



GEORGIA
HISTORY FESTIVAL



A Nation of Laws:

COURTS AND THE FOUNDATION OF FREEDOM



**A Nation of Laws:
Courts and the Foundation of Freedom**
Georgia History Festival 2025-2026

This educational resource from the Georgia Historical Society is intended to provide a framework to engage educators and students to explore the rule of law and the role of the courts as part of the *Georgia History Festival*.

Comprised of a unique digital resource, a primary source set, and educator guide, this classroom resource bundle helps students understand the vital role that democratic institutions play in sustaining a republican form of government. Emphasis in this set is on the role of an independent judiciary in maintaining the separation of power and the rule of law.

All resource elements are aligned to the Georgia Standards of Excellence. This resource set features an overview of the three branches of government, the role and responsibilities of the courts, and groundbreaking court cases, all connected to the archival collections of GHS and the Georgia Historical Marker Program.





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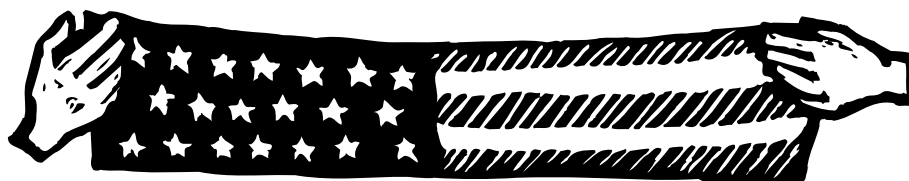
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An Introduction: The Rule of Law



A republic is the best form of government, a government of laws, not arbitrary rule.

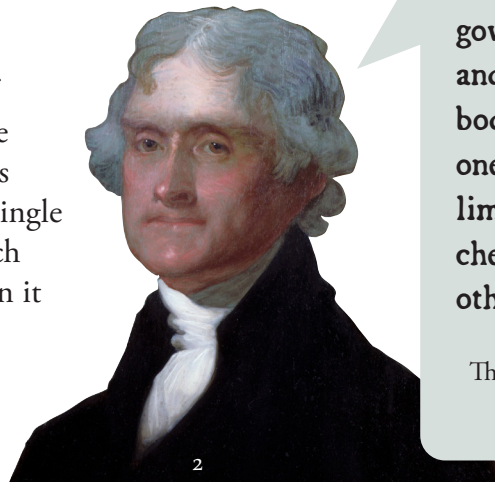
[T]here is no good government but what is Republican... [T]he very definition of a Republic, is "an Empire of Laws, and not of Men." That, as a Republic is the best of governments, so that particular arrangement of the powers of society, or in other words that form of government, which is best contrived to secure an impartial and exact execution of the laws, is the best of Republics.

~ Excerpt from *Thoughts on Government* (1776), John Adams

The "rule of law" refers to a framework of laws to which all people within a given area are bound. Within the United States, all citizens are bound by the Constitution broadly, then to the laws pertaining to their respective states, counties, cities, and/or towns. The rule of law is meant to create consistency and clarity, as all citizens are subject to the same laws and not to the whim of political leaders.

The Founders believed the rule of law was central to a functional republic. They drew their ideas from the great societies of the past, bringing forward laws they felt would best provide for a limited government and the liberty of the people. The representative structure of government in the United States is derived from the "consent of the governed," meaning the citizens agree to allow authority and power to a subset of citizens to create the laws under which we function. The process of voting is the way in which the people continue to approve, or show their disapproval, of a particular representative or political party within the government.

In designing a government comprised of three distinct branches-the Executive, the Legislative, and the Judicial-the Founders separated the responsibilities so that no single branch would have too much power. Each branch has a different responsibility when it comes to establishing federal laws.



"Without liberty, law loses its nature and its name, and becomes oppression. Without law, liberty also loses its nature and its name, and becomes licentiousness."

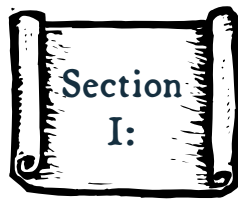
James Wilson, *Of the Study of the Law in the United States*, 1790

"As good government is an empire of laws, how shall your laws be made? In a large society, inhabiting an extensive country, it is impossible that the whole should assemble to make laws. The first necessary step, then, is to depute power from the many to a few of the most wise and good."

John Adams, *Thoughts on Government*, 1776

"An elective despotism was not the government we fought for; but one in which the powers of government should be so divided and balanced among several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others."

Thomas Jefferson, *Notes on the State of Virginia*, 1785



The Constitution and the Three Branches of Government

The Constitution

The Constitution of the United States is the document that defines the purpose, structure, and responsibilities of the federal government. The document was debated and drafted between May 25 and September 17, 1787, by members of the Constitutional Convention in Philadelphia, Pennsylvania.

Initially intending only to amend the Articles of Confederation (the nation's first governmental framework), the members of the Convention instead reworked the entire structure for the new republic. Over the course of the next year, the new document was debated and ratified in each of the thirteen states (North Carolina did not ratify until 1789, Rhode Island in 1790). The Constitution became the official framework of the United States government on June 21, 1788.



The Structure

The Constitution portrays the concept of federalism and provides the structure for a democratic republic. The first three articles of the Constitution lay out the design for the three branches of government.

Finally, Article seven outlines the process by which the states would ratify the new Constitution.

