Dr. Carson holds more than sixty honorary doctorate degrees and has received literally hundreds of awards and citations. In 2001, he was named by CNN and *Time* magazine as one of the nation’s 20 foremost physicians and scientists. Dr. Carson also writes a weekly opinion column for *The Washington Times* and has been a Fox News contributor.

University of the Cumberlands was honored to host Dr. Ben Carson as a part of the ongoing Forcht Lecture Series on April 1, 2014. In this issue of Morning in America we bring you his thoughts on the American Dream.

Inspiration, Motivation, Education: Achieving the American Dream

Medicine was the thing that really attracted me as a youngster. We all have different dreams, but I loved anything that had to do with medicine. Dr. Kildare, Dr. Casey—any of those things and I was right there listening. I even liked going to the doctor’s office. Going to the hospital was like the best thing in the world. I would sit out in the hallway and listen to the PA system: “Dr. Jones, Dr. Jones to the emergency room, Dr. Johnson to the clinic” and they just sounded so important. I would be thinking, “One day they’ll be saying, ‘Dr. Carson, Dr. Carson…. ’”

When I was eight years old, after listening to the mission stories in church and Sabbath School, I decided that I wanted to be a missionary doctor. They travel all over the world at great personal sacrifice to bring not only physical, but mental and spiritual healing to people. They seemed like the noblest people on the face of the earth, and I said “There isn’t anything else that I ever want to do.” That is until I was thirteen. At which time having grown up in dire poverty I decided I would rather be rich.

So at that point “missionary doctor” was out and “psychiatrist” was in. Now I didn’t know any psychiatrists, but on TV they seemed like rich people. They drove jaguars and lived in mansions and had these big plush offices, and all they had to do was talk to crazy people all day, and it seemed like I was doing that anyway. So I said, “This is going to work out extremely well.”

But in my dream of becoming a doctor, there were a lot of bumps in the road, not the least of which was the fact that my parents got divorced early on. My mother was one of 24 children and got married at age 13. She and my father moved from rural Tennessee to Detroit. He was a factory worker and some years later she discovered that he was also a bigamist. Obviously that resulted in a divorce and we ended up moving from Detroit to Boston to live with my mother’s older sister and brother-in-law, in a typical tenement, a large multi-family dwelling, boarded up windows and doors, sirens, gangs, and rats.

While we were enjoying that environment, my mother was out working, one job to the next, and to the next. She left at 5:00 in the morning and got back after midnight. She only had a 3rd grade education, but she was very observant. She didn’t want to be on welfare because she noticed that no one who went on welfare ever came off of it. So she refused to be a victim, and she never made excuses, and she never felt sorry for herself. And that was a good thing.

The problem is that she never felt sorry for us either, so you know there was never any excuse that we could make that was good enough. And that is important: the ability to
accept responsibility. Because if you wallow in excuses, you are not incentivized to do anything. I have noticed that the most successful people don’t make excuses. They find solutions. People who are always making excuses don’t get things accomplished. Every now and then one of them may succeed, may even become President. But for the most part, grabbing that responsibility makes the best leaders that we have.

My mother’s dream was to be able to return to Detroit, and after a few hard years we did; still in a multi-family dwelling, in a dilapidated area, but she was independent and I was a fifth grade student. I was a horrible student. I thought I was really, really stupid—and everybody else agreed with me, except for my mother. She was always encouraging, and you know, I did admire the smart kids. I would see their hands go up and I would think “how do they always know the answer?” But I would never admit to them that I actually admired them. I was just glad when the bell rang and it was time to get out of the school and go do something else.

My mother recognized that and she insisted that we do better. She insisted that we turn off the television and we had to read two books a piece every week from the Detroit Public Libraries and submit to her written book reports. As I read those books, I began to know stuff. The teacher would ask a question, the smart kids’ hands would go up, and I knew that answer too! Within the space of a year and a half, I went from the bottom of the class to the top of the class, much to the consternation of all those people who used to laugh and called me dummy. They were now coming to me saying, “Benny, Benny, how do you work this problem?” And I would say, “Sit at my feet youngster, while I instruct you.” I was perhaps, a little obnoxious, but it sure felt good to say that to those turkeys.

