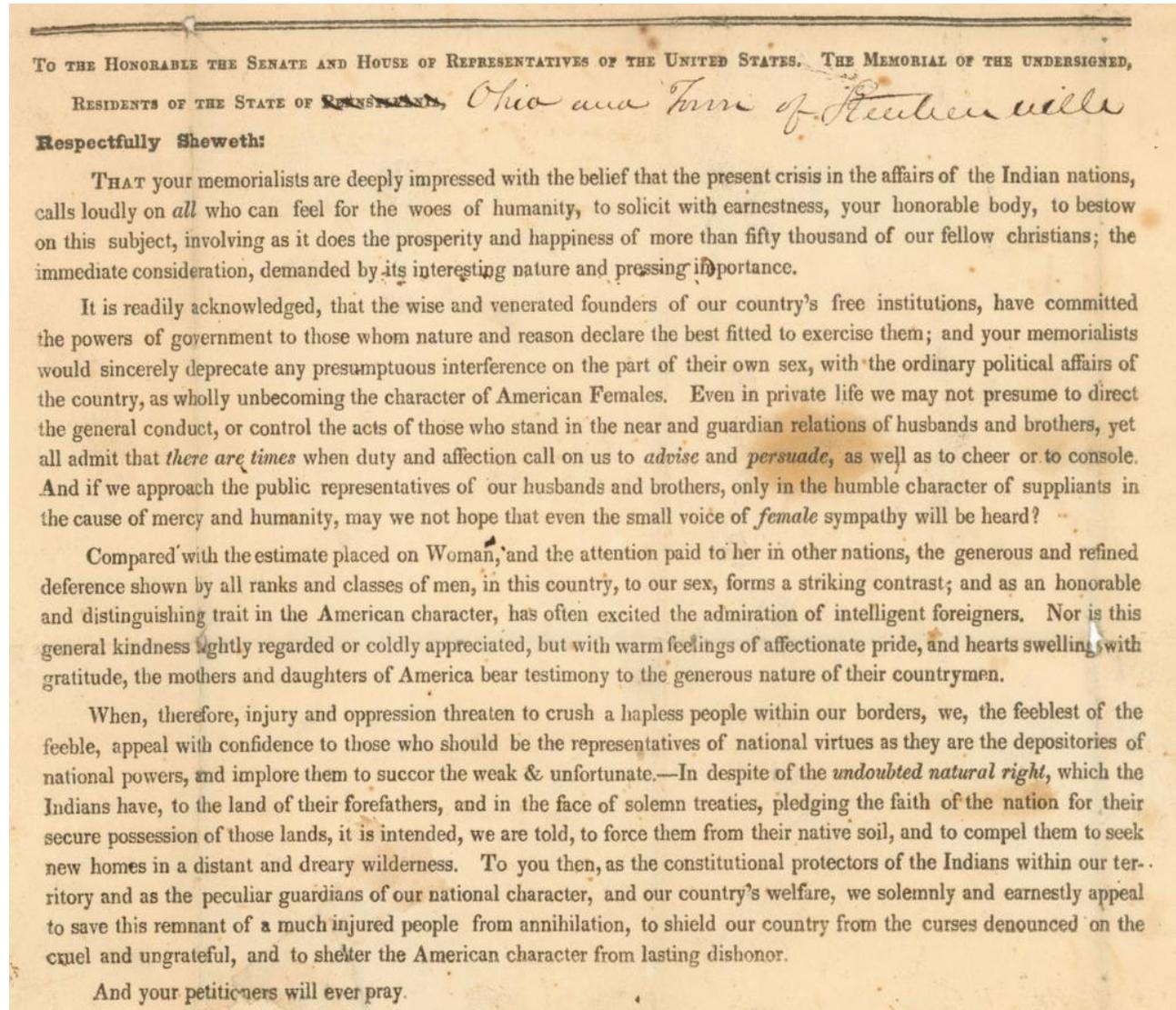


# Discussing Equality: Who is Included within the Phrase “We the People”

Center for Legislative Archives

## Station 1, Document 1

Memorial from the Ladies of Steubenville, Ohio, Protesting Indian Removal (excerpt),  
February 15, 1830; [NAID 306633](#). See also, [DocsTeach](#):  
<https://www.docsteach.org/documents/document/memorial-steubenville-indian-removal>



[www.archives.gov/legislative/resources](http://www.archives.gov/legislative/resources)



# Discussing Equality: Who is Included within the Phrase “We the People”

Center for Legislative Archives

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## Station 1, Document 2

Cherokee Petition against the New Echota Treaty (transcript), 1836; [NAID 2127291](#). See also, DocsTeach: <https://www.docsteach.org/documents/document/cherokee-petition-protest-new-echota-treaty>

### **Transcript:**

Whereas, we the citizens of the Districts of Aquohee and Taquoee in the Cherokee Nation, are informed that on the 21st of Dec 1835, certain individual Cherokees assembled at New Echota and, without any authority from the council or people of the Nation, entered into an agreement with the Revd. Mr. Schermerhorn under the name of a treaty by the provisions of which all the lands of the Cherokees are ceded; their Government and Law abolished, their private improvements: the property of individuals alienated from their rightful owners, without their consent: And all their rights, as free men, wrested from them and left to the discretionary disposal of strangers.

