

The Great Society

What is the proper role of government in shaping American society?

Introduction



In contrast to Harvard-educated Kennedy, Lyndon Johnson was a rough-hewn Texan who served in Congress for 23 years before becoming vice president. A master of the legislative process, Johnson had far more political experience than Kennedy. Comparing the two presidents, one journalist claimed, “Kennedy inspired . . . Johnson delivered.”

On November 22, 1963, after John F. Kennedy was assassinated, Vice President Lyndon Johnson assumed the presidency. Most Americans knew little about Johnson and therefore doubted his ability to serve as president. However, Johnson handled the crisis masterfully. “A nation stunned, shaken to its very heart, had to be reassured that the

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government was not in a state of paralysis,” he recalled later. “I had to convince everyone everywhere that the country would go forward.”

In his first presidential address, Johnson sought to ease people’s doubts and vowed to continue the late president’s efforts. Citing Kennedy’s inaugural address, Johnson exclaimed,

On the 20th day of January, in 1961, John F. Kennedy told his countrymen that our national work would not be finished “in the first thousand days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But,” he said, “let us begin.” Today, in this moment of new resolve, I would say to all my fellow Americans, let us continue.

—Lyndon B. Johnson, Joint Session of Congress,
November 27, 1963

Johnson echoed his “let us continue” rhetoric the following year when he ran for a full presidential term. In his speech accepting the Democratic party’s nomination, Johnson reflected on the long line of Democratic presidents. “I know what kind of a dream Franklin Delano Roosevelt and Harry S. Truman and John F. Kennedy would dream if they were here tonight,” he told convention delegates. “And I think I know what kind of dream you want to dream.” Looking to the challenge of making that dream a political reality, Johnson ended with these words: “So as we conclude our labors. Let us tomorrow turn to our new task. Let us be on our way!”



LBJ's "let us continue" rhetoric characterized his presidential campaign, as seen here during the 1964 Democratic National Convention in Atlantic City, New Jersey.

1. The 1964 Election: Debating the Role of Government

Lyndon Johnson had enormous energy to realize his grand ideas. As president, he wanted to accomplish more than to simply enact Kennedy's programs. After he assumed office in 1963, Johnson began developing an ambitious vision for his own presidency, should he win reelection the following year.

The Liberal View: Expanding Government to Promote Well-Being Johnson unveiled his presidential vision in a commencement speech delivered at the University of Michigan. "In your time," he told the graduating class, "we have the opportunity to move not only toward the rich society and the powerful society, but upward to the **Great Society**." The president explained further,

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The Great Society rests on abundance and liberty for all. It demands an end to poverty and racial injustice . . . But that is just the beginning.

The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. It is a place where leisure is a welcome chance to build and reflect, not a feared cause of boredom and restlessness. It is a place where the city . . . serves not only . . . the demands of commerce but the desire for beauty and the hunger for community.

It is a place where man can renew contact with nature . . . a place where men are more concerned with the quality of their goals than the quantity of their goods.

But most of all, the Great Society is not . . . a finished work. It is a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor.

—Lyndon B. Johnson, May 22, 1964



President Johnson once said his presidential aspirations stemmed from a desire to “give things to people—all sorts of things to all sorts of people, especially the poor and the blacks.” Johnson’s Great Society vision reflected this aim. Here, Johnson signs the 1968 Civil Rights Bill to promote a more just society for all Americans.

As Johnson’s election campaign continued, Democrats adopted the Great Society’s goals as their party platform. To the Democratic party, Johnson’s vision furthered a tradition of liberal reform harking back to Franklin Roosevelt and, before him, to the Progressive Era. Like earlier Progressives, these liberal Democrats believed that government power should be expanded to promote social well-being.



Barry Goldwater lost his bid for the presidency in 1964, but his book, *The Conscience of a Conservative*, sold 3.5 million copies and helped inspire a new generation of conservatives. Some consider Goldwater to be the most influential losing candidate in the nation's history. The election of 1964 marked both the birth of the modern conservative movement and the beginning of the South's transition from Democrat to Republican.

The Conservative View: Limiting Government to Preserve Liberty The Republican presidential candidate, Senator Barry Goldwater of Arizona, felt differently about the power of government. An outspoken conservative, he had lambasted Eisenhower's modern Republicanism as "a dime-store New Deal"—a cheap version of the Democrats' famous domestic program.

