

### 1: Chapter 13 - Coming to Terms with the New Age | CourseNotes

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At this time, the working classes had an important ally: In , Upton Sinclair published *The Jungle* , a shocking novel about the harsh conditions in Chicago meatpacking plants. Ida Tarbell attacked the corruption of the Standard Oil Company, while Lincoln Steffens criticized the corruption of municipal planning. Active Themes On the other side of the political spectrum, the early 20th century saw the continued dominance of capitalist leaders like J. Partly in reaction to financial instability, the early 20th century saw the rise of management science, a field pioneered by Frederick W. Deskillling the labor force was useful for wealthy factory owners, because it meant that the owners had to pay their employees lower wages, and that the labor force had less bargaining power in union disputes in the event of a strike, factory owners often could hire new, deskilled laborers to replace the strikers. In response, workers took to the streets to demonstrate and union membership grew. Most unions continued to exclude black members, and most excluded immigrants and women. However, other unions, such as the I. In , the I. At the meeting, the I. Zinn argues that elites, recognizing that the I. In reaction to the worsening conditions in American factories, and the increased disposability of the American worker, unions compensated by staging strikes and protests against capitalist greed. However, Zinn focuses on the history of the I. Active Themes In , the I. Wool and textile workers, many of them immigrants and women, went on strike, and the I. In response, the Lawrenceville mayor sent in the militia, and militia members killed or wounded many strikers. However, the surviving strikers continued to demonstrate, and, in the end, the American Woolen Company AWC decided to offer modest raises to its employeesâ€™ around ten percent. The Lawrence Strike of is notable because it incorporated an impressively diverse group of strikers, including women and immigrants from many different countries. Even if the strike was only ever a modest success in practical terms it only encouraged the AWC to dole out a minimal pay raise to its employees it proved to other labor unions that a diverse coalition of unskilled workers could come together for a common cause. In the early 20th century, the number of strikes was growing at a startling rate. An increasing number of moderate and middle-class people were embracing the idea that capitalists exerted too much power over the country. Around this time, Eugene Debs emerged as a national leader once again. Debs had become a Socialist during his time in prison; in the early 20th century, he became the president of the American Socialist party. Debs was an eloquent, charismatic speaker, and he traveled across the country, building awareness of Socialism. Women and immigrants played active roles in Socialismâ€™ indeed, one of the key Socialist organizers of the era was Helen Keller. During the late 19th and early 20th century, Americans embraced non-capitalist economic theories and ideologies. Many people, including moderate, middle-class people, recognized the dangers of capitalism thanks, in part, to the achievements of the Muckrakers and wanted radical change. Zinn also uses this passage to pivot from a discussion of Socialism and economic unrest to a discussion of feminism. Active Themes The feminist movement of the early 20th century faced a dilemma. Feminist leaders debated over whether they should focus on the socialist agenda first or prioritize gender equality. Some argued that, if socialism prevailed in America, gender equality would follow naturally. Early 20th century feminists faced a familiar problem: Zinn conveys some of the ideological debate within the feminist movement, between those who thought that Socialism could solve problems of sexism, and those who believed that Socialismâ€™ a program of social equalityâ€™ could only take root in America if there was gender reform first. One of the key black organizers of the era was the intellectual W. Du Bois assembled leaders in Buffalo to discuss the role of African Americans in the country: The absence of racial reform during the Progressive era might illustrate the racial bias of the American labor movementâ€™ a topic that some historians have accused Zinn of not addressing in sufficient detail. Black leaders of the era, including Du Bois, worked together to assemble their own coalitions of activists. Active Themes There were, in short, many different political activist groups during the so-called Progressive era, each with its own set of ideals. In this passage, Zinn makes an important distinction between reform and radical change. Roosevelt is too-often treated as a hero of the Progressive movement, when, according to Zinn, he acted out of fear of the masses, not moral

commitment to their happiness. As many people see it, a liberal is someone who supports equality, human rights, and cooperation between the different segments of society. Active Themes One of the key organs of liberalism in the Progressive era was the National Civic Federation NCF , an organization founded by a conservative journalist named Ralph Easley, with the stated goal of improving relations between capital and labor. In practice, the NCF was instrumental in placating the labor movement with minor reforms to the workday, compensation, and factory conditions. In essence, Progressivism was just conservatism by another name. Zinn has been roundly criticized for being too hard on Progressivism and paying mere lip-service to the role of sincere, committed Progressive politicians of the era. Active Themes Faced with Progressive reform, Socialist leaders faced a dilemma: From to , coal workers in Ludlow, Colorado participated in a massive strike. Zinn takes it as a sign of the insufficiency of government action during the Progressive era that unions and Socialist groups continued to strike and protest against the state of society. Zinn never comes right out and says that the government deliberately attacked a foreign power to distract attention from labor unrest, but he strongly implies that it did. Retrieved November 14,