Article I	The Legislative Branch is bi-cameral, includes the House of Representatives and the Senate, and is called Congress. It is responsible for making federal laws.
Article II	The Executive Branch is made up of the President, Vice President, the Cabinet, and its Departments (ex. Secretary of State and the State Department). They are responsible for implementing laws passed by Congress.
Article III	The Judicial Branch is made up of the Supreme Court and other federal courts, dealing with issues of constitutionality. They are responsible for the interpretation of laws and the Constitution.

The structure of the federal government is replicated at the state and local level. Watch this **“Things Explained: What is Federalism” video** from Georgia Public Broadcasting to learn more about the levels of government.



THE THREE BRANCHES OF THE US FEDERAL GOVERNMENT

Legislative Branch



Congress can impeach the president and judges.

Congress can change the jurisdiction of federal courts. Congress can overturn court decisions by creating an amendment.

Congress

Creates laws

House of Representatives

Based on the state's population
Serve 2 years
435 members

Senate

2 per state
Serve 6 years
100 members

Congress can override vetoes.

The president can veto the laws Congress makes.

Executive Branch



President of the US

Carries out laws

Vice President of the US

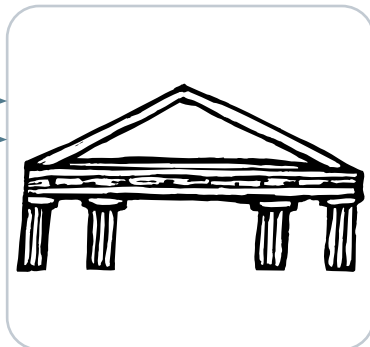
Cabinet

Includes the VP and 15 heads of executive departments
*Not elected

VP presides over the Senate. Cannot vote except to break a tie.

The Supreme Court can declare laws made by Congress and executive acts unconstitutional.

Judicial Branch



Supreme Court of the US

Interprets law | Serves for life
1 Chief Justice and 8 Associate Justices

US Circuit Courts of Appeal

13 courts

US District Courts

94 Judicial Districts



The Role of the Courts

The Supreme Court of the United States

“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”

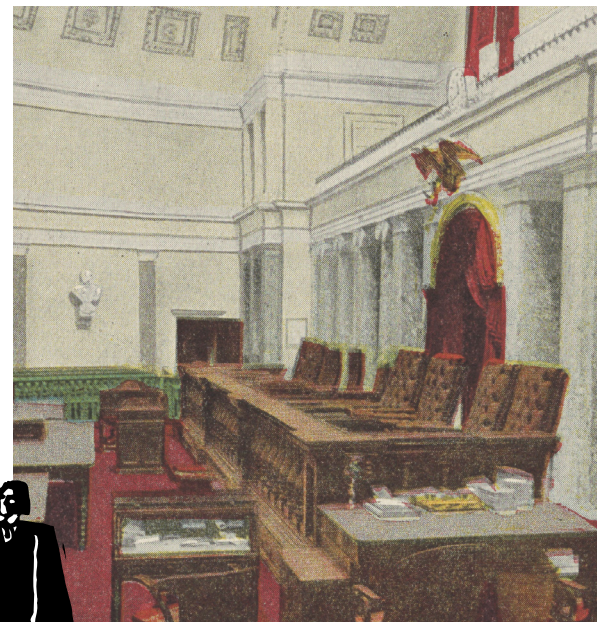
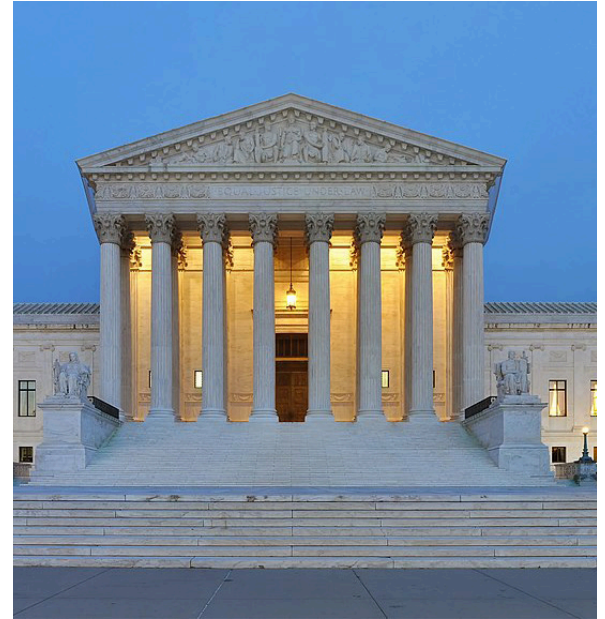
~ Constitution of the United States, Article III Section 1

The Constitution provides only a brief description of the purpose and structure of the federal judiciary. It was left to Congress to create the formal structure, which it did with the Judiciary Act of 1789.

Currently, the Supreme Court is made up of eight justices and one Chief Justice of the United States. Each year, the court hears a select number of cases, primarily chosen for their importance related to the Constitution or other federal laws.

Watch **“The U.S. Supreme Court Explained”** from Illustrate to Educate to learn more about the role of the court and answer the following questions.

1. How are Supreme Court justices selected?
2. What are the qualifications for justices to serve?
3. The term of a justice is “during good behavior.” What does this mean?
4. How many cases does the Supreme Court typically hear each year?
5. How does the Supreme Court implement its decisions?



Top: U.S. Supreme Court exterior. *Wikimedia*.
Bottom: Postcard of U.S. Supreme Court interior. *Library of Congress*.

Learn more!