Goldwater believed that government's most important task was to "preserve and extend freedom." To him, regulating every aspect of people's lives was not the government's job, even though it had done so since the New Deal. "Our defenses against the accumulation of power in Washington are in poorer shape," Goldwater warned, "than our defenses against the aggressive designs of Moscow." Like many conservatives, Goldwater longed for a presidential candidate who agreed with his desire to limit federal power:

I have little interest in streamlining government or in making it more efficient, for I mean to reduce its size. I do not undertake to promote welfare, for I propose to extend freedom. My aim is not to pass laws, but to repeal them. It is not to inaugurate new programs, but to cancel old ones that do violence to the Constitution, or that have failed in their purpose, or that impose on the people an unwarranted financial burden. I will not attempt to discover whether legislation is "needed" before I have first determined whether it is constitutionally permissible. And if I should later be attacked for neglecting my constituents' "interests," I shall reply that I was informed their main interest is liberty and that in that cause I am doing the very best I can.

—Barry Goldwater, *The Conscience of a Conservative*, 1960

In 1964, Goldwater seized the opportunity to become this candidate. When moderate Republicans warned Goldwater that voters would reject his views as **extremism**, or radicalism, he countered, "Extremism in the defense of liberty is no vice. And . . . moderation in the pursuit of justice is no virtue."

Johnson Wins by a Landslide The presidential race quickly became malicious. Opponents portrayed Goldwater as a reckless extremist who, if elected, would abolish Social Security and further anticommunist aggression toward the Soviet Union to instigate World War III. On September 7, the Johnson campaign aired "Daisy," a memorable television advertisement that played on Goldwater's perceived extremism. In the ad, a young girl counts the petals of a daisy before her voice is drowned out by a nuclear countdown followed by a distinct mushroom cloud. The ad proclaimed, "Vote for President Johnson on November 3. The stakes are too high for you to stay home." "Daisy" ran only once, but it sufficiently terrified voters.

Johnson beat Goldwater in a landslide, winning 44 states to Goldwater's

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six. Johnson secured 61 percent of the popular vote, the greatest margin won by any president to that point. In addition, Democrats gained a large majority in Congress.

However, the election catalyzed two developments that would eventually challenge the Democrats' power. One was the birth of the modern conservative movement, which stemmed from Goldwater's ideas, and the other was the political transformation of the South. For the first time since Reconstruction, five southern states voted Republican in 1964. This shift marked the beginning of the southern transition from solidly Democrat to consistently Republican.



In this photograph, President Johnson and Martin Luther King Jr. discuss the Voting Rights Act legislation. President Johnson fought to end racial injustice during his presidency. He aimed to create a society that was equal for all Americans.

2. Implementing Johnson's Great Society

Johnson viewed his decisive election victory as a mandate to progress his Great Society agenda. Long before the election, he had begun work on civil rights and antipoverty programs. Now he was ready to move forward with a broad range of proposals for improving life for all Americans.

The Johnson Treatment Gets Results in Congress Although Kennedy had difficulty moving his legislative programs through Congress, many of Johnson's bills passed. Because he served in Congress for over two decades, Johnson knew how to influence legislators. He praised them publicly, sought their advice, and returned their calls, instructing his aides to do the same, "or else."

When he exhausted these other strategies, the president subjected lawmakers to "the treatment." Two journalists described Johnson's persuasive prowess:

Its tone could be supplication [pleading], accusation, cajolery [persuasion], exuberance, scorn, tears, complaint, the hint of threat . . . Johnson . . . moved in close, his face a scant millimeter from his target, his eyes widening and narrowing, his eyebrows rising and falling. From his pockets poured clippings, memos, statistics . . . The Treatment [was] an almost hypnotic experience and rendered the target stunned and helpless.

—Rowland Evans and Robert Novak, *Lyndon B. Johnson: The Exercise of Power*, 1966

This "treatment," combined with a Democrat-controlled Congress after 1965, helped Johnson accomplish an extraordinary legislative record. In his five years as president, Johnson guided more than 200 measures through Congress.

Ending Racial Injustice Johnson envisioned a society free of racial injustice, so one of his initial priorities as president was to pass Kennedy's civil rights legislation that banned discrimination in public accommodations. As Johnson stated, "No memorial oration could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill." Several months later, Johnson signed the Civil Rights Act of 1964 into law.

