

Three Primary U.S. Values as Expressed in Selected Key Documents

I. Order

Declaration of Independence (1776)

“Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes;

“That to secure [life, liberty, and the pursuit of happiness], governments are instituted among men...”

“It is the right of the people...to institute new government...as to them shall seem most likely to secure their safety...”

“When a long train of abuses and usurpations...evinces...despotism, it is [the people’s] right, it is their duty, to...provide new guards for their future security.”

Preamble to the Constitution (1788)

“...to...insure domestic tranquility, provide for the common defense...”

Constitution (1788)

“Congress shall have the power...to provide for the common defense.” (Article I, Section 8)

“The United States shall protect each of [the states] against invasion, and...against domestic violence.” (Article 4, Section 4)

2nd Amendment (1791)

“A well-regulated militia, being necessary to the security of a free state...”

4th Amendment (1791)

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Korematsu v. United States (1944)

In a 6-3 decision, a frequently liberal-leaning Supreme Court upheld the forced relocation and internment of Japanese Americans during World War II, a decision that has been widely criticized for its violation of civil liberties.

The three justices to dissent, argued that the order should have been considered as a whole, and that the Court should have considered the other contemporaneous orders, all of which, when considered together, resulted in the imprisonment of U.S. citizens in what were essentially concentration camps, based only on their race. Chief Justice John Roberts repudiated the Korematsu decision in his majority opinion in the 2018 case of Trump v. Hawaii

Dennis v. United States (1951)

This case addressed issues of national security and the limits of free speech during the Cold War. Eugene Dennis was the General Secretary of the Communist Party USA. The Court ruled that Dennis did not have the right under the First Amendment to exercise free speech, publication, and assembly, if the exercise involved the creation of a plot to overthrow the government. In seeking the appropriate balance between national security interests and the protection of individual freedoms, the Court upheld the conviction of Communist Party leaders.

A plurality of the Court adopted Judge Learned Hand's formulation of the “clear and *probable* danger” test, a revision of the “clear and *present* danger” test:

Courts “must ask whether the gravity of the ‘evil’, discounted by its improbability, justifies such invasion of free speech as necessary to avoid the danger.”

"[T]he question is whether the Act sufficiently discriminates between action with intent to overthrow the government and action in support of government or of an innocent non-governmental purpose, so that to act in violation of the Act is a breach of the peace as a result of seditious conduct, of an incitement to some imminent violation of the peace, or of an assemblage to such incitement."

II. Liberty**Liberty or Death, Patrick Henry (1775)**

“The questi[on] before the House [of Burgesses] [and by implication, the State of Virginia] is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery...Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne!”

“If we wish to be free--if we mean to preserve inviolate those inestimable privileges for which we have been so long contending--if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained--we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of hosts is all that is left us! Why stand we here idle?”

“What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!”

Declaration of Independence (1776)

“...all men are...endowed...with certain unalienable rights,” including “life, liberty, and the pursuit of happiness.”

Preamble to the Constitution (1788)

“...to establish justice, ... and secure the blessings of liberty...”

Article III of the Constitution (1788)

The Trial of all crimes, except in cases of impeachment, shall be by jury...”

1st amendment (1791)

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

5th Amendment (1791)

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”

6th Amendment (1791)

“In all criminal prosecutions, the accused shall enjoy the right to speedy and public trial, by an impartial jury ...; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

9th Amendment (1791)

“The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.”

13th Amendment (1865)

“Neither slavery nor involuntary servitude...shall exist within the United States...”

Gettysburg Address (1863)

“...our fathers brought forth on this continent, a new nation, conceived in Liberty...”

“It is...for us to...resolve that...this nation, shall have a new birth of freedom...”

14th Amendment (1868)

“No state...shall deprive any person of life, liberty, or property without due process of law...”

15th Amendment (1870)

“The right of citizens...to vote shall not be denied or abridged...on account of race, color, or previous condition of servitude.”

