically!

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**SPECIAL
NOTICE**

place racial segregation and discriminatory “Jim Crow” laws in the South.

Cloture: How to End a Filibuster

In 1917, just before the U.S. entered World War I, President Woodrow Wilson wanted a bill to arm American merchant ships to defend against German submarines. However, a group of anti-war senators mounted a filibuster against Wilson’s bill.

A solid number of senators of both parties favored Wilson’s bill, so the Senate adopted a rule to stop the filibuster. Called “cloture” (closure), Senate Rule 22 required a vote of two-thirds of the senators present to end any filibuster on the bill. A second cloture vote would end debate on a bill. The Senate could then pass the bill by a simple majority. (Meanwhile, as the Senate was debating Rule 22, Wilson issued an executive order arming the merchant ships.)

Between 1922 and 1938, the minority of Southern Democratic senators filibustered several federal anti-lynching laws. Democrats and Republicans who supported the bills were unable to overcome the two-thirds cloture rule. Cloture, thought to be a way to end filibusters, now seemed to be a mountain too high for the senators to climb.

Filibusters Against Civil Rights

In the 1940s, Southern Democratic senators filibustered bills to ban poll taxes, prohibit racial discrimination in employment, and otherwise ensure civil rights for Black people. The two-thirds cloture failed in every one of these cases.

A comprehensive civil rights bill in 1957 was stalled by Senator Strom Thurmond, a Democrat from South Carolina. He set the record for the longest single talking filibuster with a speech that lasted 24 hours and 18 minutes. The bill eventually passed when other Democrats negotiated a compromise.

By 1962, the Senate had voted for cloture about a dozen times to end filibusters against civil rights bills. But they always failed to get the needed two-thirds supermajority.

As the civil rights movement gained support in the country, President John F. Kennedy sent a strong civil rights bill to Congress in 1963. The bill addressed discrimination based on race, color, religion, or national origin in hotels, restaurants, theaters, public transportation, and other areas for the public. It also prohibited discrimination in employment based on race, color, religion, national origin and — for the first time — a person’s sex. The Democratic majority in the House of Representatives easily passed the bill.

Eighteen Southern Democrats and one Republican launched a filibuster against the bill, each taking turns making speeches on the Senate floor. Their filibuster lasted two months.

Minnesota Democratic Senator Hubert Humphrey and Illinois Republican Senator Everett Dirksen led negotiations for a compromise. They brought enough Republicans and

Democrats together to break the two-month filibuster, and the bill passed the Senate 73-27.

Lyndon Johnson, now president after JFK’s assassination, enthusiastically signed the bill, which became the Civil Rights Act of 1964.

The “Silent” Filibuster

Since the 1960s, the Senate has made some significant changes in the filibuster rules. In 1974, the Senate passed a “budget reconciliation” rule that prevents filibusters against tax and spending bills. The reconciliation rule allows only a simple majority vote to pass these bills. On all other legislation, the Senate changed the vote needed for cloture from two-thirds (67 votes) to three-fifths (60 votes).

At the same time, the talking filibuster began to fade. In its place, senators began using the “silent filibuster” more frequently. A filibuster is “silent” when a group of at least 41 senators threaten to use a talking filibuster against a bill. When that happens, the Senate majority leader can simply decide not to call a vote on the bill. No senators are required to be on the Senate floor speaking at all.

The “Nuclear Option”

In 2013, the Senate Republican minority used the silent filibuster to block the confirmations of many of Democratic President Barack Obama’s nominations. The Democratic majority then forced a special rule change, commonly called the “nuclear option.” This allowed a simple majority to confirm lower federal court judges and other presidential nominations.

In 2017, the Republicans regained control of the Senate. They turned the tables on the Democrats and used the nuclear option to allow a simple majority vote to confirm Supreme Court justices. This enabled the Republican majority to easily confirm three Supreme Court justices nominated by President Donald Trump.

The Filibuster Today

In the 1970s, filibusters averaged 50 per year. But by the time President Barack Obama left office in 2017, they had increased to more than 200 per year. With Democrats and Republicans more bitterly divided and less willing to compromise today, even the 60-vote cloture threshold is hard to get.

The 2020 election resulted in a closely divided Congress. Democrats held the majority in the House of Representatives, but only by a handful of seats. The Senate was divided evenly: 50 Democrats and 50 Republicans. However, Vice President Kamala Harris, the president of the Senate, could cast a tie-breaking vote. This would give the Democrats a simple majority of votes (51) to pass bills through the tax and spending reconciliation process. But it would not be enough votes for the 60-vote cloture to end a filibuster on other bills.

After he became president in 2021, Joe Biden tried to get the Senate to approve a House bill to increase the federal minimum wage to \$15. But he ran up against opposition from Republicans and even some Democrats. He then attempted to get it passed through the reconciliation process

but failed because the minimum wage did not qualify as a “tax or spending bill,” which is a criterion of reconciliation.

Biden’s \$1.9 trillion COVID-19 rescue plan bill for families and communities did pass under the reconciliation process with a simple majority.

However, Republicans filibustered Biden’s voting-rights bill that would have banned partisan gerrymandering of congressional districts by state legislatures, among other reforms. Republicans called it a federal invasion of states’ rights, and a Democratic cloture vote failed.

Biden and a group of Democratic and Republican senators negotiated for weeks on a trillion-dollar compromise infrastructure bill. It covered such things as improvement and replacement of roads, bridges, airports, broadband internet, water systems, and the electrical-power grid. This bipartisan bill overcame a Senate filibuster with a successful cloture vote. Finally, all 50 Democrat and 19 Republican senators joined to pass the bill on August 10, 2021. It then went to the Democratic controlled House for its approval.

Meanwhile, Democrats alone without any Republican support then planned to pass a much larger \$3.5 trillion “human infrastructure” bill by the budget reconciliation process, which would bypass a filibuster. This proposal included federal spending on child-care, paid sick leave, expansion of Medicare benefits, free two-year community college, projects to combat climate change, and much more. Democrats wanted to pay for this bill by taxing wealthy individuals and big corporations.

However, both infrastructure bills stalled in the House when Democrats could not agree on the cost and contents of the “human infrastructure” bill.

Two Democratic senators also voiced objections. Their votes were necessary for the bill to pass using the reconciliation process. The filibuster was not in play, but getting all the Democrats to agree was.