And, Whereas we are further informed that this compact is to be presented to the Senate of the United States for ratification, as a treaty; we the undersigned, do, with the deepest anxiety and the most [~~crossed out: earnestness~~] respectful earnestness, appeal to the Senate of the United States, against the ratification of the same. And in entering our protest before that honorable and August Body, we again humbly Solicit their attention to the following points on account of which we so [~~crossed out: depreciate~~] urgently depreciate the ratification of said instrument. Viz. the persons who are represented as acting in behalf of the Cherokees in this matter, are wholly unauthorized. And the circumstance of a few individuals making a treaty vitally affecting the liberties, the property and the personal rights of a whole people, appears to be so utterly repugnant to reason and justice and every dictate of humanity, that we come to the Senate of the United States with full confidence <sup>^that^</sup> under such circumstances the voice of weakness itself will be heard in the cry for justice.

To the Basis of said instrument and most of its details we entertain insuperable objections. But being fully persuaded that an instrument so unwarranted will not be sanctioned by the Senate, we deem it unnecessary to recite the particular provisions which it contains, as we feel all assurance of the justice and magnanimity of the August body before whom we humbly presume to present our grievances.

[note in pencil: signed by 3,352 names]

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# Discussing Equality: Who is Included within the Phrase “We the People”

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## Station 2, Document 3

Dred Scott v Sanford Supreme Court Decision (excerpt of transcript), 1856; [NAID 301673](#). See also, Our Documents:

<https://www.ourdocuments.gov/doc.php?flash=false&doc=29&page=transcript>

### **Transcript:**

1. Upon a writ of error to a Circuit Court of the United States, the transcript of the record of all the proceedings in the case is brought before this court, and is open to its inspection and revision...

3. In the Circuit Courts of the United States, the record must show that the case is one in which by the Constitution and laws of the United States, the court had jurisdiction--and if this does not appear, and the court gives judgment either for plaintiff or defendant, it is error, and the judgment must be reversed by this court--and the parties cannot by consent waive the objection to the jurisdiction of the Circuit Court.

4. A free Negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a "citizen" within the meaning of the Constitution of the United States.

5. When the Constitution was adopted, they were not regarded in any of the States as members of the community which constituted the State, and were not numbered among its "people or citizen." Consequently, the special rights and immunities guaranteed to citizens do not apply to them. And not being "citizens" within the meaning of the Constitution, they are not entitled to sue in that character in a court of the United States...

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# Discussing Equality: Who is Included within the Phrase “We the People”

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## Station 2, Document 4

14th Amendment to the U.S. Constitution, Section 1 (transcript), Ratified July 9, 1868; [NAID 1408913](#). See also, DocsTeach: <https://www.docsteach.org/documents/document/fourteenth-amendment>

### **Transcript:**

#### AMENDMENT XIV

##### Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



# Discussing Equality: Who is Included within the Phrase “We the People”

Center for Legislative Archives

## Station 2, Document 5

Petition for Universal Suffrage Asking for an Amendment to the Constitution that Shall Prohibit the Several States from Disenfranchising Any of Their Citizens on the Ground of Sex (excerpt), January 29, 1866; [NAID 26081744](#). See also, [DocsTeach](#): <https://www.docsteach.org/documents/document/petition-prohibit-disfranchisement>

**A PETITION**  
FOR  
**UNIVERSAL SUFFRAGE.**

To the Senate and House of Representatives:

The undersigned, Women of the United States, respectfully ask an amendment to the Constitution that shall prohibit the several States from disfranchising any of their citizens on the ground of sex.

In making our demand for Suffrage, we would call your attention to the fact that we represent fifteen million people—one half the entire population of the country—intelligent, virtuous, native-born American citizens; and yet stand outside the pale of political recognition.

The Constitution classes us as “free people,” and counts us *whole* persons in the basis of representation; and yet are we governed without our consent, compelled to pay taxes without appeal, and punished for violations of law without choice of judge or juror.

The experience of all ages, the Declarations of the Fathers, the Statute Laws of our own day, and the fearful revolution through which we have just passed, all prove the uncertain tenure of life, liberty and property so long as the ballot—the only weapon of self-protection—is not in the hand of every citizen.