Shortly after it was passed, this new law was challenged in the courts. *Heart of Atlanta Motel v. United States* arose when a motel owner refused to rent rooms to blacks, arguing that the Civil Rights Act overstepped Congress's power to control interstate commerce. The motel owner also claimed that the law violated his rights under the Fifth and Thirteenth amendments since it dictated how he must use his property. The Supreme Court rejected these claims, noting that because much of the motel's business came from out-of-state guests, Congress had acted within its power to regulate interstate commerce.

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Johnson further pushed Congress to end racial injustice. In 1965, he signed the Voting Rights Act, which guaranteed voting rights to African Americans. Three years later, he signed the Civil Rights Act of 1968, which prohibited housing discrimination. These laws advanced the country toward Johnson's vision of a more just society.



As First Lady, “Lady Bird” Johnson helped promote President Johnson’s Great Society programs. In the effort to beautify America, she helped coordinate highway wildflower plantings. She also took an interest in issues regarding children and education.

Declaring War on Poverty Kennedy and Johnson also shared the goal to eliminate poverty. Spurred by Michael Harrington’s novel *The Other America*, Kennedy asked his advisers to develop strategies for attacking poverty, which Johnson expanded into an ambitious antipoverty program called the **War on Poverty**.

The centerpiece of Johnson's War on Poverty was the **Economic Opportunity Act**. Passed by Congress in August 1964, the law founded dozens of federal antipoverty programs and established an Office of Economic Opportunity to oversee them. These programs included the Job Corps, which was dedicated to teaching disadvantaged young people job skills; Project Head Start, which created programs for low-income preschool children; and Volunteers in Service to America, or VISTA, which was modeled after the Peace Corps. VISTA volunteers lived and worked in poor communities within the United States, providing job training and educational services to residents.

President Johnson also worked to reverse the decline of America's cities. In 1965, he established the Department of Housing and Urban Development (HUD) to manage federal programs aimed at revitalizing blighted urban neighborhoods. Its head, Robert Weaver, was the first African American to be appointed to a presidential cabinet.

Improving Access to Health Care Johnson's Great Society prioritized helping disadvantaged Americans gain access to health care. Liberals in Congress had attempted to secure hospital insurance for retired workers under Social Security for years, a measure which Johnson expedited.

In 1965, Congress established the **Medicare** and **Medicaid** programs. Medicare is a federal health insurance program that helps pay for hospital and nursing home services for U.S. citizens 65 years and older. Medicaid is a health insurance program jointly financed by federal and state governments that covers low-income people as well as older Americans whose medical needs have exceeded Medicare benefits. With the establishment of these programs, many Americans no longer had to forgo medical care due to lack of health insurance.



Senior citizens benefited from the establishment of Medicare and Medicaid. Medicare health insurance is funded by the federal government, while Medicaid is a joint federal and state health insurance venture. Here, some seniors protest for affordable elderly health care.

Supporting Lifelong Learning and Culture Johnson believed that education was the key to a better life and therefore introduced several measures to improve the nation's educational system. One such measure was the Elementary and Secondary Education Act of 1965, which provided federal aid to school districts nationwide. Because the government allocated funds to needy students rather than to schools, the law helped finance both public and parochial, or faith-based, education.

That same year, Johnson signed an act creating the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). These organizations issue grants to artists, musicians, writers, scholars, and researchers to promote a vibrant national culture. Johnson also spearheaded passage of the Public Broadcasting Act of 1967, which established the Corporation for Public Broadcasting (CPB) to support the development of public radio and television programs. Upon signing the act, Johnson explained, "While we work every day to produce goods and create new wealth, we want most of all to enrich man's spirit. That is the purpose of this act." One of the first CPB-funded shows was *Sesame Street*, which first aired on


public television stations in 1969.

Opening Doors for Immigrants Johnson also supported major reform in the nation's immigration policy. Beginning in the 1920s, the government placed quotas on immigration from every region of the world except Western Europe. Johnson wanted to end this quota system because he believed it was rooted in prejudice.

How Have Great Society Programs Saved Our History and Natural Heritage?


Among the most enduring legacies of the Great Society are four landmark laws enacted to preserve historic sites, endangered species, free-flowing rivers, and wilderness areas for generations to come.

Wilderness Act of 1964
What it did: Created the National Wilderness Preservation System to preserve areas "where earth and its community of life are untrammelled by man."
Long-term impact: Nearly 110 million acres of land were preserved as wilderness areas by the end of 2011.



At more than 9 million acres, the Wrangell-Saint Elias Wilderness in Alaska is the nation's largest wilderness area.

The bald eagle was declared an endangered species in 1967. Since then the FWS has helped the eagles make a remarkable comeback.