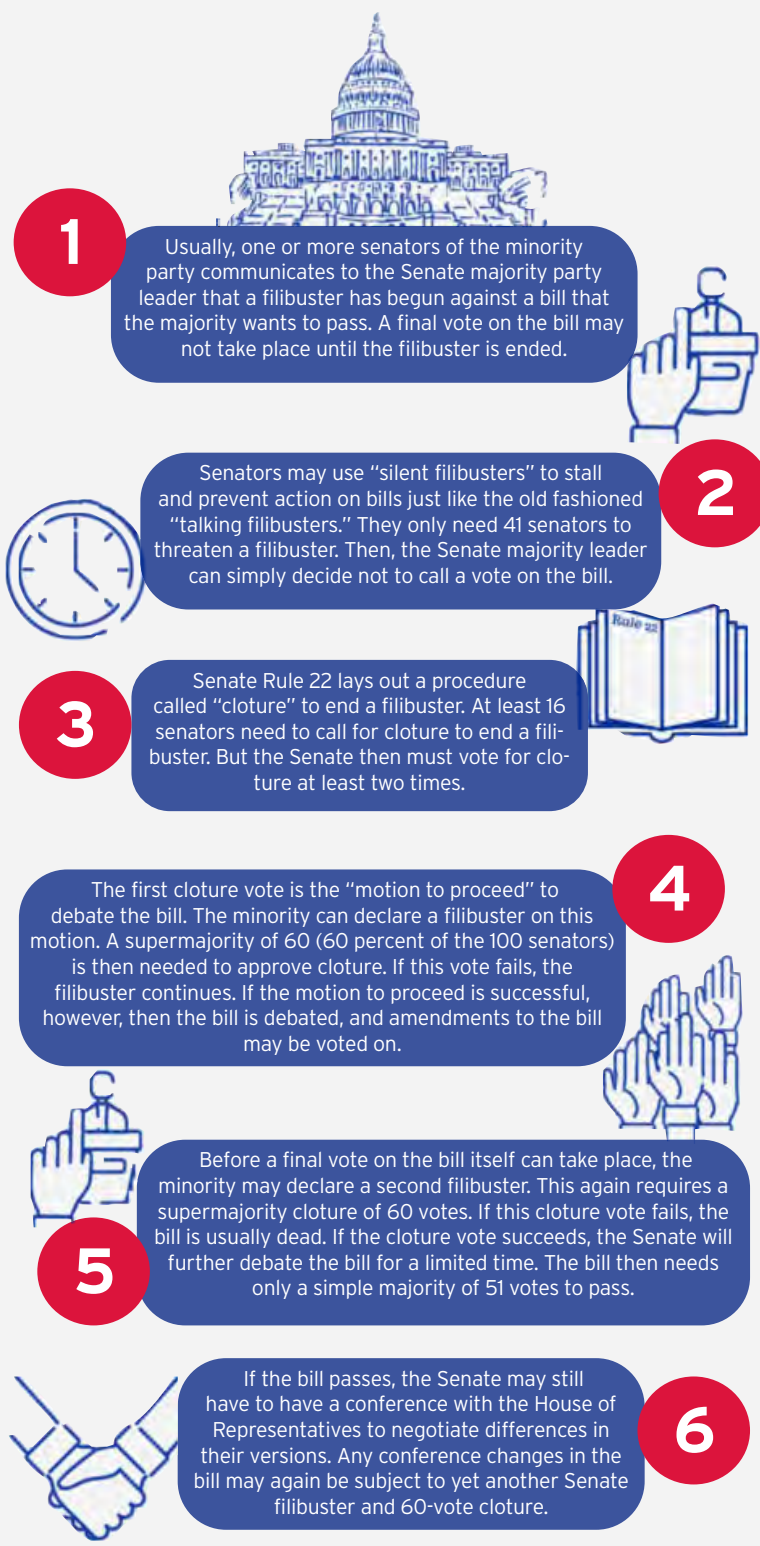
Abolish, Keep, or Reform the Filibuster?

Critics and defenders of the filibuster have debated options for the future of the practice in the Senate. Below are explanations of three distinct positions on the filibuster: abolish, keep, and reform. The explanations include arguments for each position.

Abolish the Filibuster Entirely

James Madison and the other writers of the Constitution reserved a supermajority vote in the Senate for only a few matters like ratifying treaties. While they favored more lengthy debate for the Senate than in the House of Representatives, in the end they wanted a simple majority vote and not a minority veto.

Today's U.S. Senate Filibusters and Clotures Summarized



Throughout our nation’s history, filibusters by the minority party have killed much legislation. In recent years, bills popular with the people and favored by most senators have been killed by filibusters. Under President Trump, Senate Democrats filibustered additional coronavirus relief bills in the two months

Longest Talking Filibusters in the U.S. Senate Since 1900

Senator	Date (began)	Measure	Hours:minutes
Strom Thurmond (D-SC)	August 28, 1957	Civil Rights Act of 1957	24:18
Alfonse D'Amato (R-NY)	October 17, 1986	Defense Authorization Act (1987), amendment	23:30
Wayne Morse (I-OR)	April 24, 1953	Submerged Lands Act (1953)	22:26
Ted Cruz (R-TX)	September 24, 2013	Continuing Appropriations Act (2014)	21:18
Robert M. La Follette, Sr. (R-WI)	May 29, 1908	Aldrich-Vreeland Act (1908)	18:23
William Proxmire (D-WI)	September 28, 1981	Debt ceiling increase (1981)	16:12
Huey Long (D-LA)	June 12, 1935	National Industrial Recovery Act (1933), amendment	15:30
Jeff Merkley (D-OR)	April 4, 2017	Neil Gorsuch Supreme Court confirmation	15:28
Alfonse D'Amato (R-NY)	October 5, 1992	Revenue Act (1992), amendment	15:14
Chris Murphy (D-CT)	June 15, 2016	Nominally H.R. 2578; supporting gun control measures	14:50

Source: Wikimedia Commons

before the November 2020 presidential election. And under President Biden, Senate Republicans filibustered two gun-control bills passed in the House during Biden's first few months in office.

Today, frequent filibusters have become difficult to end by the 60-vote cloture rule. They have become a political weapon by the minority party to obstruct the majority will.

Defenders of the filibuster say it is necessary to ensure adequate debate and to encourage compromise. But today compromise has become rare among extremely divided senators. Both parties stall real debate and seldom achieve cloture to allow a final vote on a filibustered bill that a simple majority of senators are ready to pass.

Filibusters are anti-democratic. A democracy should be based on majority rule, not undermined by the obstructions of a Senate minority.

Keep The Filibuster

The writers of the Constitution wanted a thoughtful Senate to debate legislation at length. The Constitution authorizes each house to make its own rules, which have included the long tradition of a Senate filibuster.

The filibuster prevents the Senate from becoming another "tyranny of the majority," which rules in the House. The Senate filibuster assures that the minority party's views will be taken seriously.

The filibuster slows down the lawmaking process to allow for compromise. The Civil Rights Act of 1964 is a good example of how Democratic and Republican leaders worked together to negotiate a compromise acceptable to a large Senate majority.