Woodrow Wilson’s “New Freedom” (1912)

The *New Freedom* was proposed to update of Jefferson’s vision for a nation of small farmers and small businesspeople by attacking what Wilson called the *Triple Wall Of Privilege*: the tariff, the banks, and the trusts.

“There can be no equality of opportunity, the first essential of justice in the body politic, if men and women and children be not shielded in their lives, their very vitality, from the consequences of great industrial and social processes which they cannot alter, control, or singly cope with.”

19th and 26th Amendments (1920 and 1971)

“The right of citizens... to vote shall not be abridged...on account of sex.”

“The right of citizens...who are eighteen years of age or older, to vote shall not be denied or abridged...”

Franklin Roosevelt’s Four Freedoms Speech (1941)

"Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety."

We look forward to a world founded upon four essential human freedoms:

- Freedom of speech and expression—everywhere in the world.
- Freedom to worship God in his own way—everywhere in the world.
- Freedom from want—which means economic understandings that will secure to every nation a healthy peacetime life for its inhabitants.
- Freedom from fear—which means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

Pledge of Allegiance (1942)

“...with liberty and justice for all.”

John F. Kennedy’s Inaugural Speech (1961)

“[M]an holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state but from the hand of God.”

“[T]he torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world.

“Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to ensure the survival and the success of liberty.”

Gideon v. Wainwright (1963)

The Court ruled that criminal defendants have the right to legal counsel, regardless of their ability to pay, in order to ensure access to justice and protecting individual liberties.

"We hold that the Constitution requires the State to furnish to an indigent defendant charged with a felony the assistance of counsel."

Loving v. Virginia (1967)

The Court struck down state laws prohibiting interracial marriage, thereby establishing marriage equality as a fundamental right.

"The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men."

Roe v. Wade (1973)

This landmark case established a woman's right to abortion, affirming the principle of personal autonomy and bodily integrity as a fundamental liberty.

“The right of privacy, whether it be founded in the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action, as we feel it is, or in the Ninth Amendment’s reservation of rights to the people, is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy.”

Lawrence v. Texas (2003)

The Court decided that most sanctions of criminal punishment for consensual, adult non-procreative sexual activity (commonly referred to as sodomy laws) are unconstitutional. In doing so, the Court reaffirmed the concept of a "right to privacy" that earlier cases had found the U.S. Constitution provides, even though it is not explicitly enumerated.

“Liberty presumes an autonomy of self that includes freedom of thought, belief, expression and certain intimate conduct.”

Citizens United v. F.E.C. (2010)

A divided Court held that political spending is a form of free speech that’s protected under the First Amendment. The controversial 5-4 decision effectively opened the door for corporations and unions to spend unlimited amounts of money to support their chosen political candidates, provided they were technically independent of the campaigns themselves.

In 2002, Congress had passed the Bipartisan Campaign Reform Act (BCRA), widely known as the McCain-Feingold Act. In declaring BCRA unconstitutional, the majority wrote that BCRA “makes it a felony for all corporations—including nonprofit advocacy corporations—

either to expressly advocate the election or defeat of candidates...these prohibitions are classic examples of censorship. Were the Court to uphold these restrictions, the Government could repress speech by silencing certain voices.”

“Speech is an essential mechanism of democracy, for it is the means to hold officials accountable for the people....For these reasons, political speech must prevail against laws that would suppress it.”

In his dissent, Justice Stevens wrote: “the Court’s blinkered and aphoristic approach to the First Amendment may well promote corporate power at the cost of the individual and collective self-expression the Amendment was meant to serve. It will undoubtedly cripple the ability of ordinary citizens, Congress, and the States to adopt even limited measures to protect against corporate domination of the election process.”

Obergefell v. Hodges (2015)

In a 5-4 decision, the Court legalized same-sex marriage nationwide, affirming the principles of individual liberty and equal protection under the law.

"The right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment, couples of the same-sex may not be deprived of that right and that liberty."