As I said earlier, I had decided to become a psychiatrist. When I went to college I majored in psychology. I had luminous professors such as Anna Freud, the daughter of Sigmund Freud, and Erik Erickson, and I was gung ho. Then when I got to medical school, I ran into a bunch of psychiatrists. What I discovered very quickly is what psychiatrists do on television and what they do in real life are two completely different things. They are some of the more intellectual members of the medical community, but it just wasn’t what I wanted to do.

I believe that God gives everybody special gifts and talents. And I asked myself, “What are you really, really good at?” As I analyzed my life I realized that I had a lot of eye-hand coordination, that I could think in three dimensions, and that I was a very careful person. I never knocked things over and said “oops!” That is a very good characteristic for a brain surgeon, by the way. And I loved to dissect things. I put that all together and I said “you would be a terrific neurosurgeon.” And that’s really how I came up with the idea.

Well, you know you would have thought life was really going to be good for me, that I was just going to zoom through with no further problems. Wrong! There were a lot of things that got in the way, including people who were not very encouraging. As a first year medical student I remember not doing so well on the first set of comprehensive exams. I was sent to see my counselor, who looked at my record and said “you seem like an intelligent young man. You are not cut out to be a doctor. You are just going to torment yourself and everybody else and we can help you get into another program so you wouldn’t have wasted your time.” It seemed like a kind offer. I was devastated. The only thing I ever wanted to do was be a doctor.

I went back to my apartment. I just prayed. I said, “Lord, I always thought you wanted me to be a doctor. You got to help me figure this out.” And I got to thinking about what kind of courses I had always done very well in and what kind of courses I had struggled in. I thought about it and I realized that I did well in the courses that I did a lot of reading, but struggled in courses where I listened to a lot of boring lectures. There I was listening to six to eight hours’ worth of boring

“Every morning my faith is restored when I see the clean cut, mannerly, hard working, mountain students walk with purpose, with head held high, body erect and with pleasant smiles on their faces.”
President Jim Taylor
lectures every day. So I made an executive decision then and there to skip the boring lectures and instead spend that time reading. The rest of medical school was a snap after that.

Now just one footnote for the students who are here, don’t skip your lectures. Don’t go to your professors and say, “Carson said we could skip our lectures.” The point is learn how you learn; everybody learns differently. When you understand how you learn, you have a tremendous advantage.

Obviously, it turned out to be a very good choice for me. After I graduated from medical school I started out as an adult neurosurgeon, but I very quickly discovered that no matter how good an operation you do on those chronic back pain patients, they never seem to get any better until they get their settlement. With the kids, though, what you see is what you get. If they feel good, you know they feel good. If they feel bad, you know they feel bad. You can operate for ten, fifteen, eighteen hours on a kid and if you are successful, the reward may be fifty, sixty, even seventy more years of life, whereas with an old geezer you spend all that time and then they die in five years of something else, so, I like to get the big return on my investment. (I am of course just kidding. I like old people—I’m one of them.)

But what an incredible thing it is for any of the young people here who are considering a medical career. You have the opportunity to work with the most important thing a person has and that is an incredible privilege. It doesn’t make you better than anybody else; it makes you more privileged than anyone else. When I was an intern I would walk the floors at Johns Hopkins. You would see all these VIPs: the CEO of this company, the president of that organization, the crown prince of that country, the queen of this nation. In many cases they were dying of some horrible disease. And do you know, every single one of them would have gladly given every penny they had in the bank and every title they had inherited in return for a clean bill of health.
The Sixth Amendment

By: Al Pilant, Ph.D.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and 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.

So often, an attempt to understand a particular amendment has been a study in locating its legal roots and then looking at the process of litigating various clauses within these amendments. While several of this amendment’s clauses have been attributed to the Magna Carta, a more interesting aspect is the fact that some clauses- like “the state and district” clause- have their origins outside the legal system of the Magna Carta and Blackstone’s Commentaries on the Laws of England. While there may be roots in old English Laws that our founding fathers knew about, they assuredly confronted a Parliament seemingly bent on depriving colonials of “their English Rights.” After 1764, they could add being deprived of having their charges being heard in the colony or district where the supposed crime occurred. Parliament created a “super” Vice-Admiralty Court in Halifax, Nova Scotia, extensively expanded what laws would be heard in Vice-Admiralty courts- where no jury was present- could be viewed as interfering with an English defendant’s rights. Defendants would have to pay their way to Halifax, where the government wanted most cases to be heard because they feared the local Vice-Admiralty courts would not find in the government’s favor.