When cloture to proceed on a filibustered bill occurs, the minority party has the right to propose and debate amendments before a final vote is taken. During these amendment debates, senators can compromise with each other.

Many who are in the majority today call for abolishing the filibuster. But they may regret doing this when they become the minority.

The filibuster assures a truly democratic law-making process. Forcing the Senate majority and minority to compromise will result in a bipartisan bill that will be more moderate and acceptable to the entire American public.

Reform the Filibuster

Many scholars and senators themselves have proposed several changes to reform the Senate filibuster, such as the following:

1. End the silent filibuster by restoring the old-fashioned talking filibuster. This would probably cut down the frequency of filibusters.
2. End cloture for a motion to proceed. There should only be one 60-vote cloture before a final vote on a bill.
3. Reduce the requirement for cloture from 60 to 55 votes.
4. Instead of requiring 60 senators to vote for cloture, require 41 senators to vote for continuing a filibuster.
5. Expand the subjects of bills that cannot be filibustered, like the federal minimum wage.
6. Restore cloture for confirmation of all the lifetime federal judges, including Supreme Court justices.

WRITING & DISCUSSION

1. What do you think is the best argument for abolishing the Senate filibuster? Why?
2. What do you think is the best argument for keeping or reforming the Senate filibuster? Why?
3. Are the rules about the filibuster and cloture good or bad for American democracy? Why? Use at least two examples from the article in your answer.

ACTIVITY: Reforming the Senate Filibuster

In small groups, review the six proposals to reform the filibuster listed in the article. Each group chooses three it thinks are the best and then ranks those three. The groups will then explain their choices and rankings to the rest of the class.

Alternative Activity: Use this article with a Civil Conversation (www.crf-usa.org/t2t/curriculum-library).

THE LIFE AND POETRY OF PHILLIS WHEATLEY

Phillis Wheatley was born around the year 1753 in West Africa, where present-day Senegal and Gambia are. She was kidnapped from the area and brought to the islands of the West Indies in the Caribbean Sea where she was enslaved. Because she was a little girl around the age of seven, she was considered too young to work in the sugar cane fields there. So, she was put on a ship that brought her to Boston with other enslaved Africans considered too feeble for the harsh conditions of the Caribbean.

Upon arriving in Boston in 1761, Phillis was purchased and enslaved by John Wheatley. He intended for Phillis to be a personal servant to his wife, Susanna. The family who enslaved her named her after the ship that brought her to Boston, the “Phillis.” They gave her their last name, as was the custom at the time. Therefore, we cannot know what Phillis Wheatley’s name was before her enslavement or what her family in West Africa called her.

Susanna Wheatley and her family quickly saw how intelligent Phillis was. They began educating her. With rare exceptions, slaveholders in the South generally opposed slave literacy for fear that it would encourage enslaved people to revolt. Some Southern states, like South Carolina, passed laws forbidding teaching basic literacy to enslaved children and adults.

In the North, there were more literacy resources for enslaved children, even though their literacy was often discouraged. Teaching them reading and writing was not illegal. In Boston religious groups like the Quakers established formal schools. And household private instruction was allowed. In this environment, the Wheatleys taught Phillis to read and write in English, Latin, and Greek. They also taught her theology, history, and literature. She was allowed to obtain this education as long as her other obligations (full-time work for the Wheatley family) were completed.

Wheatley wrote her first published poem at around age 13, which was printed in the *Newport Mercury*. The poem was a story about two sailors who nearly drowned at sea in a storm. Phillis had met the two men when they visited the Wheatleys’ home and told their story.

In the poem, Wheatley asked what would have happened to the men, if they had died in the storm:

*To Heaven their Souls with eager Raptures soar,
Enjoy the Bliss of him they wou’d adore.*

(NOTE: In her poetry, Wheatley used English spelling conventions of the time. “Gulph” meant “gulf,” and “wou’d” meant “would.”)



This 1773 engraving of Phillis Wheatley appeared in her book *Poems on Various Subjects, Religious and Moral*. It is also the first known portrait of an individual American woman of African descent.

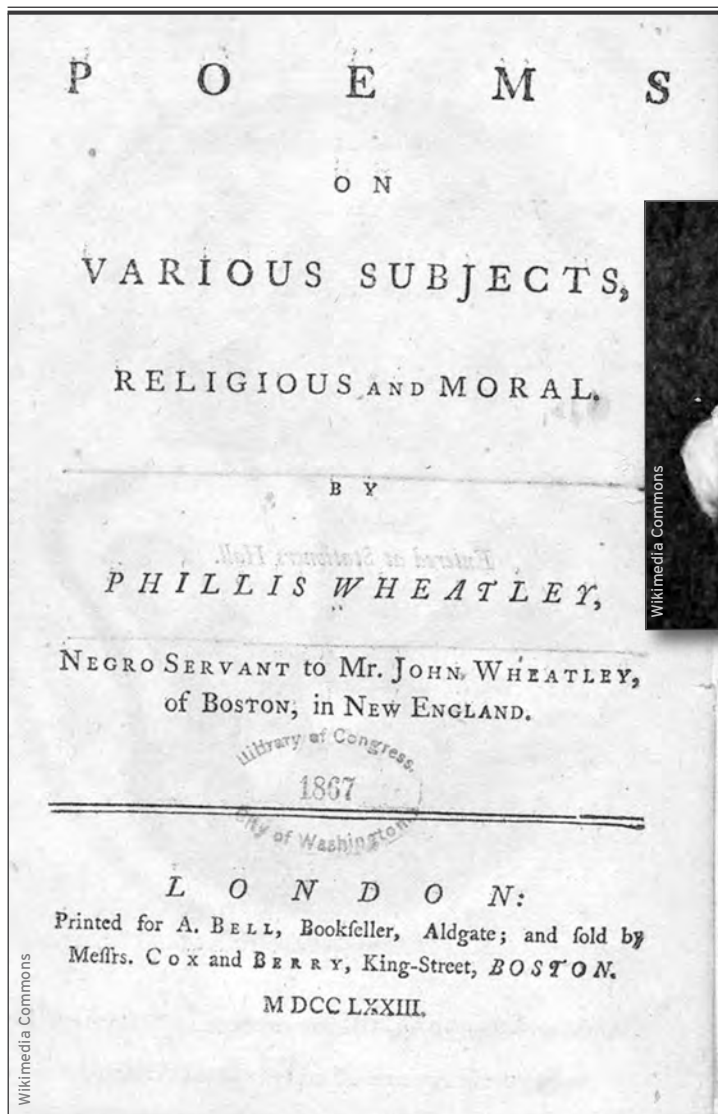
Fame and Freedom

Soon she published more poems. At that time, poems were often published individually on large sheets of printed paper called broadsides. At age 17, she wrote the poem that would make her famous. It was “On the Death of the Rev. Mr. George Whitefield, 1770.” George Whitefield was a Christian minister who was one of the founders of the Methodist Church. Whitefield had converted Susanna Wheatley to Methodism, and she had, in turn, converted young Phillis. The poem began with these lines:

*Hail, happy Saint, on thy immortal throne!
To thee complaints of grievance are unknown . . .*

A Boston newspaper advertised broadsides of the poem in October 1770. Within weeks, newspapers throughout the Northeast advertised her poem. By mid-November, it was published in London, England. Other poets became admirers of Wheatley. Soon, Wheatley was famous in England and in the American colonies. But no American publisher would publish a whole book of Wheatley’s collected poems.