1. President George Washington nominated the original Supreme Court justices, of which there were six. Read [George Washington and the Supreme Court](#) to learn about the original court.
2. Visit the [Supreme Court Historical Society](#) to learn more about the history of the court, its home, the justices, and landmark cases.

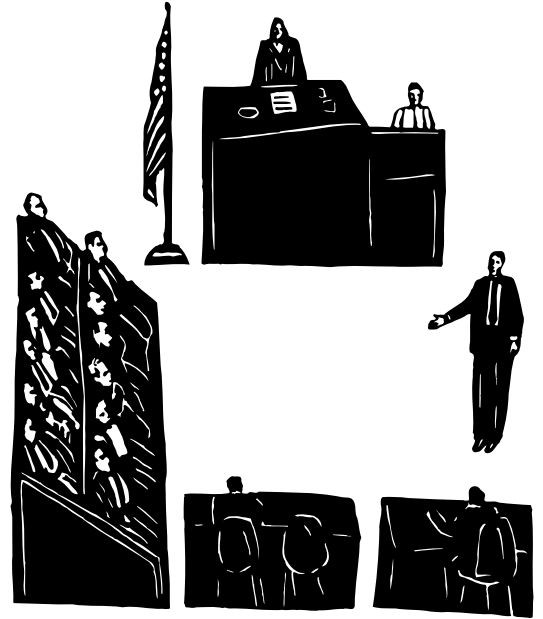
The Judiciary Act also created two additional levels of courts within the federal judiciary.

U.S. Courts of Appeals (Circuit Courts)

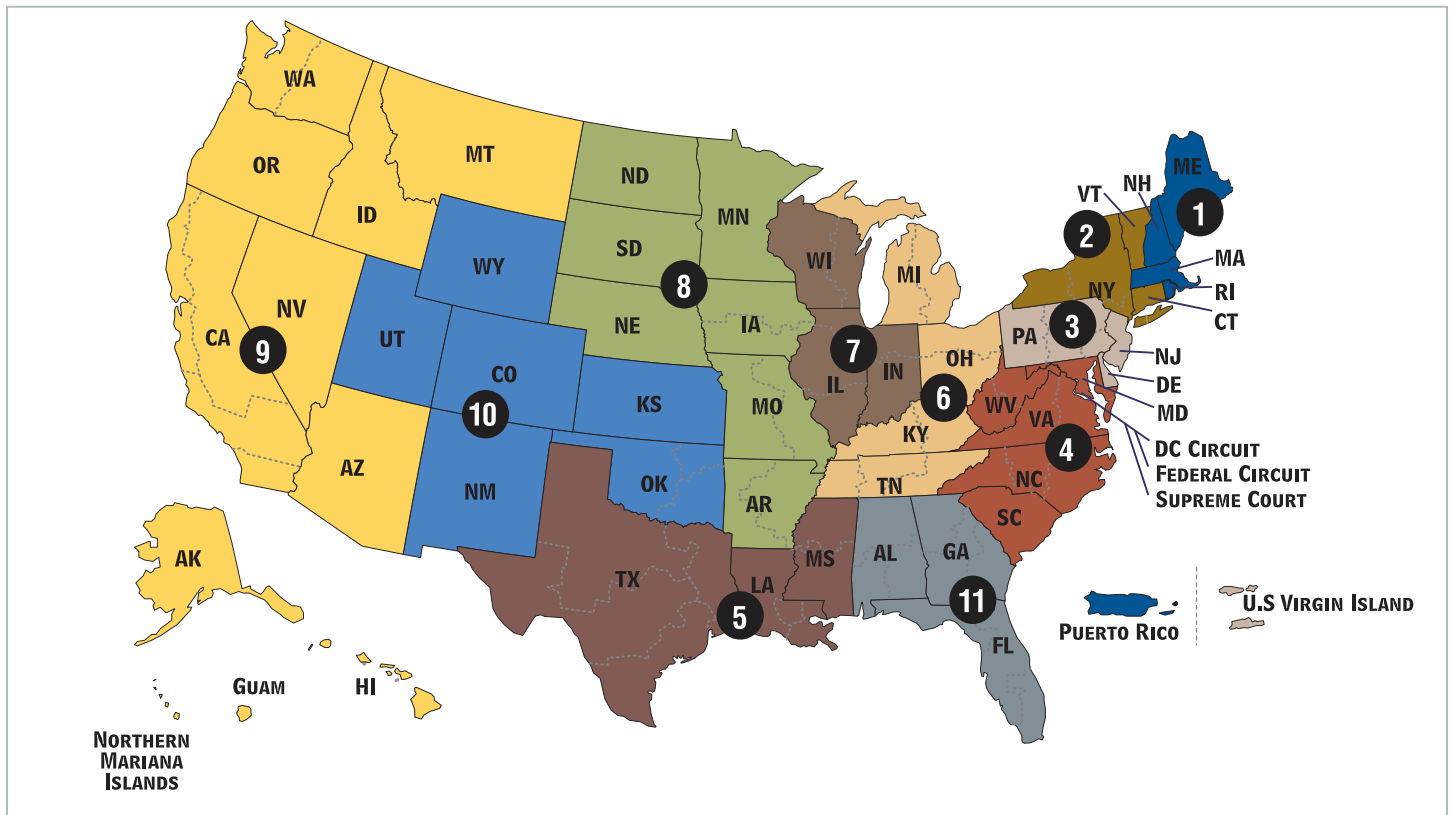
There are thirteen federal circuit courts. These courts hear two types of cases: (1) appeals of lower court decisions, and (2) challenges from courts within its circuit.

