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Dilemma of a Democracy: Liberty and Security

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Introduction

I am a computer teacher at Overbrook Elementary School, a K-5 school in Philadelphia, Pennsylvania. As part of my teaching assignment, I partner with individual classes on school wide initiatives. Each year our fifth grade class works on projects in preparation for their participation in Law Day on May 1. Past projects have included essay contests, careers-in-law presentations, and posters depicting rules, rights and responsibilities.

This year I intend to use this curriculum unit to heighten their awareness of civil liberties. Since 9/11 students are very aware of the threat of terrorists' attacks. This unit will challenge them to think about past times when individual rights were sacrificed in order to foster a sense of safety and security. Students will then take a closer look at our present situation to understand better the dilemma of trying to balance our government's role in preserving liberty while maintaining security. As students investigate examples from our history, they will develop opinions about rights and responsibilities, safety and security, and privacy and public information.

The Dilemma of a Democracy: Liberty and Security is presented in a framework that engages fifth graders in a learning process, inviting them to reflect on past practice while encouraging them to take an active stance in learning history. Each week part of the lesson will be conducted in the fifth grade classroom with follow-up lessons and activities in the computer lab. Each student will have access to internet-connected computers and the fifth grade teacher and I will assist them in their computer activities.

Overview

This three-week curriculum unit is designed for fifth grade students. The class consists of 33 inner city students in a self-contained classroom. They will have some basic understanding of the Constitution and Bill of Rights prior to their participation in this curriculum unit. They will also have experience using the computer and most of the applications mentioned in this unit.

The unit provides a lens for looking at the issue of civil liberties through several case studies during wartime. Lessons will include a presentation in the fifth grade class followed by exploration and research in the

computer lab. The unit will consist of three areas: Rights and Responsibilities (Constitution in Daily Life), Civil Liberties during Wartime (Civil War and Cold War Cases) and Privacy and Public Information (Privacy and the Patriot Act.)

I have several reasons for focusing my curriculum unit in this direction. First, students frequently complain about having to spend time learning about long-ago events and dead people. Secondly, they do question issues of Internet filtering as well as school rules regarding uniforms and cell phones. Thirdly, I want students to use technology as a tool for thinking in meaningful ways. Ultimately, I hope that their participation in this unit will help them make connections between historical events and their own lives. I hope to prepare them to appreciate, but not take for granted, the freedoms they enjoy, especially in areas of communication, entertainment and technology.

Objectives

As mentioned above, many students complain that the study of history is boring or not relevant to their present life. The issues in this unit have the potential to make history come alive for them. The main objectives are:

- To identify examples in U.S. history when the American government has curtailed civil liberties during wartime
- To formulate opinions about the dilemma of balancing individual rights and national security
- To gain proficiency in using technology to access information, organize thoughts and ideas, and communicate knowledge
- To use spoken, written and visual language to comprehend a variety of texts and make connections to personal life

Curriculum Components

Tools of Technology

Today's students are truly digital kids. Their thumbs click and their fingers fly as they respond to visual and audio effects on television, MP3 Players, computers, and video games. They are adept at multitasking and crave communication with peers. Unfortunately, for many students, technology has often been used in classrooms to learn from computers, such as drill and practice, or even more recently, Internet searching. In his book, *Computers as Mindtools for Schools*, David Jonassen points out how crucial it is for schools to shift from using a technology-as-teacher model to a technology-as-partner model in the learning process.¹ Concept maps and intentional Internet searches are two examples of Mindtools used in this curriculum unit. (They will be discussed in the strategies section.) Technology provides the tools to make history come alive for students, to capture their interest and sustain their attention, and, ultimately, to connect the learning of the past to their present and future lives.

In this unit students will continue to use word-processing software to reflect on their learning in journal entries. They will have opportunity to organize their ideas with familiar software such as PowerPoint or *Kidspiration*. They will use the Internet to search for information and evaluate content according to criteria. Additionally, students will learn to use a digital camera to create pictures from the school community for a

multimedia project. They will learn to insert a chart or table in a word processing document. They will add iMovie and iPhoto to their repertoire of authoring software for illustration of thoughts and ideas.

Social Studies

By examining the struggle between liberty and security during wartime, students will develop a sense of time and chronology to explain cause and effect, conflict and resolution. They will identify patterns that emerged over time regarding individual rights and governmental control. As they develop a comprehension of the past, they will observe the significance of continuity and change, and understand better how the unfolding of history affects their personal lives.

Language Arts

Although the unit is planned for partnering social studies and computer classes, there are ample opportunities to extend the unit through Language Arts. As students examine how laws protected/neglected individual rights, they will use language to read critically, write clearly, and communicate creatively. Furthermore, teachers may wish to incorporate literature pertinent to the topic. By reading historical fiction and informational trade books, students can gain historical knowledge, ponder complex ideas, and formulate questions about past and present practices concerning civil liberties. While the literature component will not be included in my lesson plans, suggested titles will be listed in the appendix under Student Bibliography.

Standards

The unit will help students fulfill the Pennsylvania Academic Standards for Reading, Writing, Speaking, and Listening; Science and Technology; and Social Studies detailed in the appendix.

Background

The government's mandate to protect individual civil liberties and provide homeland security is certainly tested during times of war. This dilemma has roots in our history. To help students determine similarities and/or ramifications of civil liberties violations, I am providing a brief description of key cases. These can be used as introductory scripts, key points for a power point presentation, or material for a timeline.