Therefore, as you are now amending the Constitution, and, in harmony with advancing civilization, placing new safeguards round the individual rights of four millions of emancipated slaves, we ask that you extend the right of Suffrage to Woman—the only remaining class of disfranchised citizens—and thus fulfil your Constitutional obligation “to Guarantee to every State in the Union a Republican form of Government.”

As all partial application of Republican principles must ever breed a complicated legislation as well as a discontented people, we would pray your Honorable Body, in order to simplify the machinery of government and ensure domestic tranquillity, that you legislate hereafter for persons, citizens, tax-payers, and not for class or caste.

For justice and equality your petitioners will ever pray.

NAMES.	RESIDENCE.
Eludgy Stanton Susan B. Anthony	New York N.Y. Rochester



# Discussing Equality: Who is Included within the Phrase “We the People”

Center for Legislative Archives

## Station 3, Document 6

Sumner Civil Rights Bill as Introduced (excerpt), 12/1/1873; [NAID 1986640](#). Note the amended bill was signed into law as the Civil Rights Act of 1875. See also, [DocsTeach: https://www.docsteach.org/documents/document/sumner-civil-rights-bill](#)

43<sup>D</sup> CONGRESS,  
1<sup>ST</sup> SESSION.

**S. 1.**

IN THE SENATE OF THE UNITED STATES.

DECEMBER 1, 1873.

Mr. SUMNER asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice and ordered to be printed.

## **A BILL**

Supplementary to an act entitled “An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication,” passed April ninth, eighteen hundred and sixty-six.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That no citizen of the United States shall, by reason of race,  
4 color, or previous condition of servitude, be excepted or ex-  
5 cluded from the full and equal enjoyment of any accommoda-  
6 tion, advantage, facility, or privilege furnished by inn-keepers;  
7 by common carriers, whether on land or water; by licensed  
8 owners, managers, or lessees of theaters or other places of  
9 public amusement; by trustees, commissioners, superintend-  
10 ents, teachers, and other officers of common schools and  
11 public institutions of learning, the same being supported by  
12 moneys derived from general taxation or authorized by law;  
13 also of cemetery associations and benevolent associations sup-

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# Discussing Equality: Who is Included within the Phrase "We the People"

Center for Legislative Archives

## Station 3, Document 7

Petition from women of the District of Columbia asking for the passage of the Sumner Civil Rights Bill (excerpt), January 15, 1872; [NAID 306406](#). See also, [DocsTeach: https://www.docsteach.org/documents/document/dc-women-sumner-bill](#)

[from colored woman at Washington]

To the Honorable the Senate and  
House of Representatives of the United  
States in Congress assembled;

We, the undersigned, Mothers,  
wives & sisters, feeling ourselves aggrieved,  
& knowing that you have the  
power to relieve us, appeal to you to  
pass Sen. Sumner's Supplementary  
Civil Rights Bill as calculated to  
meet our case.

We respectfully entreat you to hear  
our prayer; for we suffer in digni-  
ties in public conveyances, we are  
deprived of privileges & advantages  
to which we are justly entitled in  
common with others. No principle  
was violated in the case of our  
Revolutionary fathers that is not  
violated in our case.

Our grievances contain the essence  
of Slavery. The Slaveholder fed, clothed  
& housed his slave, partly at a time, &  
kept him in ignorance that the slave  
might not aspire to anything better  
than was contained in his lot.  
But we feed, clothe & shelter our-  
selves; we are striving for

Education, making every effort to  
better our condition; & furthermore,  
we are taxed for the public benefit.  
The heinous feel all efforts made to keep  
us down & degrade us. ~~But contrasting~~

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# Discussing Equality: Who is Included within the Phrase “We the People”

Center for Legislative Archives

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## Station 3, Document 8

Chinese Exclusion Act(excerpt of transcript), 1882; [NAID 5752153](#). See also, [DocsTeach: https://www.docsteach.org/documents/document/chinese-exclusion-act](#)

### Transcript:

An Act to execute certain treaty stipulations relating to Chinese.

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof:  
Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or having so come after the expiration of said ninety days to remain within the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and maybe also imprisoned for a term not exceeding one year.



# Discussing Equality: Who is Included within the Phrase “We the People”

Center for Legislative Archives

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## Station 4, Document 9

Opinion of the Supreme Court of the United States in *Plessy v. Ferguson* (excerpt of transcript), 1896. See [Our Documents](#):  
<https://www.ourdocuments.gov/doc.php?flash=false&doc=52&page=transcript>

### **Transcript:**

This was a petition for writs of prohibition and certiorari originally filed in the supreme court of the state by Plessy, the plaintiff in error, against the Hon. John H. Ferguson, judge of the criminal district court for the parish of Orleans, and setting forth, in substance, the following facts:

That petitioner was a citizen of the United States and a resident of the state of Louisiana, of mixed descent, in the proportion of seven-eighths Caucasian and one-eighth African blood; that the mixture of colored blood was not discernible in him, and that he was entitled to every recognition, right, privilege, and immunity secured to the citizens of the United States of the white race by its constitution and laws; that on June 7, 1892, he engaged and paid for a first-class passage on the East Louisiana Railway, from New Orleans to Covington, in the same state, and thereupon entered a passenger train, and took possession of a vacant seat in a coach where passengers of the white race were accommodated... this, petitioner was required by the conductor, under penalty of ejection from said train and imprisonment, to vacate said coach, and occupy another seat, in a coach assigned by said company for persons not of the white race, and for no other reason than that petitioner was of the colored race; that, upon petitioner's refusal to comply with such order, he was, with the aid of a police officer, forcibly ejected from said coach, and hurried off to, and imprisoned in, the parish jail of New Orleans, and there held to answer a charge made by such officer to the effect that he was guilty of having criminally violated an act of the general assembly of the state, approved July 10, 1890, in such case made and provided....

...we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the fourteenth amendment than the acts of congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures...

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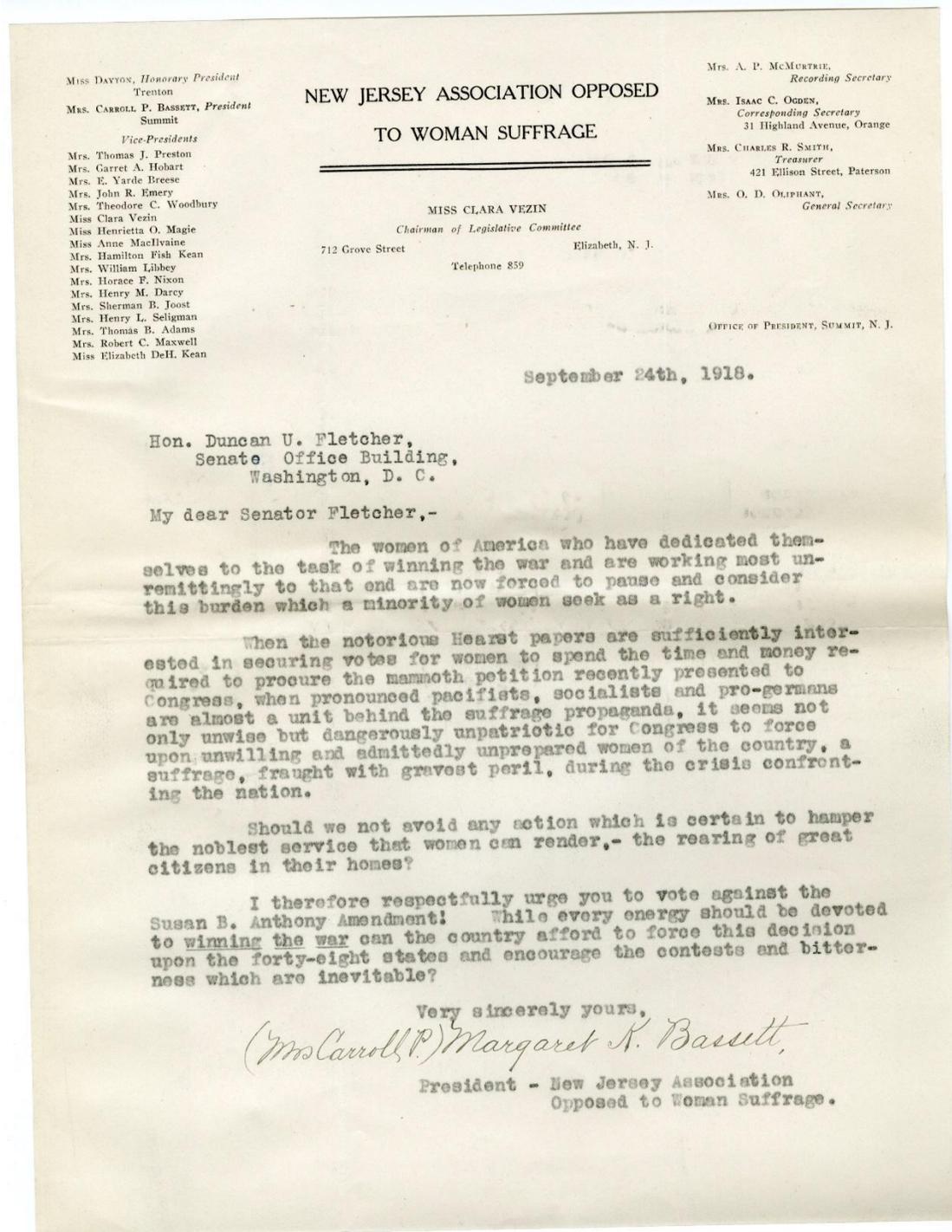
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Who is Included within the Phrase "We the People"**  
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**Station 4, Document 10**

Letter from the New Jersey Association Opposed to Woman Suffrage, 1918; [NAID 74884398](#).