With twelve years of enforcement, many colonials understood the problem of a dictatorial central government, in this instance the English Parliament, making new courts and having these courts be far away from where the crime occurred. Thus when it came time for the United States to create a Bill of Rights which would prevent a central government doing what Parliament had done was an easy call. The other clauses were all part of English Common Law, excluding the right to counsel, but again due to that “super” Vice-Admiralty Court, the Founding Fathers felt compelled to prevent that aspect also being instituted by a powerful government wanting to stack the deck in its favor. Thus we have the Sixth Amendment. One, even more so than most of the others, which was meant to protect a citizen’s rights when being brought into court for having been accused of committing some crime.

As we move through the various Supreme Court decisions on each of the clauses in the Sixth Amendment, we will look at each decision as it purportedly was issued to protect our “Rights” under this Amendment. While this Amendment only has two clauses, there are eleven aspects within this Amendment that have been discerned by the courts: Speedy trial, public trial, impartial jury, impartiality, venire of juries, sentencing, vicinage, notice of accusation, confrontation, compulsory process, and assistance of counsel. With eleven possible points for legalistic wrangling, there has been just over three dozen Supreme Court cases involving the Sixth Amendment, with the first happening in 1875; U.S. v. Cruikshank, which

Morrison Waite, the Chief Justice of the Supreme Court in U.S. v. Cruikshank
dealt with accusations; then reinforced in 1881, in *U.S. v. Carll*; the Federal government cannot use vaguely worded language when filing the accusations against a defendant.

It was another twenty-three years before the Supreme Court heard and rendered a decision on a case involving the Sixth Amendment; this time it was dealing with “vicinage.” Article III, section 2 of the Constitution requires a defendant to be tried by a jury and in the state in which the crime was committed; we have the further elucidation of the aspect of “vicinity of the crime” in the Sixth Amendment reference to “state and district.” Yet, clarity does not seem to translate to the courtroom because the Supreme Court heard a 1904 case, *Beavers v. Henkel*, in which it ruled that the place where the offense occurred determines the location of the trial; if the crime has been committed in various districts, any of them may then be chosen for the trial.

The next time the Supreme Court rendered a decision it dealt with the jury trial aspect and how many were to be on the jury; in *Patton v. U.S.*, (1930) the court asserted that as per English law and the Constitution at the time of adoption, juries consisted of twelve members. In 1937, however, the Court decided that certain offenses did not need juries, usually petty offenses resulting in sentences of less than six months, *District of Columbia v. Claways* (1937). The jury aspect was not again visited until *Baldwin v. New York* (1970) where the Court said the right does not exist for petty offenses. Then the number of jurors was revisited in *Apodaca v. Oregon* (1972) and *Burch v. Louisiana* (1979), when the idea of needing unanimity among jurors was dealt with.

Almost 140 years and only five Supreme Court cases on Amendment VI, then things quickly changed with eleven cases in seventy years that dealt solely with “assistance of counsel.” The Supreme Court decided that right to “assistance of counsel” meant that a public defender must be provided to a defendant facing charges of having committed a “capital crime,” and was being tried in a Federal Court, *Powell v. Alabama* (1932). Just six years later another Supreme Court decision expanded to all Federal cases the right of a defendant to have a public defender at public expense, *Johnson v. Zerbst* (1938); thus government/taxpayer paying lawyers was expanding. And this was just the beginning, for in 1942 the next Supreme Court case dealing with the Sixth Amendment expanded to the State level for “assistance of counsel” to be provided defendants who demonstrated “special circumstances” requiring assistance of counsel for capital crimes; thus the 14th Amendment came to be tied into the decision *Betts v. Brady* (1942).