The **Immigration Act of 1965** eliminated quotas based on national origin, designating people's skills and ties to family in the United States as the key criteria for admission into the country. Johnson praised the act for repairing "a very deep and painful flaw in the fabric of American justice." This law would have tremendous impact in the decades to come, quadrupling U.S. immigration rates from around the world.

Preserving the Environment The Great Society also aimed to improve the quality of the environment. In 1962, Rachel Carson published the book *Silent Spring*, which sparked public interest in **environmentalism**, or protection of the environment. The novel demonstrated how uncontrolled pesticide use was poisoning the environment. "The air we breathe, our water, our soil and wildlife," Johnson warned, "are being blighted by poisons and chemicals which are the by-products of technology and industry."

Johnson worked with Congress to pass several environmental laws, including the Clean Air Act of 1963, which set emission standards for factories to reduce air pollution. Others focused on cleaning waterways, preserving wilderness, protecting endangered species, and beautifying the landscape.

Protecting Consumers Johnson promoted **consumerism**, or the protection of the rights of consumers. The Cigarette Labeling Act of 1965 required cigarette packages to include warning labels for the health risks of smoking. Other acts set standards for quality in meat and poultry products, for truth in lending practices, and for honesty in

food labeling.

In 1965, Ralph Nader’s book *Unsafe at Any Speed* drew public attention to auto safety. The book explained how lax engineering standards in the automobile industry put drivers at risk, spurring Congress to pass the National Traffic and Motor Vehicle Safety Act of 1966. This law required automobile makers to install seat belts in all cars.

Debating the Great Society By the early 1970s, the impact of Johnson’s Great Society reforms was evident in various facets of American society. The U.S. poverty rate fell from 22.2 percent in 1960 to 12.6 percent in 1970. High school graduation rates rose from about 42 percent of black students and 69 percent of white students in 1962, to about 60 percent for blacks and 80 percent for whites in 1970. African American political participation increased as well—by 1970, ten members of the House of Representatives and one Senator were black.

<p>Endangered Species Preservation Act of 1966 <i>What it did:</i> Directed the U.S. Fish and Wildlife Service (FWS) to identify and protect plants and animals that are endangered or threatened with extinction. <i>Long-term impact:</i> By 2012, the FWS had listed 1,994 endangered or threatened species worldwide, of which 1,387 were in the United States. It has also brought several species back from the brink of extinction, including the American Bald Eagle.</p>	<p>National Historic Preservation Act of 1966 <i>What it did:</i> Created the National Register of Historic Places, a list of sites, structures, and objects worthy of preservation. <i>Long-term impact:</i> More than 80,000 places were registered as historic sites by the beginning of 2012.</p>  <p>The nationally registered Sixteenth Street Baptist Church, Birmingham, Alabama, is the site of the 1963 church bombing that resulted in the death of four African American girls.</p>	<p>Wild and Scenic Rivers Act of 1968 <i>What it did:</i> Created the National Wild and Scenic River System to preserve rivers of great scenic, recreational, wildlife, or historic value “in free-flowing condition.” <i>Long-term impact:</i> By mid 2011, the system protected 12,598 miles of river.</p>  <p>The Rogue River Gorge is one of the rivers protected by the 1968 Wild and Scenic Rivers Act.</p>
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Despite its success, the Great Society had numerous critics, especially regarding the War on Poverty. Left-wing opponents argued that the programs implemented were not the best approach to ending poverty. Since they believed that poverty resulted from social and economic forces beyond the poor’s control, these critics thought the best way to help low-income people was to give them money while attempting to reform the economy and create more jobs.

Critics on the right alleged that the War on Poverty was creating an underclass of people dependent on government welfare. In their view, poverty was mainly caused by the poor’s lack of individual responsibility. The best approach to ending poverty, they argued, was to change the behaviors that kept poor people poor.

At the heart of the debate over Johnson’s Great Society were age-old questions debating the role of government in a democracy. Liberal supporters applauded the scheme’s broad goals and multitude of programs aimed at improving American society. They were mainly

concerned that many of the programs were not sufficiently funded. Conservative critics, on the other hand, viewed the Great Society as government run amok. Great Society programs' high cost confirmed conservatives' belief that government should not endeavor to solve all of society's problems.

The liberal ideology of government's obligation to solve society's problems peaked under Johnson's presidency. After he left office, world events sparked an influx of conservatism. Still, the Great Society had a lasting impact on American life, as many of its outcomes became fixtures of society. Few modern-day Americans clamor to end *Sesame Street* or consumer protections, for example.



