

## Timeline of Rights and Powers

### 1. FOUNDING DOCUMENTS

- 1789** — **U.S. Constitution legalizes slavery**  
 yellow Framers institutionalize people as property by three-fifths of a person (Art. I, Sec. 2) & requiring return of escaped “Laborers” (Art. IV, Sec. 2)
- 1791** — **Bill of Rights recognizes fundamental human rights**  
 blue Congress adopts Bill of Rights to limit power of federal government to interfere with individual rights

### 2. SOVEREIGNTY THREAT? BALANCE OF POWER SHIFTS

- 1803** — **Supreme Court establishes judicial review**  
 orange (*Marbury v. Madison*)  
 SCOTUS rules it has supreme power to interpret constitutional law; this breaks balance of power & allows Court to make law by creative interpretation
- 1819** — **Corporations gain standing in Constitution**  
 orange (*Dartmouth College v. Woodward*)  
 SCOTUS “finds” (creates) that corporate charters are contracts under Contract Clause (Art. I, Sec. 10); this gives corporations standing in the Constitution & limits state control of corporations

### 3. FUNDAMENTAL RIGHTS: WHO IS A “PERSON”?

- 1857** — **African Americans are not citizens**  
 yellow (*Dred Scott v. Sandford*)  
 SCOTUS rules African Americans are “not citizens of any state” and “have no rights a court must respect”
- 1865** — **13<sup>th</sup> Amendment: Abolishes slavery**  
 blue Abolishes slavery and involuntary servitude in U.S. states and territories, except as punishment for a crime (Art. IV, Sec. 2)
- 1868** — **14<sup>th</sup> Amendment: Equal protection & due process**  
 blue Congress clarifies citizenship status & privileges; extends equal protection & due process rights of persons to apply to states; counts whole persons & penalizes states that deny male citizens the vote
- 1870** — **15<sup>th</sup> Amendment: Right to vote not denied by race**  
 blue Recognizes voting as a constitutional right of all citizens; forbids any state to deprive a citizen of his vote because of race, color, or previous servitude
- 1866** — **Civil Rights Acts (Enforcement Acts)**  
 - **1875** Congress passes 5 acts giving federal government power to enforce Civil War amendments  
 blue
- 1873** — **Privileges & immunities do not apply to states**  
 yellow (*The Slaughter-House Cases*)  
 Weakens power of 14<sup>th</sup> Amendment to protect civil rights of blacks; expands Jim Crow laws in the South
- 1875** — **Women denied 14<sup>th</sup> Amendment protection**  
 yellow (*Minor v. Happersett*)  
 SCOTUS rules 14<sup>th</sup> Amendment did not guarantee women the vote, as voting was not inherent right
- 1886** — **Corporations gain 14<sup>th</sup> Amendment equal protection**  
 orange (*Santa Clara County v. Southern Pacific Railroad*)  
 An offhand comment by a single Justice makes artificial persons equal to real persons under law

### 4. USURPATION OF FUNDAMENTAL RIGHTS

- 1893** — **Corporations gain standing in Bill of Rights**  
 orange (*Noble v. Union River Logging*)  
 SCOTUS gives corporations standing in Bill of Rights & due process protection against federal government
- 1896** — **Separate but equal**  
 yellow (*Plessy v. Ferguson*)  
 SCOTUS rules that state laws enforcing racial segregation are constitutional if separate arrangements are equal; legalized “Jim Crow” laws
- 1897** — **Corporations gain Bill of Rights against states**  
 orange (*Chicago, Burlington & Quincy Railroad Co. v. Chicago*)  
 SCOTUS extends Bill of Rights just compensation protection to corporations to use against states
- 1905** — **“Freedom of contract” exploits poor and workers**  
 orange (*Lochner v. New York*)  
 SCOTUS creates freedom of contract under 14<sup>th</sup> Amendment substantive due process; 100s of workers’ health and safety laws were invalidated
- 1906** — **Corporations gain 4<sup>th</sup> Amendment rights**  
 orange (*Hale v. Henkel*)  
 SCOTUS grants corporations 4<sup>th</sup> Amendment rights from unreasonable search and seizure; this limits government’s ability to enforce laws
- 1907** — **Municipal rights preempted by the state**  
 yellow (*Hunter v. Pittsburgh*)  
 SCOTUS rules local governments have no rights not granted by state legislature; used in 39 states to divest people of local governing authority
- 1913** — **17<sup>th</sup> Amendment: U.S. Senate elected by people**  
 blue Part of reforms to make nation more democratic
- 1919** — **Corporations exist to make money**  
 orange (*Dodge v. Ford Motor Co.*)  
 Michigan Supreme Court rules corporations exist to profit stockholders; used to block government rules
- 1920** — **19<sup>th</sup> Amendment: Right to vote not denied by sex**  
 blue Recognizes women’s right to vote after 72 years
- 1922** — **Corporations: Compensation for regulatory takings**  
 orange (*Pennsylvania Coal v. Mahon*)  
 SCOTUS grants corporations protection against government regulations; courts must weigh costs to comply against loss of corporate property value
- 1935** — **National Labor Relations Act (NLRA)**  
 blue Congress protects workers’ rights to organize unions and to encourage collective bargaining
- 1937** — **Minimum wage for women and children**  
 blue (*West Coast Hotel Co. v. Parrish*)  
 Court decides state wage and hour laws are 5<sup>th</sup> Amendment due process rights; exploitation of certain workers aren’t in community’s best interest
- 1947** — **Taft-Hartley Act**  
 orange Congress overrides president’s veto; weakens NLRA by giving corporate employers 1<sup>st</sup> Amendment rights to interfere with union organizing