See also, [DocsTeach: http://www.docsteach.org/documents/document/nj-opposition-suffrage](http://www.docsteach.org/documents/document/nj-opposition-suffrage)

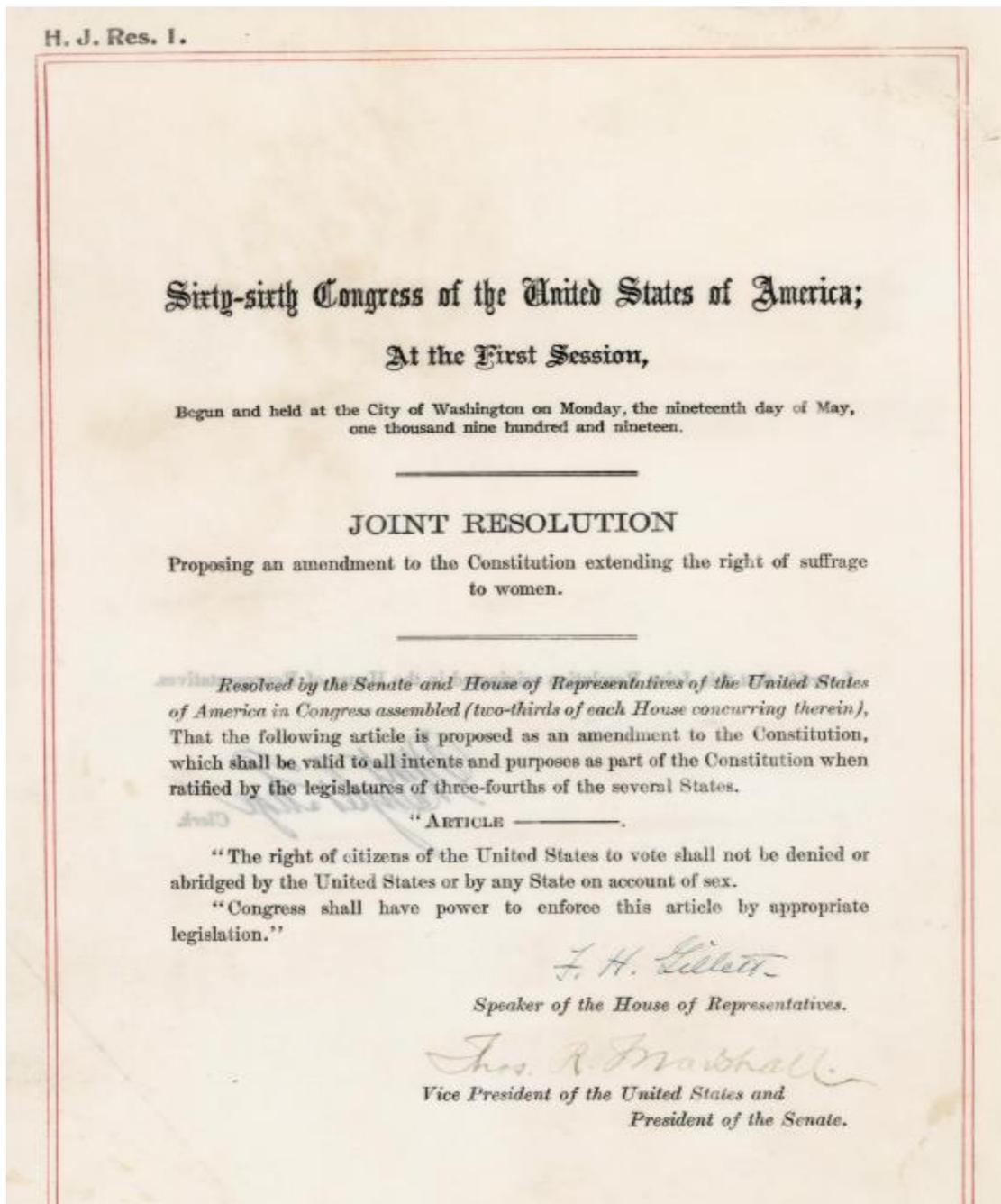


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## Station 4, Document 11

19th Amendment to the U.S. Constitution, ratified August 18, 1920; [NAID596314](#). See also, [DocsTeach: https://www.docsteach.org/documents/document/nineteenth-amendment](https://www.docsteach.org/documents/document/nineteenth-amendment)



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## Station 5, Document 12

Opinion in *Brown v. Board of Education* (excerpt of transcript), May 17, 1954; [NAID 1656510](#). See also, [DocsTeach: https://www.docsteach.org/documents/document/opinion-brown-v-board](https://www.docsteach.org/documents/document/opinion-brown-v-board)

### **Transcript:**

...Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.

Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment...

