Who Will Win the Nobel Prize for Progressive Reform?

Your Progressive Reformer has been nominated for a special lifetime Progressive Nobel Prize. You have been invited to a press conference to make your case that your progressive reformer has done the most to make America better.

“Progressivism” meant different things to different people. Are the other reformers “true progressives?” Your job will be to assert that your reformer is doing the best at fixing America’s problems and that the others, while admirable, are focusing on the wrong things.

Within your group, one of you will role play the progressive reformer herself/himself, one of you will be the press agent introducing the reformer at the press conference, and all other group members will be reporters who will be able to ask questions of the reformers. Your group’s goal is to win the Nobel Prize for your reformer.

The most important factor to consider in this activity (and the one weighed most heavily in your grade) is your ability to clearly demonstrate an understanding of the motivations and accomplishments of the reformer you are assigned. Humor and dramatic skills are encouraged and welcomed, but are not a substitute for substance.

To prepare, do the following:

**Actor:**

Read the biography of the reformer you are role-playing and complete the worksheet on page 3 of your packet. Write a brief opening speech of 5 sentences about why you deserve the Nobel Prize in Progressivism. Create one substantial positive question that you would like one of your reporters to ask you during the press conference to highlight a key point that you want to emphasize. Finally, carefully and thoughtfully predict three critical questions that might come up from opposing reporters that you might be asked during the press conference that downplay or reject your worthiness to win this Nobel Prize. Then carefully and thoughtfully prepare a response to each question (3-5 sentences each) so that you are prepared for it.

**Press Agent:**

Read the biography of the reformer you are introducing and complete the worksheet on page 3 of your packet. Next, create two substantial positive questions that you would like your reporters to ask your reformer during the press conference, that will highlight key points that you want your reformer to emphasize, that will help make the case that your reformer deserves the Nobel Prize for Progressivism: Finally, create a one-half page inspirational biography about your reformer that you will use to introduce the reformer at the press conference. It should be exciting and informative and should make the case that your reformer should get the Nobel Prize for doing the best at fixing the problems of America. Also, be ready to confer with and help out your reformer if he/she gets stuck during the press conference.

**Reporters:**

First, read the biography of the reformer you are supporting and complete the worksheet on page 3 of your packet. Next, read the biography of the competing progressive reformer on page 4 and complete the summary worksheet on him/her on page 5. Finally, write three well-thought out critical questions to ask the competing reformer during the press conference. While acknowledging--not disrespecting--the accomplishments of the competing reformer, use your questions to help make the case that your reformer has been the best at fixing the problems of America.
Name ________________________________

**Louis Brandeis Biography**

Known as the “People’s Attorney” and “Robin Hood of the Law,” Louis Brandeis did more than any single person to protect and expand the rights guaranteed in the Bill of Rights, especially the rights of privacy and freedom of speech. Moreover, in an era when the Robber Barons and big corporations reigned supreme, he worked tirelessly to limit the excessive power of such corporations so that the people’s rights would not be trampled upon.

Born in Louisville, Kentucky in 1856, Brandeis attended Harvard Law School, earning numerous academic honors and shortly after graduation opened a practice in Boston. By the end of the century, Brandeis had become one of the most sought-after lawyers in the country.

By then, however, he had shifted his interest from the practice of law to progressive reform. During the Gilded Age he had become increasingly concerned about the excessive power of large corporations. He saw how big businesses could and did hire the smartest people to influence laws being made by Congress and how the people often had no one representing their interests.

Like many Progressives, he believed that industrialization, the Robber Barons, and trusts and monopolies limited individual opportunity and corrupted the political system. He started his reform efforts locally, opposing corrupt business practices in Boston. He then moved to the state level, where he exposed the high rates insurance companies charged workers for limited coverage. In 1907 he launched a six-year crusade against the Robber Baron J.P. Morgan to prevent him from gaining monopoly control over the railroads in New England.

From that point on, Brandeis was recognized as a leader of the Progressive movement, and he used the law as the instrument for social change. Brandeis gained a national reputation as the "People's Attorney," for his then-unique trait of defending public causes without a fee. This is why the Economist magazine has called him "A Robin Hood of the law." In the famous case Muller v. Oregon, 1908 (in which he convinced the Supreme Court to allow shorter working hours for women), instead of focusing on legal arguments and abstract general principles, he pioneered a new type of legal case brief, emphasizing economic data and evidence about the negative effects of various business practices on people’s actual lives. The "Brandeis brief" became the prototype for later reform litigation during the Progressive Era and beyond.

Between 1908 and 1916 Brandeis devoted himself almost entirely to reform work. In 1912 he met presidential candidate Woodrow Wilson and helped him formulate for the 1912 presidential campaign the so-called “New Freedom” program, with its emphasis on ensuring competition in the marketplace as the best way to keep companies honest. He thus had a huge impact on getting the Clayton Anti-Trust Act and Federal Trade Commission Act passed, which gave the government much more authority to break up and limit the power of monopolistic companies.

In 1916 Wilson named Brandeis to the Supreme Court. Brandeis was a controversial nominee for several reasons. Most opponents cited the lawyer’s liberal views. Other critics, opposed him because he was Jewish, and Brandeis began to feel the sting of anti-Semitism. These objectors claimed Brandeis’ Jewish heritage should "bar him from the temple of law." Despite the racism, Brandeis was confirmed by the Senate, and in his twenty-three years on the Supreme Court, he earned a reputation as the greatest legal craftsman of his era.

Although he often dissented (disagreed with the majority), nearly all of his carefully argued opinions became the majority opinions of the Supreme Court in later cases. Brandeis's ideas affected many areas of law, but his greatest contributions involved the right to privacy and the expansion of the Bill of Rights. For example, in the famous case Olmstead v. United States (1928), he argued for the first time that a constitutional right of privacy exists, even though the Bill of Rights does not explicitly mention it. He argued that the right was implied through amendments such as the 4th Amendment which makes searches without a warrant illegal and the 3rd Amendment which says a person cannot be forced to provide housing for soldiers in their house against their will.

He also strongly argued that the Fourteenth Amendment ensured that the freedom of speech, guaranteed by the First Amendment at the national level, was also protected at the state level. Up until this time, it was believed that the rights identified in the Bill of Rights were only protected against intrusion by the national government, and that the limits did not apply to the states. Brandeis argued, ultimately successfully, that through the 14th Amendment the states were also obligated to protect the people’s right of free speech, and acceptance of this interpretation later led to the recognition that the states also could not do unlawful searches and seizures, had to provide lawyers if a person could not afford one, etc.

His opinions were, according to legal scholars, some of the “greatest defenses” of freedom of speech and the right to privacy ever written by a member of the Supreme Court. Brandeis died in Washington, D.C., on October 5, 1941. Seven years later, a new college opened nine miles outside of Boston; it was named Brandeis University after the "people’s lawyer."
Key motivations for your Progressive reformer

Progressive reformers were often fighting for very different things, but all of them believed they were trying to make America a better place. Three major goals of progressives were to a) make politics more democratic, b) make business more fair, and c) to make society more moral. Which one or more of these were goals of your particular progressive reformer? Explain your answer.

Other Important Information you want to be sure to inform the class about:
In this space, create two substantial questions that you would like your reporters to ask during the press conference, that will highlight key points that you want made and will help make the case that your reformer deserves the Nobel Prize for Progressivism:

1.

2.

In the following space, create a one-half page inspirational biography about your reformer that you will use to introduce the reformer at the press conference. It should be exciting and informative and should make the case that your reformer should get the Nobel Prize for doing the best at fixing the problems of America.