In England publishers were more friendly to the idea of publishing a book by an African American poet. ►



Selina Hastings, Countess of Huntingdon, was the British aristocrat who funded the publication of Wheatley's only book of poems. Wheatley dedicated the book to her.

Susanna Wheatley reached out to friends there, and Phillis travelled to London in 1773. An English countess (female noble) admired Wheatley's poetry as well as several other formerly enslaved African American writers. The countess funded the publication of Wheatley's first and only book of poetry in 1773, titled *Poems on Various Subjects, Religious and Moral*. The book made Wheatley's fame grow more.

Wheatley's achievements in poetry are very significant beyond her fame. She became the first African American and first enslaved person in American history to publish a book of poems. She was also only the third American woman to do so.

While in London, Wheatley befriended abolitionists. Phillis could have declared her own freedom while in London, but she chose to first return to Boston in 1773. Susanna herself had grown to oppose slavery. "At the desire of my friends in England," Phillis wrote, John Wheatley granted Phillis her freedom

from enslavement in 1773. The following year, Susanna died. Phillis lived for the next few years with the Wheatleys as a free woman.



Supporting Independence

Wheatley was a strong supporter of the fight for independence from Britain and used her poetry to show support for the movement. Wheatley wrote a poem in 1776 titled "To His Excellency General Washington" in which she praised the military commander of the Continental Army, George Washington. She sent her poem with a

letter to General Washington, who would one day be the first U.S. president.

Washington appreciated her poetry so much that he invited her to visit him in his quarters in Cambridge, Massachusetts, in March 1776, just months before the official start of the American Revolution. In his letter Washington said of her poem that "the style and manner exhibit a striking proof of your great poetical talents."

Washington also wrote that he felt it would be "vanity" for him to publish her poem himself. Nonetheless, he sent her poem to his former secretary, who had the poem published in the *Virginia Gazette* newspaper. Revolutionary writer Thomas Paine, famous for his pro-independence pamphlet *Common Sense*, republished Wheatley's poem in his own magazine in April 1776. Historians disagree whether Wheatley and Washington ever did meet in person.

While Wheatley greatly supported the American Revolution, she grew increasingly frustrated that the cause would allow a great many to remain enslaved. In a written eulogy for an American general she criticized patriots who claimed to be Christians wanting freedom, yet who supported the enslavement of Africans, "a blameless race." She compared American slavery to that of slavery in ancient Egypt, as recounted in the Bible. To her predominantly Christian readers, this was a serious admonishment.

A Short but Full Life

John Wheatley died in early 1778 but left no inheritance for Phillis. For a young Black woman on her own — with no money — in wartime Boston, life was challenging. She soon met trader and shop owner John Peters, a free Black man. Later in 1778, they were married.

Even though Phillis Wheatley had achieved great fame early in life, she struggled to publish any poetry during the war years. She also struggled with health problems due to chronic asthma. At first, John's business trading goods like rye, wheat, nails, and sugar was successful. But Phillis still had to sew clothes for money to help support hers and John's young children.

Due to legal troubles from business debts, the Peters family moved out of Boston in 1780. They were able to buy some land on a rural farm where John had once been enslaved. Little is known of their life there, but in 1784, they returned to Boston. Phillis published a couple of poems, including "Liberty and Peace, A Poem," which celebrated the Treaty of Paris that ended the Revolutionary War. She wrote with optimism for the new nation, the United States of America:

*So Freedom comes array'd with
Charms divine,
And in her Train Commerce and
Plenty shine.*

...

*To every Realm shall Peace her
Charms display, And Heavenly
Freedom spread her golden Ray.*

Phillis died in 1784 due to complications in childbirth. None of her three children survived into adulthood.

While her life was short, Phillis Wheatley contributed much to American history and literature. Her poetry is considered part of the great body of American culture.



Columbia depicted on a 20th century half-dollar coin.

Wikimedia Commons

In her poems, Wheatley often wrote of Columbia, a goddess used to symbolize the United States. It is where the District of Columbia, the nation's capital, gets its name. Columbia also appears in her poem for Washington (below).

*Fix'd are the eyes of nations on the scales,
For in their hopes Columbia's arm prevails.
...
Proceed, great chief, with virtue on thy side,
Thy ev'ry action let the Goddess guide.
A crown, a mansion, and a throne that shine,
With gold unfading, WASHINGTON! Be thine.*

WRITING & DISCUSSION

1. In what ways did Phillis Wheatley overcome hardships in her life?
2. Why were Phillis Wheatley's achievements as a poet historically important?
3. How did the American Revolution influence Wheatley's life and career as a poet?

ACTIVITY: Time Travel to 1776

As a man who enslaved other people, what might Washington's choice to invite Phillis Wheatley to meet him tell us about his beliefs about enslaved people? What might Wheatley have been hoping for during her meeting with Washington?

Imagine the two did, in fact, meet in Massachusetts in 1776. And imagine you could travel back in time to observe and report on their meeting:

- 1) With a partner, discuss what questions you would ask both Wheatley and Washington.
- 2) List three questions you would ask each of them.
- 3) Include 1-2 sentences for each question explaining why you would ask that question.
- 4) Be ready to share your questions and explanations with the class.

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BUDDHISM IN CHINA

Although the Communist Party that governs China today is officially atheist, many people in the country practice one or another religion. The state recognizes only five religions: Buddhism, Catholicism, Islam, Protestant Christianity, and Taoism. Of these, Buddhism is the largest with an estimated 294 million adherents in a nation with a population of 1.4 billion people. But Buddhism did not originate in China. How did it reach such prominence there?

The religion of Buddhism began in the ancient subcontinent of India around the 6th century BCE. It spread throughout Asia over the next several centuries. It began in the life and teachings of a man named Siddhartha Gautama (around 563 to 483 BCE). He became known as the Buddha, which means “Enlightened One.”

The Buddha taught that craving things leads to suffering. Suffering traps people in a cycle of death and rebirth. But people can find the way out of suffering through finding enlightenment, which brings one into the final spiritual state of nirvana.