# Discussing Equality: Who is Included within the Phrase "We the People"

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## Station 5, Document 13

Statistics on Voting. Excerpted from: Statement by Attorney General Nicholas deB. Katzenbach before the House Judiciary Committee on the proposed Voting Rights Act of 1965, March 18, 1965; [NAID 5754066](#).

32 VOTING RIGHTS

*TABLE B-1.—Voting age population and registered voters classified by race in those States where use of tests and devices is suspended by the proposed Voting Rights Act of 1965*

State	White voting age population 1964 <sup>1</sup>	White registration <sup>2</sup>	Percent	Nonwhite voting age population, 1964 <sup>1</sup>	Nonwhite registration <sup>2</sup>	Percent
Alabama.....	1,413,270	<sup>2</sup> 935,695	66.2	501,730	<sup>2</sup> 92,737	18.5
Alaska.....	112,470	( <sup>4</sup> )		25,530	( <sup>5</sup> )	
Georgia.....	1,966,456	<sup>3</sup> 1,124,415	57.2	669,544	<sup>3</sup> 167,663	25.0
Louisiana.....	1,353,495	<sup>6</sup> 1,037,184	76.6	539,505	<sup>6</sup> 164,601	30.5
Mississippi.....	794,277	<sup>7</sup> 525,000	66.1	448,723	<sup>7</sup> 28,500	6.4
South Carolina.....	975,660	<sup>8</sup> 677,914	69.5	404,340	<sup>8</sup> 138,544	34.3
Virginia.....	2,060,751	<sup>9</sup> 1,133,702	55.0	480,249	<sup>9</sup> 177,321	36.9

\* \* \*

*TABLE B-2(b).—Voting age population and registered voters classified by race in those Alabama counties in which racial voting suits have been brought under 42 U.S.C. 1971A*

County	Per-cent <sup>1</sup>	White voting age population, 1960	White registration	Per-cent	Nonwhite voting age population, 1960	Nonwhite registration	Per-cent
Bullock.....	38.5	2,387	2,631 (10/64)	110	4,450	1,386	31
Choctaw.....	31.7	5,192	3,697 (2/63)	71	3,982	176	4
Dallas.....	22.6	14,400	9,542 (8/64)	66	15,115	335	2.2
Elmore.....	43.7	12,510	12,022 (11/64)	96	4,808	592	12.3
Hale.....	25.5	3,600	3,674 (12/63)	100	6,000	200	3.3
Jefferson.....	37.3	256,319	134,939 (10/64)	52.6	116,160	27,013	23.2
Macon.....	32.6	2,818	2,946 (10/64)	100	8,493	4,188	49
Montgomery.....	31.6	62,911	40,234 (11/64)	64	33,056	7,250	22
Perry.....	29.6	3,441	3,260 (8/64)	94	5,200	364	7
Sumter.....	20.8	3,061	3,297 (11/64)	107	6,814	358	5.2
Wilcox.....	22.3	2,647	2,974 (5/64)	100	6,085	0	0

<sup>1</sup> This is the percentage of those of voting age who voted in the presidential election of 1964