Dobbs v. Jackson Women's Health Organization (2022)

A conservative court held that the Constitution of the United States does not confer a right to abortion. This decision overruled both *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992), returning to individual states the power to regulate any aspect of abortion not protected by federal law.

“The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision.”

“That provision [the Due Process Clause of the Fourteenth Amendment] has been held to guarantee some rights that are not mentioned in the Constitution, but [as held in *Washington v. Glucksberg* (1997)], any such right must be ‘deeply rooted in this nation's history and tradition’ and ‘implicit in the concept of ordered liberty.’”

III. Equality

Declaration of Independence (1776)

“...all men are created equal...”

Preamble to the Constitution (1788)

To “promote the general welfare...”

Constitution, Article I, Section 9 (1788)

“No title of nobility shall be granted by the United States...”

Gettysburg Address (1863)

“...our fathers brought forth on this continent, a new nation...dedicated to the proposition that all men are created equal.”

“It is...for us to...resolve that...government of the people, by the people, for the people, shall not perish from the earth.

14th Amendment (1868)

“No state...shall...deny to any person within its jurisdiction the equal protection of the laws.”

Plessy v. Ferguson (1896)

The Court upheld racial segregation, establishing the "separate but equal" doctrine.

Franklin Roosevelt's Four Freedoms Speech (1941)

“...there is nothing mysterious about the foundations of a healthy and strong democracy. The basic things expected by our people of their political and economic systems are simple. They are:

- Equality of opportunity for youth and for others.
- Jobs for those who can work.
- Security for those who need it.
- The ending of special privilege for the few.
- The preservation of civil liberties for all.”

Brown v. Board of Education (1954)

The Court overturned Plessy v. Ferguson, demonstrating the evolution of the Court's interpretation of the equality principle. In doing so, the Court declared state laws establishing separate public schools for black and white students to be unconstitutional, finding that racially segregated public schools violate the equal protection clause of the 14th Amendment.

“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...Any language in 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.”

Letter from Birmingham Jail—Martin Luther King (1963)

King argued that the fight for equality is not confined to one place or time, that any injustice threatens the principles of justice and freedom, and that moral principles, rather than blind obedience to the law, should guide actions in the pursuit of justice and freedom.

"Injustice anywhere is a threat to justice everywhere."

"One has not only a legal, but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws."

Shelby County v. Holder (2013)

Congress enacted the Voting Rights Act of 1965 to address entrenched racial discrimination in voting, "an insidious and pervasive evil which had been perpetuated in certain parts of our country through unremitting and ingenious defiance of the Constitution." Section 5 required certain states and local governments to obtain federal preclearance before implementing any changes to their voting laws or practices. Section 4(b) contained the coverage formula that determined which jurisdictions were subject to preclearance based on their histories of discrimination in voting.

In a 5 to 4 vote, the Court in *Shelby* ruled that Section 4(b) was unconstitutional because the coverage formula was based on data over 40 years old, making it no longer responsive to current needs and therefore an impermissible burden on the constitutional principles of federalism and equal sovereignty of the states. The Court did not strike down Section 5, but without Section 4(b), no jurisdiction will be subject to Section 5 preclearance unless Congress enacts a new coverage formula. The ruling has made it easier for state officials to make it harder for ethnic minority voters to vote.

In writing the majority opinion, Chief Justice Roberts noted that since the coverage formula was last modified in 1975, the country "has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions." The Court declared that the Fifteenth Amendment "commands that the right to vote shall not be denied or abridged on account of race or color, and it gives Congress the power to enforce that command. The Amendment is not designed to punish for the past; its purpose is to ensure a better future."

Obergefell v. Hodges (2015)

As noted above, this decision legalized same-sex marriage nationwide. In addition to the liberty aspect, this case also affirmed the principle of equality by arguing that same-sex couples should have the right to marry, just like heterosexual couples.

"It demeans gays and lesbians for the State to lock them out of a central institution of the Nation's society. Same-sex couples, too, may aspire to the transcendent purposes of marriage and seek fulfillment in its highest meaning."