U.S. District Courts (Trial Courts)

District courts hear both civil and criminal cases, occurring within each of the 94 federal judicial districts. In addition to these cases, the court also has jurisdiction over bankruptcy cases, international trade cases, and federal claims cases (people suing the U.S. government).



Geographic Boundaries of United States Courts of Appeals and United States District Courts

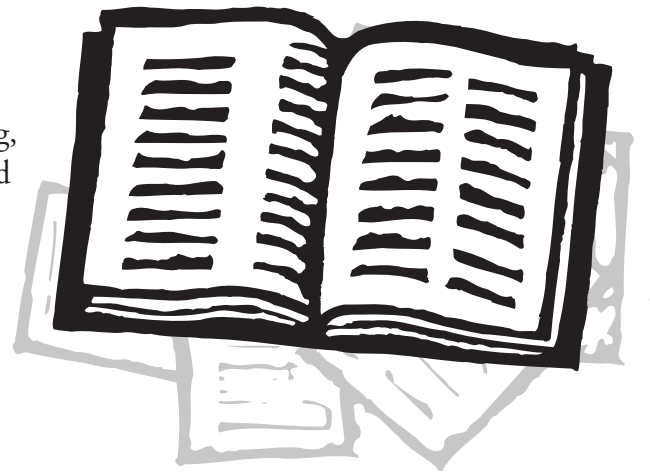


Map showing the eleven district courts, as well as the District of Columbia Circuit and Federal Circuit, making thirteen in all. *Courtesy of United States Courts website.*

State of Georgia Court Structure and Purpose

Reflective of the United States Constitution, Georgia has a **state constitution** which includes a Bill of Rights, the process for voting, the structure and role of the state government's three branches, and issues related to taxation, education, and corporations.

Article VI outlines the framework and responsibilities of the Judicial Branch. Sections VI and VII detail the role of Georgia's Supreme Court and the Selection, Term, Compensation, and Discipline of Judges.



Review this section (page 41-45) and answer the following questions:

- How many justices serve at any one time on the Supreme Court?
- Paragraph II states the Supreme Court “shall exercise exclusive appellate jurisdiction...” What does “appellate” mean?
- How are the Supreme Court justices selected? How long do they serve?

Watch “**Georgia Stories: The Judicial Branch**” presented by Georgia Public Broadcasting.

Create a chart or infographic of the different courts in Georgia and summarize the responsibility of each one.

Georgia Judges

United States Supreme Court justices are nominated by the President and confirmed by the Senate. As justices on the federal court, they come from all across the country. Since the Supreme Court's establishment in 1789, there have been 121 justices, seventeen of which have served as Chief Justice. Five justices have come from the state of Georgia.

Georgia Judges on the United States Supreme Court

1835-1867: James Moore Wayne

Interesting Fact: Wayne served as president of the Georgia Historical Society from 1841-1854 and 1856-1862.

1881-1887: William Burnham Woods

Interesting Fact: Woods's first visit to Georgia was as a soldier under General Sherman during the Civil War.

1888-1893: L.Q.C. Lamar

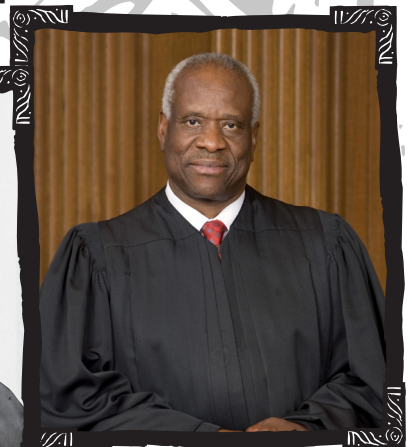
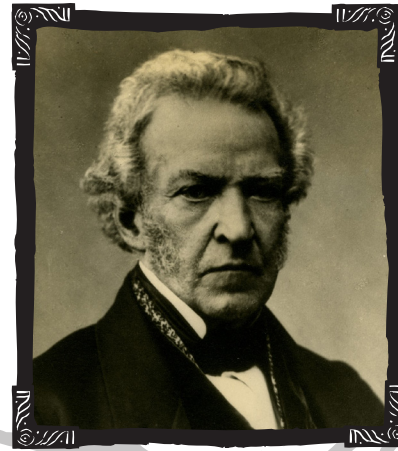
Interesting Fact: Lamar was one of only two men to serve in the U.S. House of Representatives, the U.S. Senate, as a member of the President's Cabinet, and as a justice on the U.S. Supreme Court.

1911-1916: Joseph Rucker Lamar

Interesting Fact: Lamar was a classmate of future president Woodrow Wilson at the Joseph T. Derry's School for Boys in Augusta, GA.

1991-Present: Clarence Thomas

Interesting Fact: Thomas's first language is Gullah, a Creole language spoken in Coastal South Carolina, Georgia, and northern Florida.



For Further Investigation:

Read **"Supreme Court Justices"** by Justice Sandra Day O'Connor to learn more about the justices from Georgia.



Supreme Court of Georgia “Firsts”

Read the Georgia Historical Marker or watch the *Today in Georgia History* episode relevant to each of these “firsts” and answer the questions.

Supreme Court - **First Session Supreme Court of Georgia**

- On what date did the Supreme Court of Georgia meet for the first time?
- In what county did the court meet?
- Based on the marker text, how many justices served on that first court?