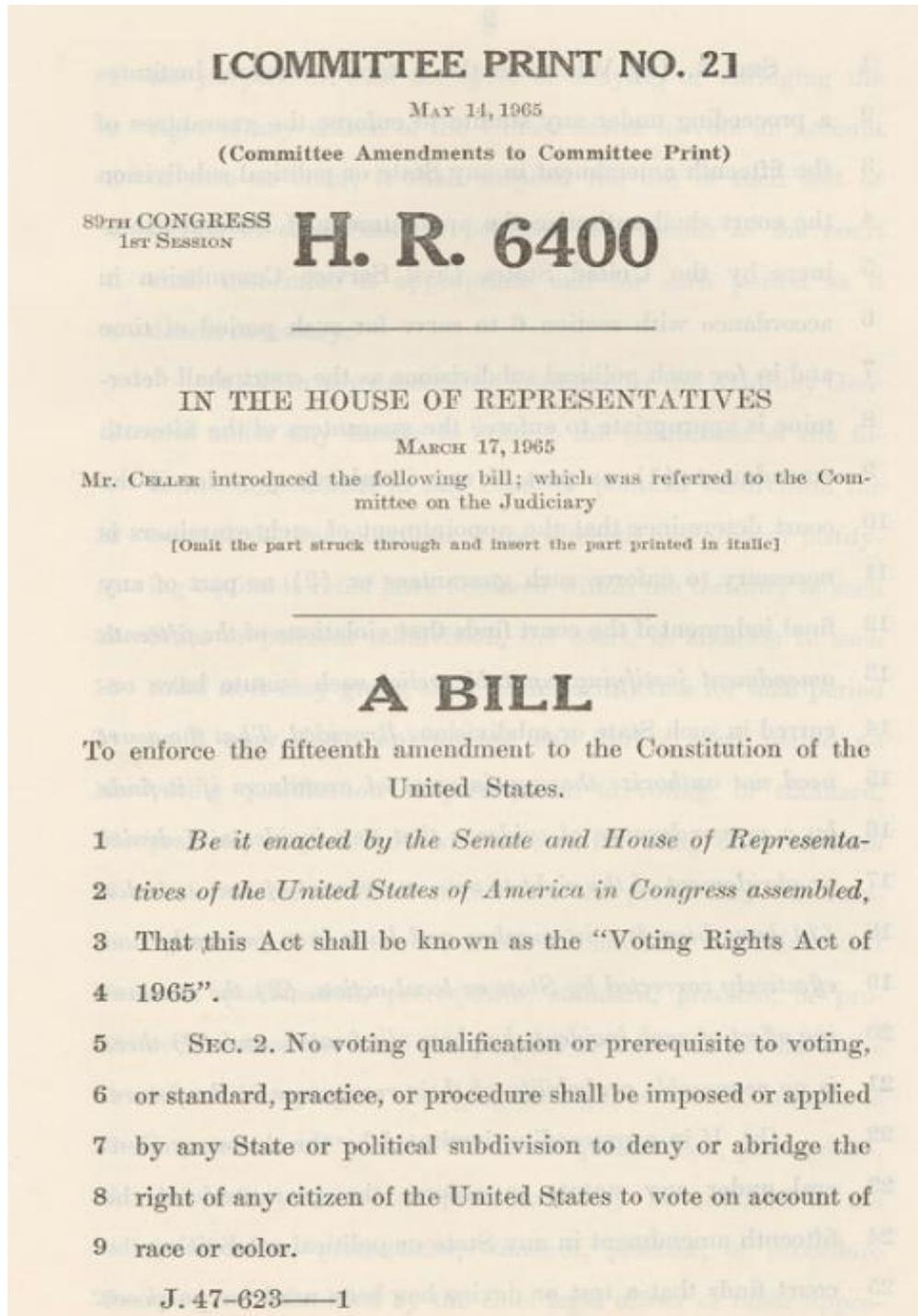
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## Station 5, Document 14

H.R. 6400, the Voting Rights Bill (excerpt), May 14, 1965; [NAID 1991043](#). See also, [DocsTeach: https://www.docsteach.org/documents/document/house-resolution-6400-the-voting-rights-bill](#)



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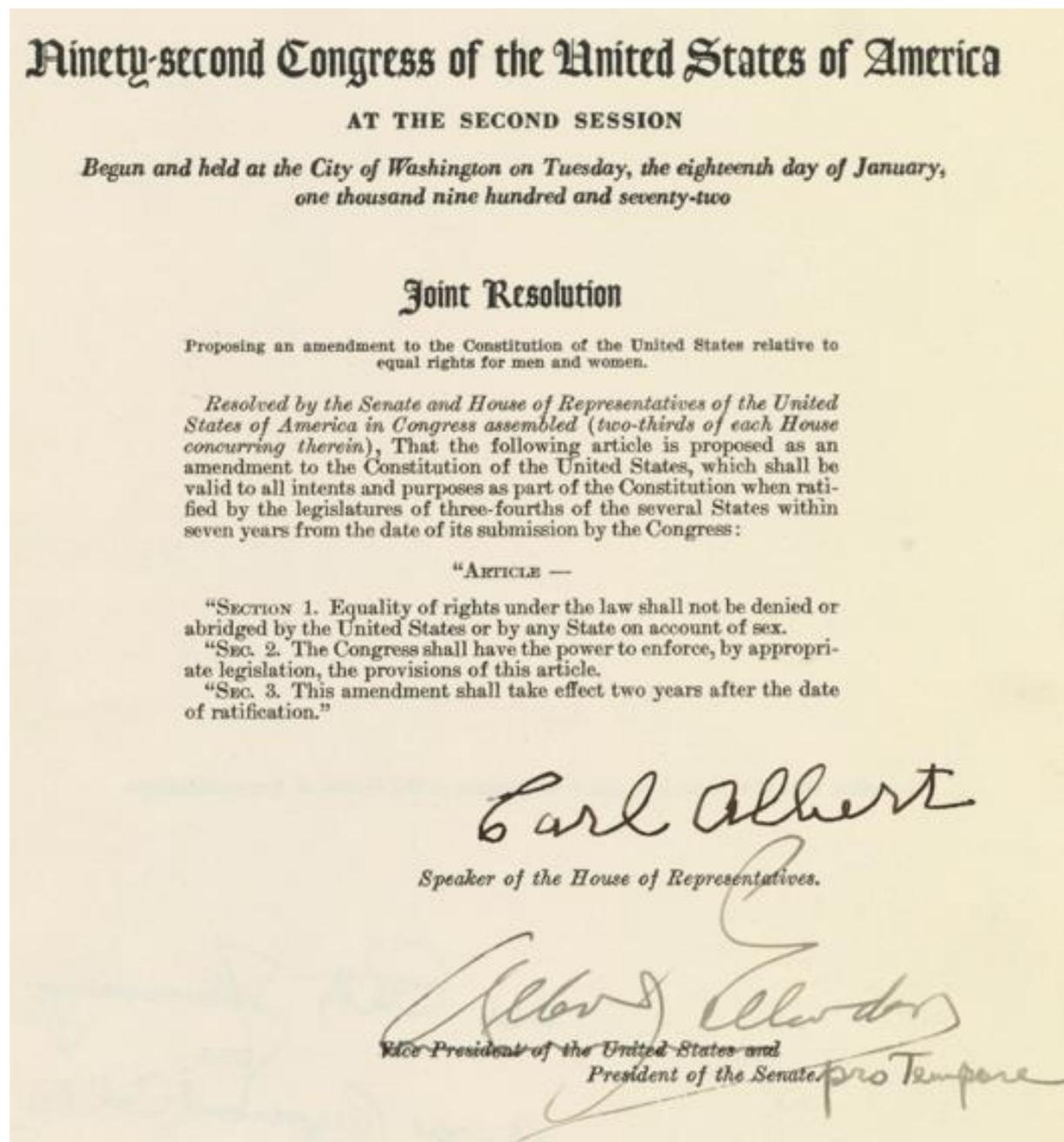