In its first few centuries, Buddhism focused on the historical person of the Buddha. Emperor Ashoka, who ruled in the Mauryan Empire in India in the 3rd century BCE converted to Buddhism as an adult. He sent Buddhist missionaries as far as Egypt, Macedonia, Greece, and the Seleucid Empire, which spanned from modern-day Afghanistan to the Mediterranean Sea.

Later, different branches or sects based on interpretations of the Buddha’s teachings emerged. Some treated the Buddha like a god, while others treated him like a wise teacher. Mahayana Buddhism stressed that anyone, not just the Buddha himself, could become a buddha, meaning an enlightened person. This would become the main kind of Buddhism in China.

Buddhism Arrives in China

Historians are not certain exactly how Buddhism spread into China. The leading theory is that Buddhism spread through Buddhist traders and missionaries along the Silk Road trade network during the Han dynasty in China (207 BCE to 220 CE).

A group of Buddhist monks living together in 65 CE was the earliest recorded Buddhist community in China.



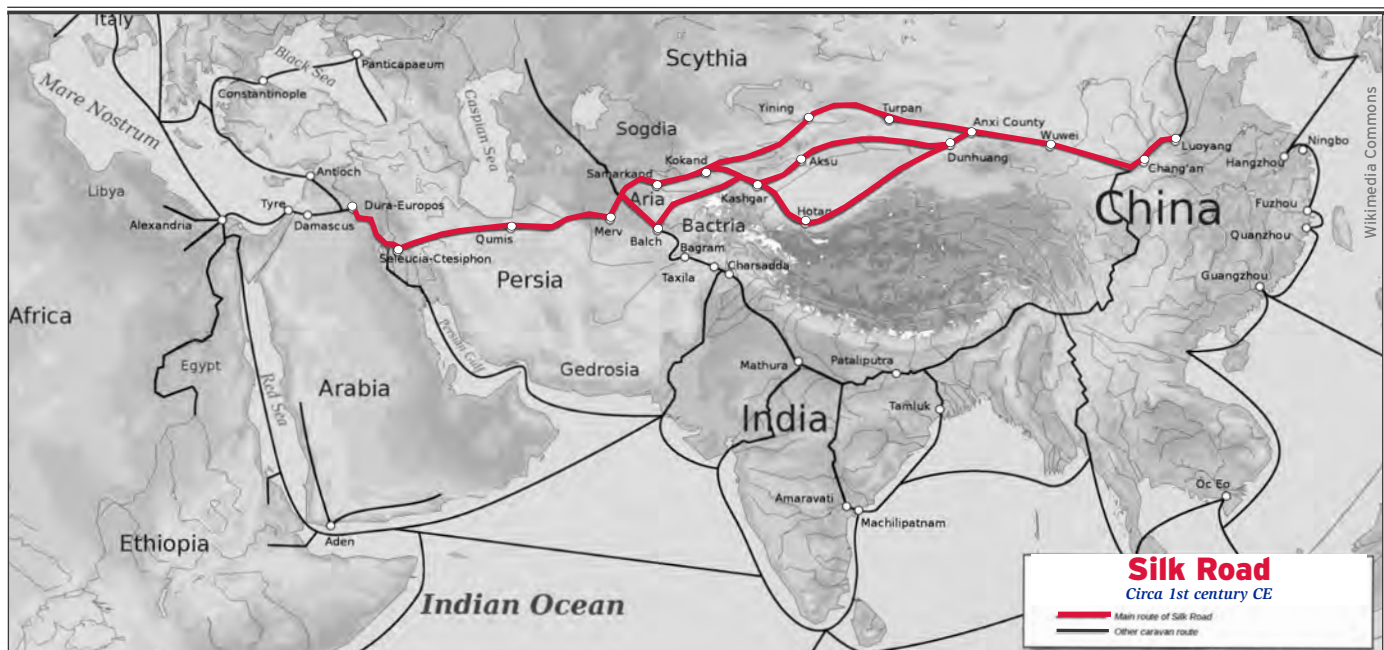
Statue of the Buddha in a temple in Shanghai, China. The Buddha’s right hand is shown gently touching the ground. In the story of the Buddha, he touched the earth at the moment of his enlightenment while sitting under a tree called the Bodhi Tree.

They lived under royal patronage (financial support) in Jiangsu Province in northeastern China. Over the next few centuries, more and more Buddhist monks would enter China, resulting in more and more Chinese people adopting Buddhism as their religion.

The Han dynasty’s state ideology was Confucianism, which was based on the ideas of Confucius (c. 551 to 479 BCE). Confucianism was an orderly ethical system. Some scholars call it a religion, while others call it a philosophy. Confucianism taught that each person should live a virtuous life to bring about harmony in society. Fulfilling duties to family was vitally important. And rulers were to lead by example above all.

Most people in Han China practiced the religion of Taoism. The term Tao roughly translates as “The Way,” as in the way of nature or the universe. According to the Tao Te Ching, the central text of Taoism, the Tao is mysterious. It cannot adequately be described in words. But people can attain the Tao through *wu wei*, which means “nonaction” or “effortless action.”

Taoists developed physical movements, breathing exercises, and dietary rules to help practitioners get in touch with the Tao. Many know these physical exercises



today as Tai chi and Qigong (pronounced “chee-gong”). These played a role in Chinese Buddhism, too.

Generally, different religions coexisted easily in ancient and medieval China, despite periods of strife. Buddhism in many forms flourished among the Chinese people alongside Taoism and Confucianism.

For example, a person could follow Confucianism to deal with questions about family life or governance. At the same time, that person could follow Taoism to deal with questions about health and humans’ place within nature.

Gaining Popularity

After the Han dynasty fell in 220 CE, China began to fracture. From 385 CE, it divided into North China and South China. The North was invaded by Huns and Turks. Dynasties rose and fell in all of China between the 3rd through 6th centuries.

Buddhism gained in popularity in these centuries. Buddhists within China often borrowed Taoist ideas and terms to make Buddhism more appealing to a greater number of people. Buddhism also presented a way to ease people’s fears in this period of instability. By the Liang dynasty in the 6th century, Buddhism became as popular as Taoism in China.

Like Taoism, Buddhism also gained political influence. Emperor Wu of Liang’s reign lasted in South China from 502 to 549 CE. He maintained Confucian values in government but also spent time in Buddhist monasteries. He eventually proclaimed himself a Buddhist. He promoted Buddhism among the people, funding new monasteries and temples. To some Buddhists, he became known as the “Chinese Ashoka.” Several emperors who followed him also embraced Buddhism.