First Chief Justice – **Home of Joseph Henry Lumpkin Historical Marker**

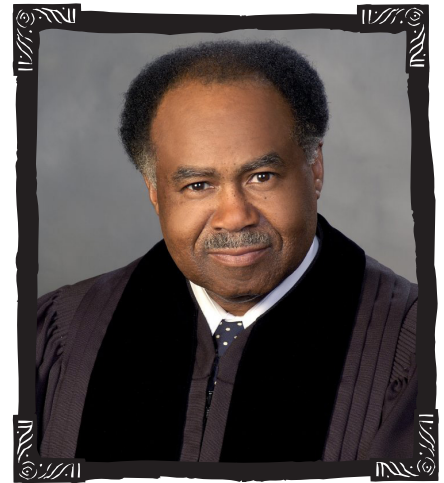
- In what year was Justice Lumpkin elected to the Georgia Supreme Court?
- How long did he serve on the court?
- Where is this marker located?

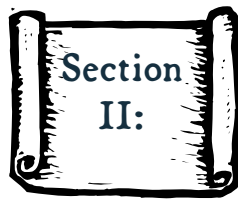
First African American Justice – *Today in Georgia History* – **Robert Benham**

- In what year was Justice Benham elected to the Georgia Supreme Court?
- How long did he serve on the court?
- In what Georgia town was he born?

First Female Justice – *Today in Georgia History* – **Leah Ward Sears**

- Justice Sears eventually settled in Atlanta, but where was she born?
- When was she appointed to the Georgia Supreme Court?
- How long did she serve on the court?





Significant Cases in American and Georgia History



The Constitution

These selected Supreme Court cases had significant impact across the United States, each in its time, and still today.

Investigate the resources included for each case. Take on the role of a journalist and write an article or create a news broadcast that summarizes the case and highlights the impact. Use one of the graphic organizers in the Appendix to organize your research.

Marbury v. Madison (1803) – This case formally established the concept of Judicial Review.

- Virtual Museum of Law – *Marbury v. Madison*
- *Dispatches from off the Deaton Path - The Great Chief Justice: The Supreme Court Pick That Really Changed History*

Worcester v. Georgia (1832) – Supreme Court ruled that only the Federal government could make laws affecting native tribes; Georgia had no jurisdiction to make and enforce laws relative to the Cherokee Nation.

- Virtual Museum of Law – *Worcester v. Georgia*
- *Today in Georgia History – Worcester v. Georgia*
- Georgia Historical Marker: New Echota: Cherokee National Capital
- Georgia Historical Marker: Dr. Elizur & Esther Butler: Missionaries to the Cherokees
- Wooden box made by Rev. S.A. Worcester and E. Butler

Fletcher v. Peck (1810) – The Yazoo Land Fraud was significant in the history of Georgia. This case focused on contract and property rights related to the land fraud.

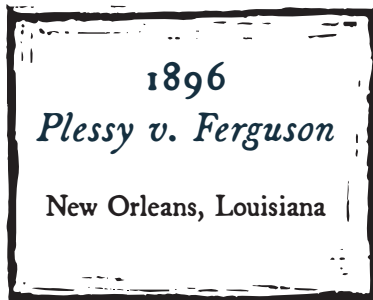
- Virtual Museum of Law – *Fletcher v. Peck*
- *Today in Georgia History – Georgia's First Land Lottery*
- Georgia Historical Marker: "Yazoo Fraud"
- South Carolina Yazoo Co Subpoena

Dred Scott v. Sandford (1857) – This controversial decision stated that enslaved persons are not free just because they had once been in a "free state," nor were Blacks considered "citizens."

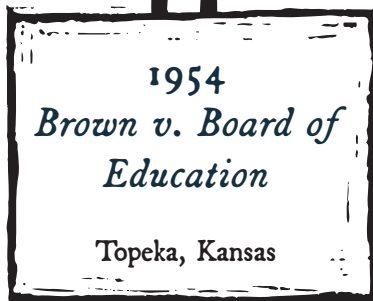
- Virtual Museum of Law – The Dred Scott Case
- *Today in Georgia History – Dred Scott Decision*
- *Dispatches from Off the Deaton Path – Dred Scott: The Worst Supreme Court Decision Ever?*
- Benjamin Rush letter to James Moore Wayne

Separate but Equal: On the Trail of Change

Have you heard the phrase, “separate but equal”? Do you know where it originated or what it describes? Let’s take a look at three important court cases and see what they have to tell us!



This was a planned civil disobedience action to challenge the 1890 Separate Car Act in Louisiana. The act, or law, required the railroads to provide separate cars for seating White and Black passengers. The railroad companies did not like the expenses it added to their bottom line and worked with the Citizens Committee to challenge the law in court. Watch [this video from the Virtual Museum of Law](#) to learn more.



More than 50 years after *Plessy v. Ferguson*, Black families around the country were tired of sending their children to school farther away from their homes because the ones closest were White schools only. In 1951 in Topeka, KS, Reverend Oliver Brown tried to enroll his two daughters in the school closest to their home, rather than having them bused farther away. Based on *Plessy v. Ferguson*, the Browns, along with several other KS families, were denied this opportunity. Watch [this video from the Virtual Museum of Law](#) to learn more.

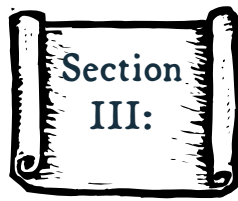


Although *Brown v. Board of Education* desegregated public spaces in the United States, the Supreme Court left it up to the individual states to implement plans to do so. Georgia was among several southern states that resisted desegregation for many years. However, DeKalb County eventually put into place a comprehensive plan approved by the District Court in 1969. This case follows the progress over 20 years until the DeKalb County School District was relieved of court oversight. Watch [this video from the Virtual Museum of Law](#) to learn more.