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## Station 6, Document 15

Joint Resolution of March 22, 1972, 86 STAT 1523, Proposing an Amendment to the Constitution of the United States Relative to Equal Rights for Men and Women, March 22, 1973; [NAID 7455549](#). See also, [DocsTeach](#) <https://www.docsteach.org/documents/document/equalrights-amendment>



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# Discussing Equality: Who is Included within the Phrase "We the People"

Center for Legislative Archives

## Station 6, Document 16

Letter from Supervisor Harvey Milk to President Jimmy Carter, June 29, 1978; [NAID 152903](#). See also, [DocsTeach: https://www.docsteach.org/documents/document/harvey-milk-carter](https://www.docsteach.org/documents/document/harvey-milk-carter)

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SUPERVISOR HARVEY MILK

mc

June 28, 1978

President Jimmy Carter  
The White House  
Washington, D.C. 20500

Dear President Carter:

There has been considerable press coverage of the speech I delivered at San Francisco's large Gay Freedom Day Celebration this past weekend.

In it, I called upon you to take a leadership role in defending the rights of gay people. As the President of a nation which includes 15-20 million lesbians and gay men, your leadership is vital and necessary.

I have enclosed a copy of my remarks for you to read. Especially note the section beginning on page six.

On the November, 1978, California ballot will be an initiative, called the Briggs Initiative, which would prohibit gay persons from teaching and would have other serious infringements on individual rights. Though it is a state ballot issue, it is also of great national importance and we hope you will strongly oppose it.

I would very much appreciate a response to our call for your support and I would be honored to work with you to protect the human rights of all Americans.

Warmly,  
*Harvey Milk*  
Harvey Milk



# Discussing Equality: Who is Included within the Phrase “We the People”

Center for Legislative Archives

## Station 6, Document 17

U.S. Supreme Court Decision in U.S. v. Edith Windsor (excerpt), June 26, 2013; [NAID 29308667](#).

See also, [DocsTeach: https://www.docsteach.org/documents/document/opinion-us-v-windsor](https://www.docsteach.org/documents/document/opinion-us-v-windsor)

Cite as: 570 U. S. \_\_\_\_ (2013)

1

### Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

## SUPREME COURT OF THE UNITED STATES

No. 12–307

UNITED STATES, PETITIONER *v.* EDITH SCHLAIN  
WINDSOR, IN HER CAPACITY AS EXECUTOR OF THE  
ESTATE OF THEA CLARA SPYER, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SECOND CIRCUIT

[June 26, 2013]

JUSTICE KENNEDY delivered the opinion of the Court.

Two women then resident in New York were married in a lawful ceremony in Ontario, Canada, in 2007. Edith Windsor and Thea Spyer returned to their home in New York City. When Spyer died in 2009, she left her entire estate to Windsor. Windsor sought to claim the estate tax exemption for surviving spouses. She was barred from doing so, however, by a federal law, the Defense of Marriage Act, which excludes a same-sex partner from the definition of “spouse” as that term is used in federal statutes. Windsor paid the taxes but filed suit to challenge the constitutionality of this provision. The United States District Court and the Court of Appeals ruled that this portion of the statute is unconstitutional and ordered the United States to pay Windsor a refund. This Court granted certiorari and now affirms the judgment in Windsor’s favor.

I