Earl Warren was a Republican and governor of California when President Eisenhower named him Chief Justice. Warren proved to be much more liberal than expected, and Eisenhower later cited Warren's appointment as the greatest mistake he ever made. Nicknamed the "Superchief," Warren earned the ire of many conservatives with his strong Court leadership.

3. The Activist Warren Court

The Supreme Court under Chief Justice Earl Warren also helped reshape American society during the 1960s. By reinterpreting much of what had been established as law, the Warren Court became known as an "activist" court.

Ensuring "One Person, One Vote" The Warren Court's rulings in

two cases transformed the political landscape in particular. The first, *Baker v. Carr*, began when Charles Baker, a Republican citizen of Tennessee, sued Joe Carr, Tennessee's secretary of state, over the state's failure to redraw its legislative districts for five decades. Many rural Tennessee families had migrated to cities during that period, and Baker's urban district now possessed more residents than some rural districts. However, this change was not reflected in representative numbers. Baker claimed that this imbalance violated his Fourteenth Amendment right to "equal protection under the laws."

The Supreme Court had previously considered **reapportionment**—redrawing voting district boundaries to reflect population changes—as a matter for state legislatures. In 1962, the Warren Court reversed their stance after long deliberation, ruling that reapportionment was, in fact, under federal jurisdiction.

The Court returned to reapportionment in the case of *Reynolds v. Sims*. In his majority opinion, Chief Justice Warren wrote,

A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's equal protection clause . . . This is at the heart of Lincoln's vision of "government of the people, by the people, [and] for the people." The equal protection clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races.

As a result, legislative districts across the country were redrawn under the principle of "one person, one vote." In this way, each legislator would represent roughly the same number of people, allowing each person's vote to count equally.

Ruling on Prayer in Public Schools In 1962, the Court considered the constitutionality of prayer in public schools. *Engel v. Vitale* arose when state officials, including William Vitale, ordered New York students to recite a morning prayer. Led by Steven Engel, students' parents sued the state, claiming that the prayer violated the **establishment clause** of the First Amendment. This clause states, "Congress shall make no law respecting the establishment of religion."

The Supreme Court agreed with the parents, determining that state-sponsored prayer in school, even if voluntary, was unconstitutional because it was "wholly inconsistent with the establishment clause." This controversial decision sparked efforts to amend the Constitution to

permit prayer in public schools.

Protecting the Rights of the Accused Another series of Warren Court rulings reshaped the criminal justice system. In *Mapp v. Ohio*, Dollree Mapp had been convicted of a crime based on evidence gathered during an illegal police search of her home. The Court ruled in 1961 that evidence obtained illegally may not be used in court.

In *Gideon v. Wainwright*, defendant Clarence Gideon had not had enough money to hire a lawyer—forced to represent himself, he had been tried, found guilty, and sent to prison. After he appealed his case to the Supreme Court in 1963, the Court ruled that Gideon’s Sixth Amendment right to an attorney had been violated. As a result, courts must now provide public defenders to people who are accused of a crime but cannot afford a lawyer.

In the 1964 case *Escobedo v. Illinois*, police had denied a murder suspect, Danny Escobedo, the opportunity to speak to a lawyer during interrogation. Escobedo eventually confessed to the crime and was convicted. The Court overturned Escobedo’s conviction, as his constitutional right to legal representation after arrest had been violated.

In a 1966 case, *Miranda v. Arizona*, the Court ruled that police must inform suspects of their rights before questioning. Warren wrote that a suspect must be told, “that he has the right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney.” These protections are called **Miranda rights**, after the defendant.

Americans vigorously debated these and other Warren Court rulings. Some critics called on Congress to impeach Chief Justice Warren. “Of all three branches of government,” argued Senator Barry Goldwater, “today’s Supreme Court is the least faithful to the constitutional tradition of limited government.” Others praised the Warren Court for accomplishing what Congress failed to do: protect the rights guaranteed to every citizen under the Constitution.

Summary

In 1964, voters elected liberal Democrat Lyndon Johnson by a wide margin. Johnson used this mandate to enact a broad program of reforms he called the Great Society. With his powers of persuasion, Johnson pushed more than 200 bills

through Congress.

War on Poverty Johnson's Great Society grew from the liberal tradition of the Progressive and New Deal eras. Its centerpiece was an ambitious War on Poverty.