Activity

Use a graphic organizer to outline the details of each case: who, what, why, and the outcome. Using the details from your research, write a short article about the evolution of the idea “separate but equal.”



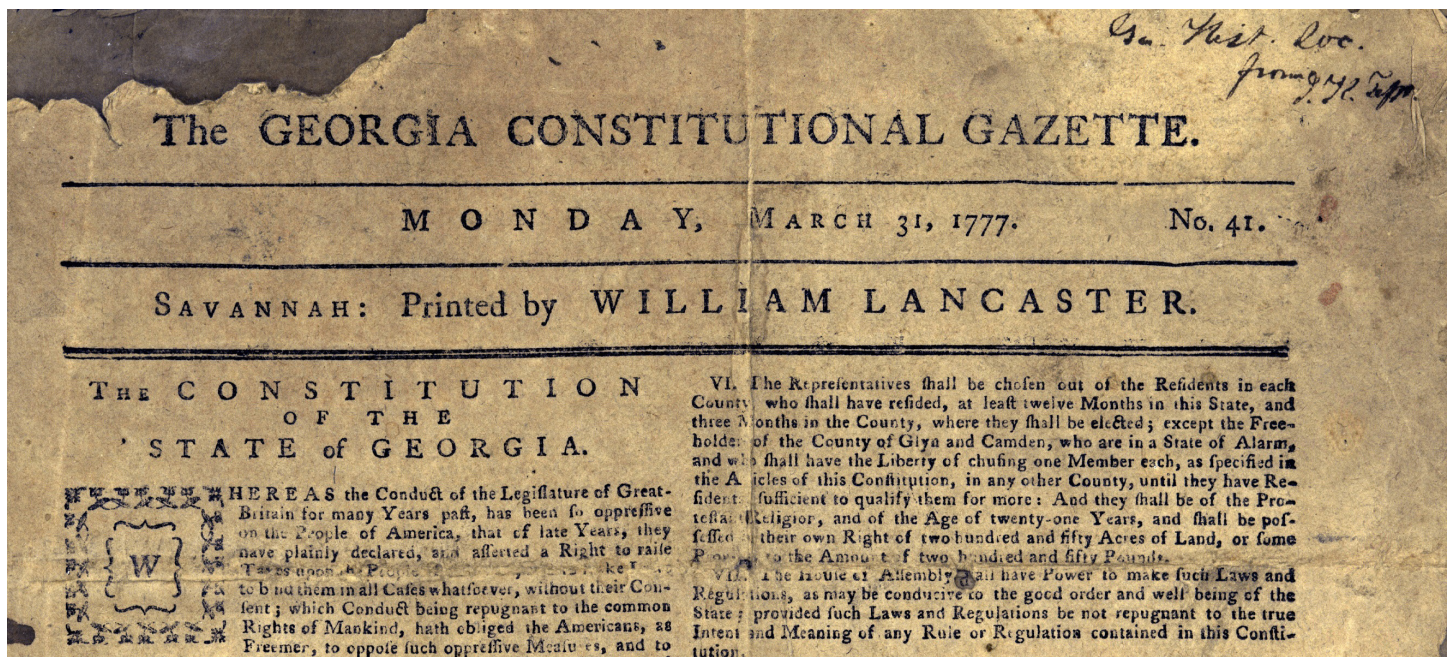


Laws That Built Georgia

The colony of Georgia was established in 1733 by a group of Trustees whose intent was to create opportunity for the “worthy poor,” people needing a new start in life, but also possessing the skills needed to contribute to a prosperous colony. Provisions were put in place to support the new settlers and provide for their individual success, and the overall economic success of the colony, as much as possible. The Trustees were not allowed to prosper from this experiment—they could not receive a salary or own land in the colony during their tenure as a Trustee. These actions, along with the rules for settlers, made Georgia wholly different from the twelve colonies that came before.

However, it was not only people who were interviewed and selected by the Trustees to travel to Georgia who settled here. Colonists began arriving from other Royal colonies, bringing with them ideas and expectations that differed from the rules set by the Trustees. Eventually, this led to the dissolution of the Trustees and turning over governance of the colony to the British Crown earlier than originally intended. With this action in 1752, many of the rules instituted by the Trustees were discarded and things began to change in Georgia, approximately 20 years after its founding.

In another 20 years, more changes were to come, with the official start of the revolution against British rule in 1775. By 1777, Georgia, along with the other twelve colonies, had initiated separation from Great Britain by signing the Declaration of Independence, participating in the Revolutionary War, and creating its own state constitution. Under the new constitution the General Assembly was created as the legislative body tasked with creating laws for the state.



Georgia's first state constitution, 1777, printed in the *Georgia Constitutional Gazette*, no. 41, on March 31, 1777. *Georgia Historical Society*.

Let's take a look at a few of the laws and rules from each of these three eras in Georgia's history.

Year	Who	Law/Rule
1732	Georgia Charter	Land ownership capped at 500 acres.
1732	Georgia Charter	No slavery.
1732	Georgia Charter	No rum or hard liquor.
1751	By Royal Decree	Slavery was allowed in GA.
1752	Governor John Reynolds	White males owning 500+ acres could vote.
1758	Royal Assembly	The Anglican Church (Church of England) was established as the official church of Georgia.
1777	Georgia Constitution	Schools will be built in each county and supported by the State.
1777	Georgia Constitution	Freedom of the press and trial by jury will never be violated.
1777	Georgia Constitution	No clergyman of any denomination can hold a seat in the legislature.