Over the centuries of cultural exchange between Taoists and Buddhists, Buddhism in China evolved from its early Indian cultural roots. New distinctly Chinese

schools of Buddhism emerged, with the Pure Land and Chan schools becoming predominant.

Pure Land and Chan

One way that missionaries spread the word about Buddhism was to recite from sutras, which are sacred written teachings often attributed to the Buddha himself. Beginning in the 2nd century CE, missionaries began to bring sutras into China that described something called the “Pure Land.” The first monk known to translate a Pure Land sutra in China was An Shih-kao, who originally came from the Parthian Empire in ancient Iran.

Pure Land Buddhists believe salvation will come to those who chant or recite the name of a buddha called Amithaba. Those who devote themselves properly to Amithaba believe they will be reborn after death in a paradise called the Pure Land. This sect had greatest popularity in the general public, as it does today in China.

Sometime around 475 CE, a Buddhist monk named Bodhidharma arrived in South China. Accounts conflict whether he was Indian or Persian. When he arrived, Southern China already had 2,000 Buddhist temples and 36,000 Buddhist clergy members. Northern China had around 6,500 temples and 80,000 clergy members. Bodhidharma had entered a thriving Buddhist culture. Within 50 years of his arrival, a census revealed around two million Buddhist clergy members in North China.

Around 520, Emperor Wu of Liang met with Bodhidharma. According to legend, the emperor asked Bodhidharma if building monasteries and temples would bring the emperor good rebirths in the afterlife. Bodhidharma answered that it would, but also that it would not make the emperor enlightened. He taught the value of direct, sudden enlightenment. His teachings would be known as Chan Buddhism.

“Chan” translates as “meditation.” Chan Buddhists therefore emphasized meditation practice. Meditation involves silent attention to one’s breathing, usually while sitting. But Chan Buddhists also used the breathing and movement techniques of Taoism. And they chanted, too, like Pure Land Buddhists.

Chan Buddhism is an example of syncretism. Syncretism is the combination of different faith traditions into one that is new and unique. Chan Buddhism’s emphasis on direct experience, for example, mirrored Taoism’s emphasis on wu wei. The Tao itself was almost identical to the Chan concept of buddha-nature, which is the authentic spiritual character of each person and of the universe itself.

The Tang Dynasty and Beyond

Buddhism experienced what many historians call its “golden age” in China during the Tang dynasty (618 CE to 907 CE). The Tang emperors completed the reunification of North and South China. Most Tang emperors were Taoists. But Buddhism was so popular that the early Tang emperors tolerated and even promoted it. Buddhist monasteries acquired more land; engaged in agriculture and industry; and founded schools for children throughout China.

During this time, Tang China opened sea trade with countries as far away as Egypt. Pure Land and Chan missionaries were also able to travel from China into other countries in Southeast Asia. First arriving in Vietnam, Chan was then brought to Korea and Japan. In Japan, it became known as Zen, which is a more well-known term in the United States.



Stone carving of Bodhidharma at the Shaolin monastery in China. Tradition credits Bodhidharma with teaching the monks at Shaolin exercises that became the martial art of kung fu.

As Buddhism gained popularity, Taoist priests and Confucian scholars felt threatened. They described Buddhism as a “foreign” influence on China. Also, Buddhist monasteries (for monks and nuns alike) paid no taxes. During his short reign from 840 to 846, the Taoist Emperor Wuzong persecuted Buddhists as a result. Thousands of Buddhist temples were destroyed, and hundreds of thousands of monks and nuns were forced to leave monasteries and pay taxes.

Through the centuries after the Tang period, Buddhism would have sometimes greater, sometimes lesser influence on the government. In the 10th century, the dynastic rulers suppressed Buddhism, much like Emperor Wuzong had. Buddhism in China never quite recovered. But Mongol rulers in the 13th and 14th centuries adopted a form of Tibetan Buddhism.

Today, Buddhism seems to be thriving in China, with 38,000 registered temples alone and nearly 300 million known adherents.

WRITING & DISCUSSION

1. What factors eased the spread of Buddhism in Chinese society?
2. Describe the religious innovations of Chinese Buddhism. Which innovations reflect syncretism?
3. Why do you think Buddhism is the largest of the recognized religions in China today?

ACTIVITY: Digital Buddhism

- A. Working in groups of three to four students each, use the article “Buddhism in China” and conduct independent research to create a digital presentation (usually with slide show software) on a specific topic from the list below or on a related topic approved by your teacher. A slide show should include (a) at least three slides with images, and (b) a separate script written for the presentation of 40-50 words per slide.
 - 1) **Religious Studies Presentation.** Sample topics: Pure Land Buddhism; Chan Buddhism; Taoism’s influence on Chinese Buddhism; Buddhist monastic life in ancient China.
 - 2) **Geography Presentation.** Sample topics: The Silk Road in the Han dynasty; China’s UNESCO World Heritage sites related to Buddhism; ethnic groups and religion in contemporary China.
 - 3) **World History Presentation.** Sample topics: Xuanzang (602-664 CE), Chinese Buddhist monk and traveler; the spread of Buddhism from China to Vietnam, Korea, or Japan; Buddhist emperors in Chinese history; treatment of Buddhist groups in China since the 1949 Communist revolution.
- B. Each group presents its slide show to the class.

Activity based on a lesson idea by Jennifer Jolley, M.A., National Board Certified Teacher in Social Sciences.

Standards Addressed

The Senate Filibuster: Abolish, Keep, or Reform?

National Civics Standard 15 (McREL): Understands how the United States Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power. **High School Benchmark 2:** Understands how the legislative, executive, and judicial branches share power and responsibilities (e.g., each branch has varying degrees of legislative, executive, and judicial powers and responsibilities).

National Civics Standard 21 (McREL): Understands the formation and implementation of public policy. **High School Benchmark 4:** Understands why agreement may be difficult or impossible on issues such as abortion because of conflicts about values, principles, and interests.

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 . . .

California History-Social Science Framework (2016), Chapter 17, page 440: What can Congress do? Why is it so hard to get a law passed? Who gets elected to Congress, and who does not? Who has power in Congress? Besides members of the House and Senate, who else can affect the legislative process? Which house of Congress is the most democratic? Which house is the most effective? How can individual citizens actually participate in the legislative process? They may consider how a topic is affected through the committee system, lobbying, the media, and special interests.

The Life and Poetry of Phillis Wheatley

National U.S. History Standard 6: Understands the causes of the American Revolution, the ideas and interests involved in shaping the revolutionary movement, and reasons for the American victory. **Middle School Benchmark 2:** Understands contradictions between the Declaration of Independence and the institution of chattel slavery.

California History-Social Science Standard 8.1: Students understand the major events preceding the founding of the nation and relate their significance to the development of American constitutional democracy.