Economic Opportunity Act This act instituted a number of antipoverty measures, including the Job Corps, Project Head Start, and VISTA, all of which helped cut poverty rates almost in half.

Medicare and Medicaid As part of the Great Society's reforms, Congress amended the Social Security Act to include medical health insurance for the elderly and disabled.

Immigration Act of 1965 This measure ended the national origins quota system begun in the 1920s. Entry to the United States was now based on criteria like skills and familial connections.

Silent Spring This influential book sparked a new interest in environmentalism. As a result, Congress passed several environmental laws during this period.

"One person, one vote" The activist Warren Court changed the American political landscape by insisting that states create legislative districts per the principle of "one person, one vote."

Miranda rights In a series of controversial decisions, the Warren Court expanded the rights of the accused, including ensuring that people placed under arrest be informed of their rights before being questioned.

California Master Plan for Education

In 1960, California adopted the California Master Plan for Higher Education to bring together the state's vast public higher education system. Then, in 2002, a joint committee made up of members of the state senate and assembly developed the California Master Plan for Education. The goal of this plan is to coordinate and improve the California public education system from kindergarten through grade 12. California is the first state to write one plan to unify all the elements of its education system.

A Vision for Education

The California Master Plan for Education provides a long-term vision for how to achieve high-quality public education. The report sets high standards for the state, saying that,

California will develop and maintain a coherent system of first-rate schools, colleges, and universities that prepares all students for learning and for transition to and success in a successive level of education, the workplace, and society at large, and that is fully responsive to the changing needs of our state and our people.

California's plan reflects the belief that the government is responsible for making education available to all students. It also suggests that the government is responsible for the quality of that education and for the success of its students in school and in the workforce.

Current Problems and Proposed Solutions

The California Master Plan for Education identifies the different needs of students from preschool through adulthood. It also describes changes that can improve the California public school system.

First, the plan talks about fragmentation and disorganization in the current K–12 system. The committee that wrote the report argues that a better-organized system will serve the state's increasingly diverse population by more equally distributing academic resources across race, ethnicity, age, and region.

Next, the plan calls for clearer academic standards to help students, parents, and teachers identify expectations and monitor progress throughout each level of education. These standards help pinpoint where students are struggling and identify opportunities for improvement.

The plan concludes with more than 50 recommendations for how state policymakers can implement these changes. It identifies parent involvement, teacher quality, and state services as significant factors that influence student learning.

Recommendations include full-day kindergarten and a career ladder that rewards exceptional teachers. The report also asks legislators to increase diagnostic and counseling services for younger students and provide more resources to maintain clean, safe, up-to-date school

facilities.

Looking to the Future

Since the California Master Plan for Education was presented in 2002, a number of bills have been introduced to the state legislature targeting areas addressed in the plan, including universal preschool, adult education, and educational standards. The legislature will likely continue to discuss how to use the information outlined in the report to meet the needs of California's students.

The Incorporation Doctrine

The incorporation doctrine is a constitutional doctrine that applies rights from the Bill of Rights—the first ten amendments of the U.S. Constitution—to the states. This is done through the Due Process clause in the Fourteenth Amendment. Prior to the Fourteenth Amendment, the first ten amendments had only applied to the federal government. The Supreme Court has favored “selective incorporation,” in which only certain aspects of certain amendments are incorporated. For instance, the Ninth and Tenth Amendments have not been incorporated.

The incorporation doctrine first came to light in the Supreme Court Case, *Gitlow V. New York*. In this court case, a group of activists were arrested for handing out leaflets calling for an uprising to create a socialist government. The members of the group were prosecuted and convicted in 1919 under a New York law forbidding “dangerous” speech.

Benjamin Gitlow appealed his conviction to the Supreme Court, claiming that the New York law violated his First Amendment right to free speech. Lawyers for the state argued that the Bill of Rights did not apply to state laws and that the Court did not have jurisdiction to decide the case.

The Court disagreed. In a groundbreaking decision handed down in 1925, the Court reversed its previous position and said that the Due Process Clause of the Fourteenth Amendment did extend the First Amendment to the states. This process of applying the Bill of Rights to the states through Supreme Court decisions is known as incorporation.

On the free speech issue, however, the Court held that the New York law did not violate the Constitution. Gitlow's conviction was upheld, though he was later pardoned by the governor of New York.

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The *Gitlow* case focused on freedom of speech. Subsequent cases have extended other rights protected in the Bill of Rights to the states.