Pick one of the laws/rules listed above. Why do you think this law/rule was implemented?

Who came up with that? Weird laws in Georgia.

Every town has them-weird laws that seem to make no sense. But they must have had a purpose at some point!

Let's take a look at some of Georgia's weirdest laws, still on the books today. Pick one to research and see if you can figure out when and why it was created.

QUITMAN

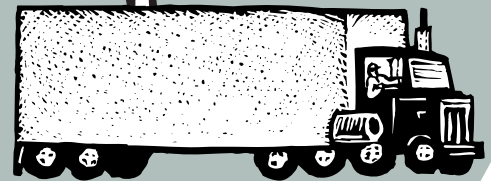


- It's illegal for chickens to cross the road.



MARIETTA

- No spitting from a car or bus window...truck windows are okay, though.



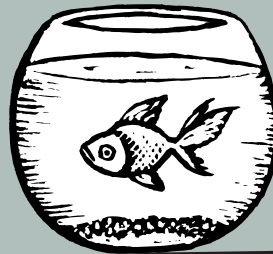
ACWORTH



- Every homeowner must own a rake!

SAVANNAH

- Do not smoke, attempt to smoke, light or attempt to light a cigarette, cigar, pipe, or tobacco of any form, in bed.



ATLANTA

- No whistling after 11:00 pm...on Monday nights.

ATHENS

- It's illegal to use goldfish as a way to get people to play bingo.

L. S.

Sheweth that the said
then complainant
by
The State of Virginia

In Equity

The President of the United States to the Governor of the State of Virginia
The Attorney General and Chairman of the same