California History-Social Science Framework (2016), Ch. 12, p. 243: With careful guidance from the teacher, students can speculate on the question What were the long-term costs of slavery, both to people of African descent and to the nation at large?

Common Core State Standards: RH.6-8.4, RH.6-8.10; RL.8.10; WHST.6-8.10.

Buddhism in China

Calif. HSS Framework (2016), Ch. 11, p. 204: Next, students examine the question *How did Buddhism spread and change over time?* Buddhist missionaries and travelers carried Buddhism from the Indian subcontinent to Central Asia and then to China, as well as to Southeast Asia, during this period. At the same time, Christian and Muslim missionaries were also spreading their religions. As it moved outside the

Indian subcontinent and became a universal religion, Buddhism changed. In 600 BCE, Buddha was a sage, a wise man; but by 300 CE, his followers were worshipping the Buddha as a god. Nirvana changed from “nothingness” or “extinction” to a kind of heaven for believers in the afterlife.

Calif. HSS Framework (2016), Ch. 11, p. 209-210: Buddhism spread widely and gained many followers in China during the Tang period and began to alter religious life in neighboring Korea and Japan as well. Students return to the question *How did Buddhism spread and change over time?* In China, Buddhist ideas intermingled with those of Daoism, a Chinese religion emphasizing private spirituality, and Confucianism, the belief system that stressed moral and ethical behavior. At its height in the ninth century, Buddhism had 50,000 monasteries in China. As Confucian scholar-officials and Daoist priests felt threatened by this “foreign religion,” the Tang emperors reversed their earlier acceptance of Buddhism and began to persecute it. One result of this persecution is that Buddhism did not become the official religion of China. Instead, Confucian, Daoist, and Buddhist beliefs and practices fused together in China to form a syncretic popular religion, emphasizing moral living, daily ritual, and dedication to family and community.

California History-Social Science Standard 6.6. Students analyze the geographic, political, economic, religious, and social structures of the early civilizations of China. (8) Describe the diffusion of Buddhism northward to China during the Han Dynasty.

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. (1) Describe the reunification of China under the Tang Dynasty and reasons for the spread of Buddhism in Tang China, Korea, and Japan.

National World History Standard 12 (McREL): Understands the Imperial crises and their aftermath in various regions from 300 to 700 CE. **Middle School Benchmark 2:** Understands how the spread of Buddhism and Christianity influenced different regions.

National World History Standard 14 (McREL): Understands major developments in East Asia and Southeast Asia in the era of the Tang Dynasty from 600 to 900 CE. **Middle School Benchmark 2:** Understands how Buddhism was introduced from Tang China to Korea and Japan.).

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CALIFORNIA STATE SEAL OF CIVIC ENGAGEMENT

The California State Seal of Civic Engagement (SSCE) is a seal to be placed on the diplomas of graduating California high school students who, according to the California Department of Education, have demonstrated "excellence in civics education and participation, and an understanding of the United States Constitution, the California Constitution, and the democratic system of government."

Criteria

The five criteria presented below are meant to provide a framework for making determinations of student qualifications required to earn the SSCE.

1. Engagement

Be engaged in academic work in a productive way.

2. Understanding

Demonstrate a competent understanding of United States and California constitutions; functions and governance of local governments; tribal government structures and organizations; the role of the citizen in a constitutional democracy; and democratic principles, concepts, and processes.

CRF Resources

Go to www.bit.ly/caciv-resource for balanced, interactive, and enriching lessons to supplement learning in U.S. history, world history, and U.S. government courses, as well as current civic issues, to meet Criteria 1 and 2.

3. Participation

Participate in one or more informed civic engagement project(s) that address real-world problems and require students to identify and inquire into civic needs or problems, consider varied responses, take action, and reflect on efforts.

CRF Resources

Go to www.crfcap.org for access to three core lessons to get your students active in planning and executing their civic engagement projects to meet Criteria 3.

4. Demonstration

Demonstrate civic knowledge, skills, and dispositions through self-reflection.

CRF Resources

Through Civic Action Project (www.bit.ly/caciv-cap), students have opportunities to reflect on their civic learning with the CAP Project Report, present their civic actions in multimedia formats, and share their projects in culminating activities to inform and educate others in their community to meet Criteria 4 (www.bit.ly/caciv-culminate).

5. Character Traits

Exhibit character traits that reflect civic-mindedness and a commitment to positively impact the classroom, school, community and/or society.

CRF Resources

Students can exhibit the character traits of civic-mindedness (www.bit.ly/caciv-character) when they demonstrate their civic dispositions in Criteria 4. Students will document their character traits, including concern for the public good, having a sense of civic duty, and appreciation of multiple perspectives, through writing, video, audio, graphics, and digital presentations.

Earning the Seal

Local school districts are encouraged to create specific, local criteria based on the state's five criteria. Check with your district or county superintendent's office on local criteria and deadlines for submitting proof of eligibility of students.

Contacts for questions and for PD:

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Landmarks: Historic U.S. Supreme Court Decisions

Linked to U.S. history and civics standards

Grades 9–12

U.S. Supreme Court cases have greatly affected U.S. history. Let your students discover some of the most important cases. Each reading in the student text focuses on one case, giving historical background, outlining the decision, and explaining its significance.

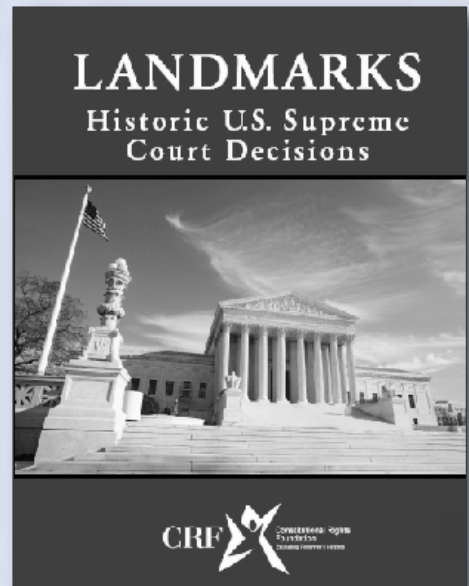
A separate teacher's guide contains lesson plans for each reading. The plans include focus activities, discussion questions with suggested answers, step-by-step instructions for interactive activities, and debriefing questions and suggestions.

The student text begins with a reading on how the Supreme Court works. The book continues with readings on important cases such as: *Marbury v. Madison* (1803) | *McCulloch v. Maryland* (1819) | *Dred Scott v. Sandford* (1857) | *Brown v. Board of Education* (1954) | *Gideon v. Wainwright* (1963) | *Miranda v. Arizona* (1966) | *U.S. v. Nixon* (1974) | *Regents of UC v. Bakke* (1978) | *Texas v. Johnson* (1989) | *Bush v. Gore* (2000)

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#10421CBR Landmarks: Historic U.S. Supreme Court Decisions, Student Ed. (Set of 10), \$121.95



Of Codes & Crowns: From the Ancient World to the Renaissance (3rd. Ed.)