## Timeline of Rights and Powers

### 5. FUNDAMENTAL RIGHTS & CIVIL RIGHTS

1954	<b>Separate is not equal</b>
blue	( <i>Brown v. Board of Education of Topeka</i> ) SCOTUS rules public schools cannot be racially segregated; overrules <i>Plessy (1896)</i>
1964	<b>24<sup>th</sup> Amendment: Abolished use of poll taxes to deny the vote</b>
1964	<b>Civil Rights Act</b>
blue	Congress ends major forms of discrimination against racial, ethnic, nation, and religious minorities, and women, and in voting practices
1965	<b>Voting Rights Act</b>
blue	Congress prohibits state & local governments from imposing qualifications to deny right to vote
1967	<b>Right to interracial marriage</b>
blue	( <i>Loving v. Virginia</i> ) SCOTUS invalidates state laws prohibiting interracial marriages; recognizes new fundamental right
1968	<b>Fair Housing Act</b>
blue	Congress prohibits state & local governments from discriminating on sale, rental, or financing of housing
1971	<b>26<sup>th</sup> Amendment: Right to vote at 18</b>
1973	<b>Women's right to privacy and choice</b>
blue	( <i>Roe v. Wade</i> ) SCOTUS recognizes new fundamental right
1970s	<b>Securing public health with environmental laws</b>
-1980s	Environmental Protection Agency formed • Clean Air Act • Clean Water Act • National Environmental Policy Act • Occupational Safety & Health Act • Safe Drinking Water Act • Toxic Substances Control Act • Resource Conservation & Recovery Act • Surface Mining Control & Reclamation Act • and much more
blue	

### 6. USURPATION OF RIGHTS: WHAT IS "SPEECH"?

1976	<b>Political money is form of free speech</b>
yellow	( <i>Buckley v. Valeo</i> ) SCOTUS rules that campaign <u>spending</u> is protected speech & any limits are unconstitutional; Court upholds federal limits on campaign <u>contributions</u>
1978	<b>Commercial money is form of free speech</b>
orange	( <i>First National Bank of Boston v. Bellotti</i> ) SCOTUS overturns state restrictions on corporate spending on citizen initiatives; makes corporate advertising on initiatives a form of protected speech
1986	<b>Corporations gain protected right NOT to speak</b>
orange	( <i>Pacific Gas &amp; Electric Co. v. Public Utilities Commission of CA</i> ) SCOTUS establishes corporation's right NOT to speak to protect corporation's "freedom of mind"
1996	<b>Corporation's right NOT to speak extended</b>
orange	( <i>International Dairy Foods Association v. Amestoy</i> ) U.S. District Appeals Court overturns Vermont law requiring GMO labeling of state dairy products; extends ruling to commercial & political speech, to facts & opinions; <u>eliminates truth in ads &amp; campaigns</u> & violates people's right-to-know under SARA III 1980

### 7. (MOSTLY) VIOLATIONS OF CIVIL LIBERTIES & RIGHTS

2001	<b>USA PATRIOT Act: Approves spying on U.S. citizens</b>
yellow	Congress allows government to monitor U.S. citizens by searching phones and financial records; allows indefinite detention of non-U.S. citizens
2005	<b>Eminent domain use for private gain</b>
orange	( <i>Kelo v. City of New London</i> ) SCOTUS grants use of eminent domain to transfer land between private owners for economic gain
2005	<b>Energy Policy Act endangers public health</b>
orange	Congress weakens or exempts federal enforcement of major health laws relating to oil and gas activities
2010	<b>Corporate right to unlimited spending in elections</b>
orange	( <i>Citizens United v. Federal Election Commission</i> ) SCOTUS establishes unlimited spending on political campaigns as corporate form of protected speech; destroys integrity of election process
2010	<b>Corporate right to unlimited political contributions</b>
orange	( <i>SpeechNow.org v. Federal Election Commission</i> ) U.S. District Appeals Court rules Super PACs can accept unlimited contributions from individuals as well as unions & corporations without disclosing donor names
2011	<b>Allows gender and wage discrimination</b>
yellow	( <i>Wal-Mart v. Dukes</i> ) SCOTUS rules employees must have proof of wage discrimination against women and people of color; proof means harassment, intimidation and job loss
2011	<b>USA PATRIOT Act extended</b>
yellow	Congress extends PATRIOT Act provisions and allows indefinite detention of U.S. citizens; violates 1 <sup>st</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> Amendments
2013	<b>Allows racial discrimination in voting</b>
yellow	( <i>Shelby County v. Holder</i> ) SCOTUS strikes down heart of Voting Rights Act of 1965; frees nine mostly southern states to change election laws without advance federal approval
2014	<b>Eliminates overall limits on campaign contributions</b>
orange	( <i>McCutcheon v. Federal Elections Commission</i> ) SCOTUS strikes down limits on overall campaign contributions that wealthy persons may make to candidates, political parties, and PACs; claims aggregate limits do not prevent corruption
2014	<b>Freedom of religion for some corporations</b>
yellow	( <i>Burwell v. Hobby Lobby</i> ) SCOTUS "finds" family-owned corporations have protected religious freedoms; expands corporate rights at expense of workers' 1 <sup>st</sup> Amendment rights
2015	<b>Right to same-sex marriage</b>
blue	( <i>Obergefell v. Hodges</i> ) SCOTUS recognizes new fundamental right
2016	<b>Legislative districts based on whole population</b>
blue	( <i>Evenwel v. Abbott</i> ) SCOTUS rules that legislative districts are based on the whole population (kids, prisoners and other unregistered voters), not just registered voters