### 2: US History Assignment Guide Chapter 13

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Chapter 13 allows a debtor to keep property and pay debts over time, usually three to five years. It enables individuals with regular income to develop a plan to repay all or part of their debts. Under this chapter, debtors propose a repayment plan to make installments to creditors over three to five years. In no case may a plan provide for payments over a period longer than five years. During this time the law forbids creditors from starting or continuing collection efforts. This chapter discusses six aspects of a chapter 13 proceeding: Advantages of Chapter 13 Chapter 13 offers individuals a number of advantages over liquidation under chapter 7. Perhaps most significantly, chapter 13 offers individuals an opportunity to save their homes from foreclosure. By filing under this chapter, individuals can stop foreclosure proceedings and may cure delinquent mortgage payments over time. Nevertheless, they must still make all mortgage payments that come due during the chapter 13 plan on time. Another advantage of chapter 13 is that it allows individuals to reschedule secured debts other than a mortgage for their primary residence and extend them over the life of the chapter 13 plan. Doing this may lower the payments. Chapter 13 also has a special provision that protects third parties who are liable with the debtor on "consumer debts. Finally, chapter 13 acts like a consolidation loan under which the individual makes the plan payments to a chapter 13 trustee who then distributes payments to creditors. Individuals will have no direct contact with creditors while under chapter 13 protection. These amounts are adjusted periodically to reflect changes in the consumer price index. A corporation or partnership may not be a chapter 13 debtor. In addition, no individual may be a debtor under chapter 13 or any chapter of the Bankruptcy Code unless he or she has, within days before filing, received credit counseling from an approved credit counseling agency either in an individual or group briefing. There are exceptions in emergency situations or where the U. If a debt management plan is developed during required credit counseling, it must be filed with the court. How Chapter 13 Works A chapter 13 case begins by filing a petition with the bankruptcy court serving the area where the debtor has a domicile or residence. Unless the court orders otherwise, the debtor must also file with the court: The debtor must also file a certificate of credit counseling and a copy of any debt repayment plan developed through credit counseling; evidence of payment from employers, if any, received 60 days before filing; a statement of monthly net income and any anticipated increase in income or expenses after filing; and a record of any interest the debtor has in federal or state qualified education or tuition accounts. The debtor must provide the chapter 13 case trustee with a copy of the tax return or transcripts for the most recent tax year as well as tax returns filed during the case including tax returns for prior years that had not been filed when the case began. A husband and wife may file a joint petition or individual petitions. The Official Forms may be purchased at legal stationery stores or downloaded from the Internet at [www.uscourts.gov](http://www.uscourts.gov). They are not available from the court. Normally the fees must be paid to the clerk of the court upon filing. The number of installments is limited to four, and the debtor must make the final installment no later than days after filing the petition. For cause shown, the court may extend the time of any installment, as long as the last installment is paid no later than days after filing the petition. If a joint petition is filed, only one filing fee and one administrative fee are charged. Debtors should be aware that failure to pay these fees may result in dismissal of the case. In order to complete the Official Bankruptcy Forms that make up the petition, statement of financial affairs, and schedules, the debtor must compile the following information: Married individuals must gather this information for their spouse regardless of whether they are filing a joint petition, separate individual petitions, or even if only one spouse is filing. When an individual files a chapter 13 petition, an impartial trustee is appointed to administer the case. In some districts, the U. The chapter 13 trustee both evaluates the case and serves as a disbursing agent, collecting payments from the debtor and making distributions to creditors. Filing the petition does not, however, stay certain types of actions listed under 11 U. The stay arises by operation of law and requires no judicial action. As long as the stay is in effect, creditors generally may not initiate or continue lawsuits, wage garnishments, or even make telephone