It would be nineteen years before another Supreme Court decision would further expand the need for public paid defense lawyers. The decision expanded on *Powell v. Alabama’s* decision on a public defender in federal capital crime trials to the same being provided for state level capital crime trials, *Hamilton v. Alabama* (1961). Then, the Supreme Court over-ruled the 1942 *Betts v. Brady* decision with their *Gideon v. Wainwright* (1963) decision stating that assistance of counsel must be provided to indigent defendants in “all felony” cases. One year later the need for even more public defenders was created when the Supreme Court decision *Massiah v. United States* (1964) established the condition that a lawyer must be present during interrogation. The right to assistance of counsel was visited five more times between 1975 and 2002 with new little twists being enumerated asserting the taxpayer paid public defenders must be available to defendants.

The aspect of “public trial” did not come before the Supreme Court until *Sheppard v. Maxwell* (1966) where the court found that this was “not absolute.” This was re-visited in *Press Enterprise v. Superior Court* (1986) when again the court asserted that trials could be closed.

The “confrontation” and “compulsory process” did not come before the court until
California v. Green (1970) when the problem of “hearsay evidence” became an issue that was different than what the court had decided on in Bruton v. United States (1968). The court found this evidence was admissible in only certain circumstances, which would then require more laws being passed to define the admissibility of hearsay evidence and other aspects of confrontation.

Interestingly, the “right to a speedy trial” did not become an issue before the courts until Barker v. Wingo (1972), when the court established a four part case-by-case test for determining if a defendant’s speedy trial right has been violated. These parts concerned length of delay, reason for the delay, time and manner in which the defendant has asserted his right and degree of prejudice which the delay has caused. Then, in Strunk v. United States (1973) the court ruled that charges/conviction would have to be thrown out if the defendant’s right to speedy trial had not been forthcoming. The court declared no other remedy would be appropriate.

In sum, the Sixth Amendment was included into the Constitution to enumerate many common law principles. Additionally, it was crafted to address specific circumstances that the then American Colonists endured under British rule. In the intervening centuries, the Supreme Court has interpreted the meaning of this amendment to clarify and increase the rights afforded to a criminal defendant. As is the case with other rights, the courts are sure to return to this amendment in the future for more refining.

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CHARITABLE GIFT ANNUITY

An estate plan may be the single most important act of stewardship you will undertake. There are, however, many tax-advantaged giving opportunities that can be accomplished quite simply outside of an individual’s estate plan.

In assessing these opportunities, it is important to note that there are essentially two ways to give. You can make your gift outright, in which the charity receives the full benefit right away. Alternatively, you can utilize charitable tools to structure the gift so that it benefits a charity, and also benefits you or others (typically in the form of lifetime income payments). This type of gift is called a split interest gift, and is commonly achieved in the form of a charitable gift annuity. The charitable gift annuity is often referred to as a life income gift.

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- Many seniors utilize gift annuities for retirement purposes as it provides secure lifetime payments at attractive rates.
- When you fund a gift annuity, you can take the charitable deduction in the year you make the gift for a portion of the amount funded.
- A portion of the payments you receive each year may also be exempt from certain income taxes.
- You can even reduce your capital gains tax by using long-term appreciated securities to make your gift.
- Your gift annuity can also help provide for others while creating a charitable donation to Cumberlands. You may request a two-life annuity and provide lifetime fixed payments not only for yourself, but for your spouse, child or other loved one.

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*based on gift annuity of $10,000
The lovely mountains that surround University of the Cumberlands are beginning to come alive and renew their buds and blooms; it’s encouraging to know that spring is here. The students involved with our Mountain Outreach program are already looking ahead to the summer.

Currently our Mountain Outreach students are not only completing their coursework to finish another semester but are also making preparations for the Mountain Outreach program’s summer projects. They are scheduled to build two homes as well as complete around thirty to forty other repair projects such as constructing wheelchair ramps, patching roofs, building porches and doing other worthwhile projects for families and individuals in the mountains of Eastern Kentucky who, for physical or financial reasons, need help to make their homes safer and more comfortable. But the number of summer projects that will be completed depends upon the financial resources available through the kindness and generosity of friends who help provide the resources necessary for the program’s success.

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