

## Introduction

This game emphasizes note-taking, outlining and listening skills. The structure of the game allows for a variety of approaches in teaching the skills. The game presents eight lectures, each divided into four parts. The game also provides a partially filled-in outline for each part. All of the materials are reproducible for use in the school that purchased the unit.

## Description

The class is divided into eight teams of four members each. The teams take turns making presentations to the class while the other seven teams practice listening, note-taking, and outlining skills. The teams use a structured four stage outlining form. The first outline is missing the supporting information which must be filled in by the students; the second outline is missing the topics; the third outline has a few of the topics listed and the last is completely blank.

The individual members of each team then compare notes and make a composite outline. The master outline is distributed and students compare what they have with the master outline. The team with the least number of errors after eight lectures is the winner.

There are also nine practice exercises in paraphrasing, summarizing and prioritizing information.

### SS 117

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## Summary of Contents

### Constitutional Law

- Marshall and the Supreme Court
- Law and industrialization
- Civil liberties
- Minority rights

### Technology

- Electricity
- Electrical distribution and radio
- TV and transistors
- Computers

### Immigration

- European migration
- Racial and ethnic minorities
- Prejudice
- Recent migrations

### Economics

- Changes in work
- Factors in industrialization
- Great Depression
- Big corporations

### Politics

- Early parties
- Republicans
- Democrats
- Ideologies

### International Relations

- Isolation
- Tariffs
- Cold War
- Third World

### Environment

- Conservation
- Consumption
- Packaging and paper
- Waste

### Food

- Preservation
- Frozen food
- Fast foods and breakfast cereals
- Soda pop

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## U.S. History Outlining

by Lawrence Stevens  
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## The Constitution & The Supreme Court

The Constitution provides the basic framework for our government and the liberties we enjoy. The Constitution is a flexible instrument. Those people who wrote it did not try to take into account every problem that would come up in the future. The Constitution was left open to interpretation to what it would mean in the future.

The power of the Supreme Court to rule on the constitutionality of laws was not clearly established in the beginning. The **Supreme Court** under the leadership of **John Marshall** established itself as an equal partner in the government of the country in the late 18th and early 19th Centuries. In the case of **Marbury v. Madison**, Marshall ruled the **Judiciary Act**, a law passed by Congress, unconstitutional and in doing so established the power of the Supreme Court to rule on laws passed by Congress.

Marshall continued to lead the court to measure ordinary laws passed by Congress, states and local governments by the standards of the constitution. If the law did not measure up to constitutional standards, the law had no effect. In **McCulloch v. Maryland**, Marshall set two other important legal precedents.

In this case the Supreme Court decided that Congress could use any legal means to implement the powers given it in the Constitution. Since the Constitution limits the power of Congress, this interpretation gave Congress more power. The case involved the establishment of a "national" bank owned by the Federal government. The state of Maryland wanted to tax the bank. Marshall held that they couldn't. He decided that the power of the states did not extend over actions taken by the Federal government. These two principles became important powers for the Federal government in dealing with a variety of problems our country has faced during its history.

Marshall's place on the Supreme Court was taken by **Roger B. Taney** in 1835. Marshall had served from 1801 to 1835 and Taney served until 1866. These two men were important in making the Constitution the useful, practical document that gave our government the power to solve problems.

Taney's first major decision was the **Charles River Bridge** case. In this case Taney decided that a corporation that provided a public service could be more strictly regulated by the government than one that deals with non-essential services. This doctrine of "**public utility**" is an important concept today. Taney declared that not only did business corporations have rights, but the community had rights that must be protected as well.

Though the Constitution proved a flexible instrument capable of dealing with a variety of problems, it was ineffective in dealing with the conflict between the northern and southern states. This disagreement had to be settled by a war rather than the rule of law.

# Constitutional Law

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## Lecture A

- I. Constitution provides basic framework for government
  - A.
  - B.
  
- II. Supreme Court rules on the constitutionality of laws
  - A.
  
  - B. John Marshall, Chief Justice, led Supreme Court in being an equal partner in government
    - 1.
  
    - 2.
  
  - C. Marshall's court set important precedents in *McCulloch v. Maryland*
    - 1.
  
    - 2.
  
    - 3.
  
  - D. Roger Taney took Marshall's place on the Supreme Court 1835-1866
    - 1.
  
    - 2.
  
- III. The Supreme Court was ineffective in dealing with the slavery issue

## Lecture B

- I. The growth of large corporations after the Civil War created new problems for the Supreme Court
  - A.
    1. Provided equal protection – cannot be deprived of liberty and property without due process
    2.
      - a. In 1876 the Court upheld the right of the government to regulate business – *Munn v. Illinois*
      - b. This decision was the last decision to regulate business until 1937
      - c. The Court said that business could not be deprived of liberty or property
  
  - B.
    1. Set up Interstate Commerce Commission and Sherman Antitrust Act
    2. Supreme Court destroyed their power – 1895
    3. After 1900 Supreme Court changed position somewhat
      - a. In *Northern Securities* case Court conceded that a trust was a restraint of trade
    4. In 1911 Court limited power of Sherman Antitrust Act
    5. Also ruled child labor laws unconstitutional
    - 6.