calls demanding payments. The bankruptcy clerk gives notice of the bankruptcy case to all creditors whose names and addresses are provided by the debtor. Chapter 13 also contains a special automatic stay provision that protects co-debtors. Unless the bankruptcy court authorizes otherwise, a creditor may not seek to collect a "consumer debt" from any individual who is liable along with the debtor. Consumer debts are those incurred by an individual primarily for a personal, family, or household purpose. Individuals may use a chapter 13 proceeding to save their home from foreclosure. The automatic stay stops the foreclosure proceeding as soon as the individual files the chapter 13 petition. The individual may then bring the past-due payments current over a reasonable period of time. Nevertheless, the debtor may still lose the home if the mortgage company completes the foreclosure sale under state law before the debtor files the petition. The debtor may also lose the home if he or she fails to make the regular mortgage payments that come due after the chapter 13 filing. Between 21 and 50 days after the debtor files the chapter 13 petition, the chapter 13 trustee will hold a meeting of creditors. During this meeting, the trustee places the debtor under oath, and both the trustee and creditors may ask questions. The debtor must attend the meeting and answer questions regarding his or her financial affairs and the proposed terms of the plan. Generally, the debtor can avoid problems by making sure that the petition and plan are complete and accurate, and by consulting with the trustee prior to the meeting. In a chapter 13 case, to participate in distributions from the bankruptcy estate, unsecured creditors must file their claims with the court within 90 days after the first date set for the meeting of creditors. A governmental unit, however, has days from the date the case is filed to file a proof of claim. The Chapter 13 Plan and Confirmation Hearing Unless the court grants an extension, the debtor must file a repayment plan with the petition or within 14 days after the petition is filed. A plan must be submitted for court approval and must provide for payments of fixed amounts to the trustee on a regular basis, typically biweekly or monthly. The trustee then distributes the funds to creditors according to the terms of the plan, which may offer creditors less than full payment on their claims. There are three types of claims: Priority claims are those granted special status by the bankruptcy law, such as most taxes and the costs of bankruptcy proceeding. In contrast to secured claims, unsecured claims are generally those for which the creditor has no special rights to collect against particular property owned by the debtor. The plan must pay priority claims in full unless a particular priority creditor agrees to different treatment of the claim or, in the case of a domestic support obligation, unless the debtor contributes all "disposable income" - discussed below - to a five-year plan. If the debtor wants to keep the collateral securing a particular claim, the plan must provide that the holder of the secured claim receive at least the value of the collateral. If the obligation underlying the secured claim was used to buy the collateral. e. Payments to certain secured creditors i. The debtor should consult an attorney to determine the proper treatment of secured claims in the plan. If the debtor operates a business, the definition of disposable income excludes those amounts which are necessary for ordinary operating expenses. The applicable commitment period must be three years if current monthly income is less than the state median for a family of the same size - and five years if the current monthly income is greater than a family of the same size. The plan may be less than the applicable commitment period three or five years only if unsecured debt is paid in full over a shorter period. Within 30 days after filing the bankruptcy case, even if the plan has not yet been approved by the court, the debtor must start making plan payments to the trustee. No later than 45 days after the meeting of creditors, the bankruptcy judge must hold a confirmation hearing and decide whether the plan is feasible and meets the standards for confirmation set forth in the Bankruptcy Code. If the court confirms the plan, the chapter 13 trustee will distribute funds received under the plan "as soon as is practicable. If the court declines to confirm the plan, the debtor may file a modified plan. The debtor may also convert the case to a liquidation case under chapter 7. If the court declines to confirm the plan or the modified plan and instead dismisses the case, the court may authorize the trustee to keep some funds for costs, but the trustee must return all remaining funds to the debtor other than funds already disbursed or due to creditors. For example, a creditor may object or threaten to object to a plan, or the debtor may inadvertently have failed to list all creditors. In such instances, the plan may be modified either before or after confirmation. Modification after confirmation is not limited to an initiative by the debtor, but may be at the request of the trustee or an unsecured creditor. Making the Plan Work The provisions of a confirmed plan bind the debtor and each creditor. Once the court confirms the plan,

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the debtor must make the plan succeed. The debtor must make regular payments to the trustee either directly or through payroll deduction, which will require adjustment to living on a fixed budget for a prolonged period. A debtor may make plan payments through payroll deductions. This practice increases the likelihood that payments will be made on time and that the debtor will complete the plan. In any event, if the debtor fails to make the payments due under the confirmed plan, the court may dismiss the case or convert it to a liquidation case under chapter 7 of the Bankruptcy Code. The Chapter 13 Discharge The bankruptcy law regarding the scope of the chapter 13 discharge is complex and has recently undergone major changes. Therefore, debtors should consult competent legal counsel prior to filing regarding the scope of the chapter 13 discharge. A chapter 13 debtor is entitled to a discharge upon completion of all payments under the chapter 13 plan so long as the debtor: The discharge releases the debtor from all debts provided for by the plan or disallowed under section , with limited exceptions. Creditors provided for in full or in part under the chapter 13 plan may no longer initiate or continue any legal or other action against the debtor to collect the discharged obligations. As a general rule, the discharge releases the debtor from all debts provided for by the plan or disallowed, with the exception of certain debts referenced in 11 U. To the extent that they are not fully paid under the chapter 13 plan, the debtor will still be responsible for these debts after the bankruptcy case has concluded. Debts for money or property obtained by false pretenses, debts for fraud or defalcation while acting in a fiduciary capacity, and debts for restitution or damages awarded in a civil case for willful or malicious actions by the debtor that cause personal injury or death to a person will be discharged unless a creditor timely files and prevails in an action to have such debts declared nondischargeable. The discharge in a chapter 13 case is somewhat broader than in a chapter 7 case. Debts dischargeable in a chapter 13, but not in chapter 7, include debts for willful and malicious injury to property as opposed to a person , debts incurred to pay nondischargeable tax obligations, and debts arising from property settlements in divorce or separation proceedings. The Chapter 13 Hardship Discharge After confirmation of a plan, circumstances may arise that prevent the debtor from completing the plan. In such situations, the debtor may ask the court to grant a "hardship discharge. Generally, such a discharge is available only if: Injury or illness that precludes employment sufficient to fund even a modified plan may serve as the basis for a hardship discharge. The hardship discharge is more limited than the discharge described above and does not apply to any debts that are nondischargeable in a chapter 7 case.

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