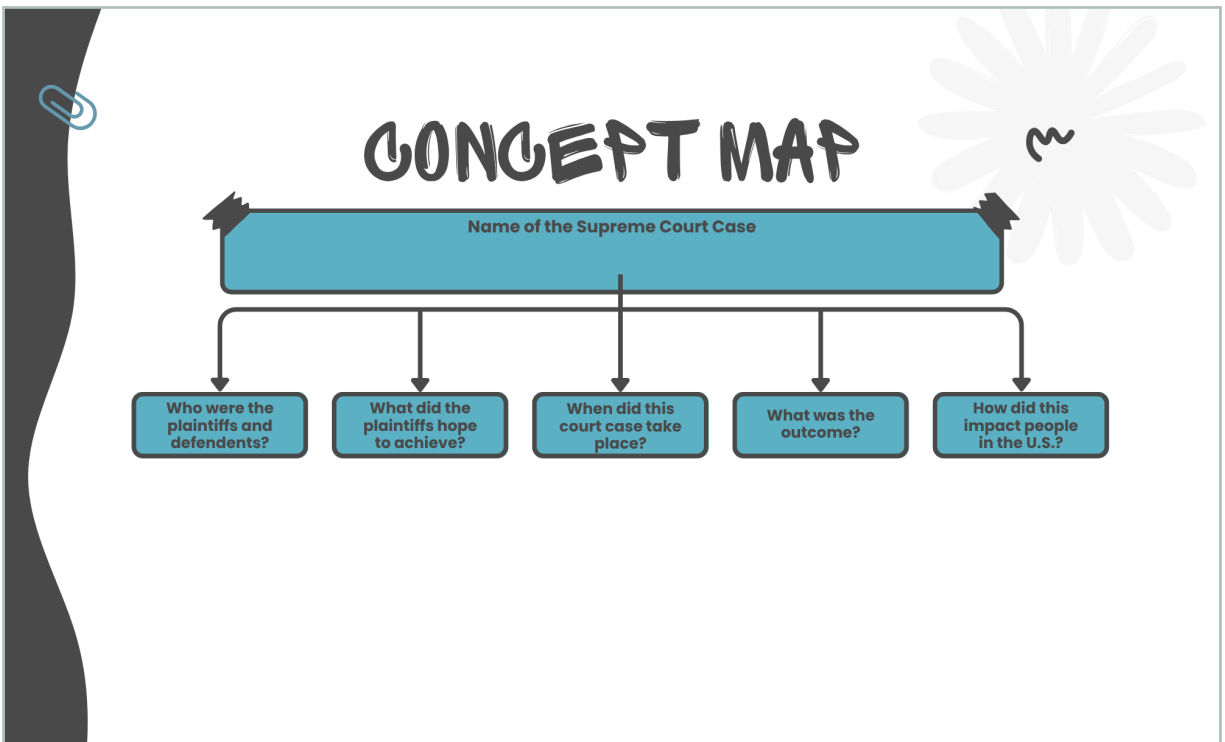
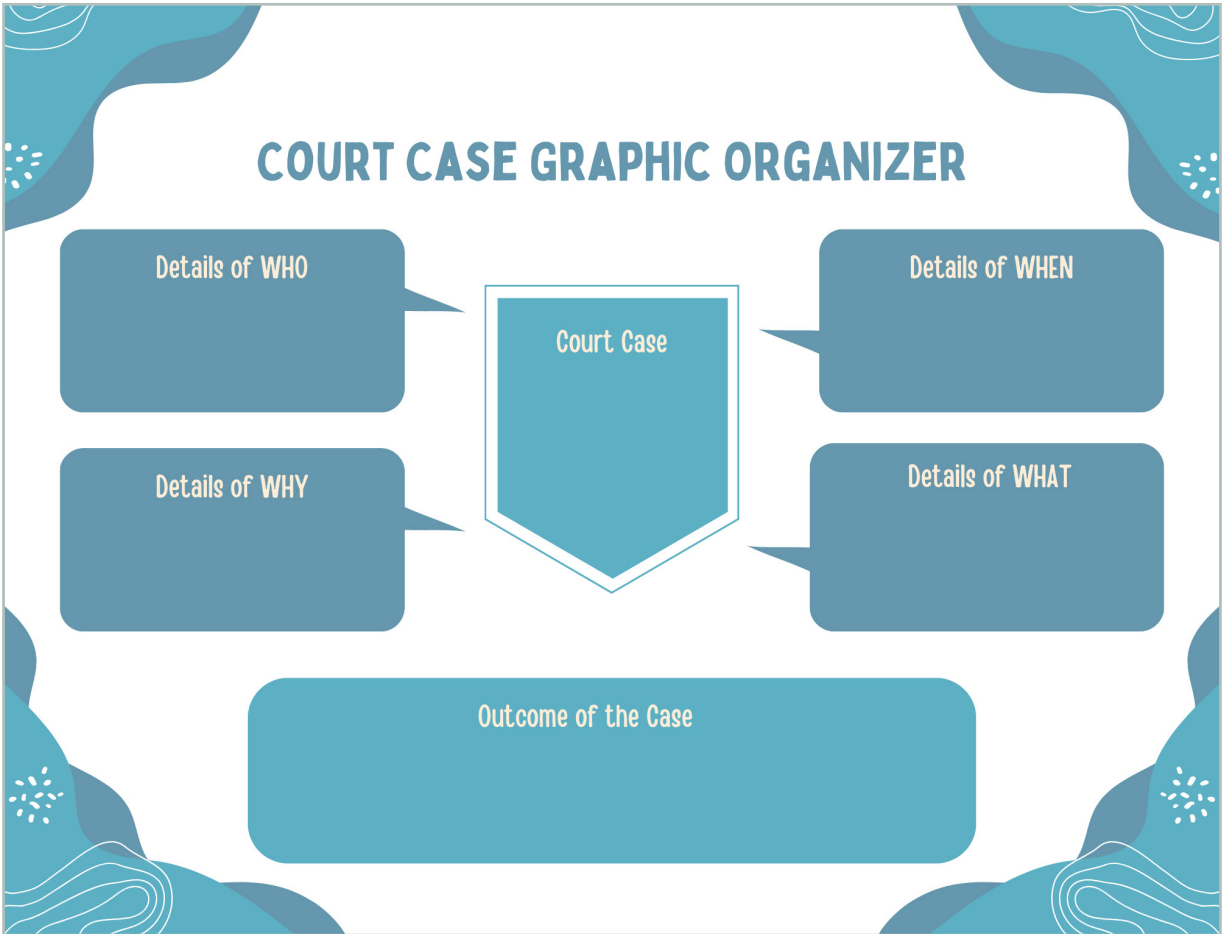
Greeting: For certain causes offered before the Supreme Court of the United States holding jurisdiction in Equity, you are hereby commanded, and strictly enjoined, that laying all other matters aside and notwithstanding any excuse, you personally be and appear before the said Supreme Court holding jurisdiction in Equity, on the *first Monday* — in *October* next at Philadelphia, being the present seat of the National Government of the United States, to answer concerning those things which shall then and there be objected to you, and to do further and receive what the said Supreme Court holding jurisdiction in Equity shall have considered in this behalf; and this you may in no wise omit, under the penalty of Four Hundred Dollars: *Witness* the Honorable Oliver Ellsworth, Esquire Chief Justice of the said Supreme Court at Philadelphia the *fourteenth* first day of *December* in the year of our Lord One Thousand seven hundred and ninety six and of the Independence of the United States the *twentieth*.

(Signed)
J. Wagnon, Secy. St. U.S.

15

improved for giving utterance
to a suitable expression of the
voice of Pennsylvania with
reference to the Dred Scott
decision. Though not a
member of the Convention,
it was agreed that I
should prepare the Reso-
lution, which I accordingly
did, and handed to the
Chairman of the Committee
on Resolutions, in these words:-

"Resolved that the recent
decision of the Supreme Court
of the United States in the
case of Dred Scott versus
John F. A. Sandford, is a model
of



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Founded in 1839, the Georgia Historical Society is the premier independent statewide educational and research institution responsible for collecting, examining, and teaching Georgia and American history. The Georgia Historical Society is the oldest continuously operating historical society in the South and one of most prestigious in the nation.

Making the past relevant to the present is at the core of our mission. Through our award-winning public programs, publications, teacher training, and research services, we aim to use the power of our shared history to offer all Americans new and deeper perspectives on the past and present.

What We Believe

We believe in the value of history.

We believe that public knowledge of our past is fundamental to our future.

We believe our shared history is what binds us together as Americans.



GEORGIA HISTORY FESTIVAL

The *Georgia History Festival* is the signature K-12 educational program of the Georgia Historical Society (GHS), reaching hundreds of thousands of students statewide. Beginning with the new school year in September, a variety of public programs, exhibits, events, and educational resources bring history to life for students of all ages and encourage Georgians to explore the richness and diversity of our state's past. In addition to new online and in-person programming, the *Festival* includes popular annual events, such as the Colonial Faire and Muster living-history program; Super Museum Sunday, the Georgia Day Expo, and the Governor's induction of two modern-day Georgia Trustees at the elegant Trustees Gala.