Linked to world history standards

Grades 9–12

One of our most popular texts—*Of Codes and Crown* features lessons with:

- Short, high-interest readings.
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Unit 1: Hammurabi's Treasure explores the concept of *lex talionis*, the law of retribution, and an ancient set of laws—The Code of Hammurabi.

Unit 2: Blood Feud discusses the Greek tribunal system and the myth of Orestes.

Unit 3: Jewish Law looks at the development of Jewish law, one of the foundations of Western legal tradition.

Unit 4: Roman Law traces the more than 1,000-year evolution of this law—from its beginnings in the city-state of Rome through the republic and empire.

Unit 5: Islamic Law looks at the origins and development of Islamic law.

Unit 6: Merry Old England examines the medieval English jury system, one far different from ours today.

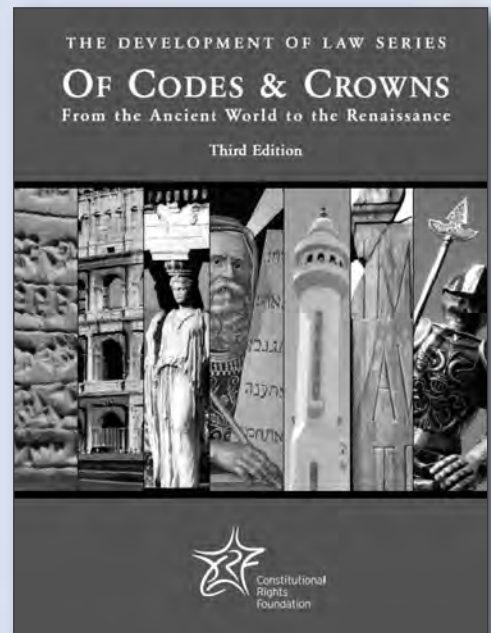
Unit 7: The Magna Carta analyzes how the English got King John to limit the power of monarchs.

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People v. Croddy

Burglary, Aiding and Abetting and Accessory After the Fact

Featuring a pretrial argument on the Fifth Amendment Grades 6-12

People v. Croddy is the trial of Lee Croddy who hosts a popular YouTube channel. Croddy has been charged with two counts: (1) aiding and abetting in the commission of first-degree burglary by another, and (2) accessory after the fact. Croddy posts videos on Youtube in which Croddy discusses topics Croddy believes are suppressed by the government. One favorite topic of Croddy's is government cover-ups related to UFOs. Croddy attracted the attention of an enthusiastic fan, Remi Montoya. For almost a year, Montoya and Croddy communicated frequently in non-public Twitter group chats.

During one group chat, Croddy shared a short video clip that included an image of government documents. The documents contained personal information about an official named Drew Marshak who allegedly had information about UFOs. A few days later, Montoya stole a briefcase from Marshak's home and copied files from Marshak's computer. In a brief confrontation, Montoya hit Marshak in the face. Montoya later pleaded guilty to first-degree burglary and assault on a peace officer.

The prosecution alleges that Lee Croddy aided and abetted Montoya in the burglary. The prosecution will present evidence that Croddy showed a video with Marshak's information to Montoya and others in the group chat while instructing Montoya to "take what's ours" from Marshak and that Montoya acted under Croddy's influence. The prosecution further alleges that Croddy let Montoya spend the night in Croddy's home after the burglary, knowing that Montoya had committed a crime.

The defense argues that Lee Croddy did not knowingly aid or abet Montoya in any crime. The defense will present evidence that Croddy merely intended to build camaraderie within a political movement for government transparency through Croddy's videos, chat messages, and text messages. Therefore, the defense argues that Croddy did not have the intent to aid or abet Montoya's criminal acts. Furthermore, Croddy had no knowledge of the crimes after they occurred, and so was not an accessory after the fact.

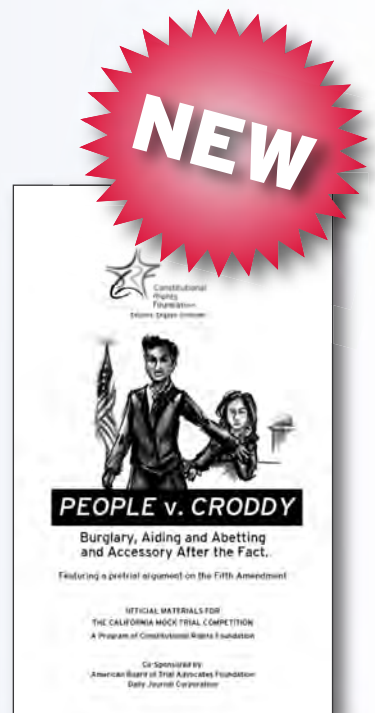
The pretrial issue centers on the Fifth Amendment protection against self-incrimination and as set forth in *Miranda v. Arizona*. The issue is whether or not the circumstances surrounding Lee Croddy's interaction with the police amounted to custodial interrogation. If so, the circumstances would require the protection of the Fifth Amendment and would have required the officer to read the defendant the Miranda warnings prior to interrogation.

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People v. Meadows A Mock Trial Designed for the Classroom Grades 6-12

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The case of *People v. Meadows* is both an exciting mock trial and an informative lesson on the important right to privacy, perhaps one of the most debated rights in American society. Students engage in a criminal trial simulation and learn the fundamentals of due process, proof beyond a reasonable doubt, and the jury system.

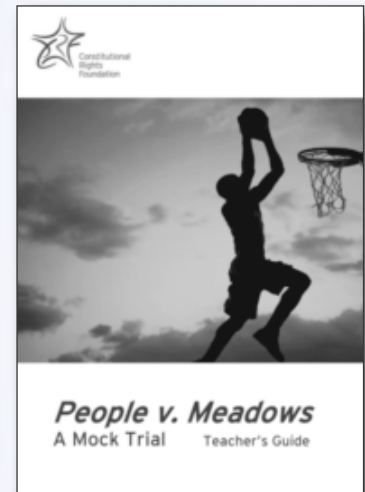
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- A student handbook with instructions for jury selection, opening and closing arguments, direct and cross-examination of witnesses, and jury deliberation.
- Role descriptions for prosecutors, defense attorneys, judges, witnesses, and jurors.
- A complete mock trial with case facts, witness statements, and detailed teacher instructions for conducting the trial in almost any size classroom.
- "To Be Let Alone: Our Right to Privacy": A complete lesson plan with a reading and interactive discussion activity about what is and is not private on the Internet.

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