Civil Rights and Civil Liberties

Although these terms have overlapping meanings and interpretations, there is a distinction that can be made. Civil liberties refer to the restrictions placed on the government, leaving the individual the freedom to enjoy constitutional protections. Civil rights refer to the protections that government owes to individuals as citizens or participants of societal groups. Civil rights require that the government protect citizens' rights from interference from others such as racial or gender discrimination. Protection of civil rights requires that the government act on our behalf. Protection of civil liberties usually requires that the government do nothing.²

Civil War

Prior to the Civil War the Constitution with its subsequent amendments governed the people peacefully, for

the most part, and kept a check on government control. During the Civil War President Lincoln ordered that suspected political criminals be tried before military tribunals. Lincoln wanted to preserve the railroads, capture spies, discourage men from resisting the draft, and punish those who were disloyal.³

President Lincoln made a decision to suspend the writ of habeas corpus. Habeas corpus says that authorities must bring a person they arrest before a judge who orders the court appearance. The authorities must show the court that there is a legal basis for the person's detention. The U.S. Constitution says: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." The Constitution does not say who can suspend the writ; but this clause appears in Article I, largely devoted to the powers of Congress. Nonetheless, Lincoln suspended habeas corpus without waiting for Congress to authorize it. Because of this, the government was able to arrest many people, put them in jail, and deny them their right to appear in court to determine if their arrest was lawful. Those arrested were also denied the right to be tried by a jury of their peers. Instead they were prosecuted under martial law, even though they were not members of the military.⁴

Freedom of speech and freedom of the press were also civil liberties that were not guaranteed during the time of the Civil War. The Lincoln administration seized telegraph lines, shut down newspapers that printed articles in favor of secession, prohibited the printing of war news about military movements without approval, and censored private mail and telegrams. People were also arrested for wearing Confederate buttons and singing Confederate songs.⁵

World War 1

In the midst of World War I, the Russian affairs initiated a Red Scare in America. The Russian revolution and the establishment of a Communist Soviet Union terrified Americans. Communism didn't appeal to a country committed to life, liberty and concern for property rights. This fear led to obsession. A. Mitchell Palmer, the Attorney General under President Woodrow Wilson worried about radicalism in the United States. After someone threw a bomb at Palmer's house, he appointed J. Edgar Hoover to oversee the Radical Division of the Justice Department. Hoover's reports, that radicals in the United States posed a serious danger to the country, intensified the pressure on Palmer to take action. Subsequently, Congress passed the Espionage Act authorizing raids on suspected communists. These "Palmer Raids" allowed agents to round up thousands of people, hold them in jail, and deny them their constitutional rights.⁶

The Espionage and Sedition Acts (1917-1918) allowed the US government to impose fines and put people in jail for interfering with recruitment of troops, punish people who refused their military duty, and impose penalties on anyone convicted of using disloyal language about the Constitution, the government, the military, or the flag. Those convicted could be charged with a federal crime and sent to prison based on very little evidence. Furthermore, a stipulation in the Espionage Act authorized the postmaster general to prohibit a variety of materials from being sent through the mail if these materials were suspected of being radical or dissenting.⁷

World War II

Another period of hysteria occurred in our history in the aftermath of the bombing of Pear Harbor. All persons of Japanese descent in designated areas were ordered to leave their homes. They were taken to internment camps for the duration of the war for fear of their possible loyalty to the Japanese Empire. More than half of those taken were American-born citizens. President Roosevelt in February of 1942 gave an executive order allowing the secretary of war and military commanders to prescribe areas from which people could be

excluded.⁸ Clearly, fear led to racism.

The argument against internment was brought before the Supreme Court. *Korematsu v. United States* was the second of three cases testing the government's right to evacuate citizens. Justice Black believed that internment was necessary because it was impossible to separate the loyal from the disloyal Japanese. Consequently, the whole group had to be evacuated from military ground. He claimed that *Korematsu* was not subject to internment because of racism but because a threat of invasion on the west coast made it necessary to evacuate all citizens of Japanese ancestry. According to Justice Black, Congress and the President should indeed have the power to carry out their duties in time of war.⁹

Cold War

As mentioned above, Communist ideas were deemed dangerous to our country. However, during World War II, when Russia and the United States were allies against Germany, a more tolerant attitude prevailed. At the close of the World War II, tensions mounted and our relations with Russia became known as the Cold War. President Truman, in dealing with the spread of Soviet Communism, committed the United States to ridding its territory of communism, and pledged to prevent the spread of communism abroad. National security was a major concern. Any person suspected of being a communist was sought after as a disloyal citizen and as an enemy of the country. ¹⁰

Joseph McCarthy, a senator from Wisconsin, was known for his shocking assertions that the United States was full of Communists, even in the nation's Capitol. The term, McCarthyism, refers to his tactics of discrediting his opponents with slanderous remarks and practices even when no justification was found. ¹¹ Cameras, microphones and the new medium, television, made McCarthy a celebrity whose lies ruined the lives of hundreds of people. He had no proof of his allegations but, due to the fear of the times, many people believed him.¹²

Another abuse of civil liberties during this time was blacklisting. Blacklisting was a tactic used by the House Un-American Activities Committee that prevented those listed as Communist from certain jobs especially in the movie industry. Writers or actors who were suspected of communist connections were deprived of their jobs unless they gave information about themselves or pointed fingers to others who attended meetings of communist or liberal organizations. These interrogations and trials were a violation of civil liberties. However, most of the American people were loyal to the government at this time because they truly feared that our country could be taken over by communism. Thirty-nine states passed anticommunist laws. In Texas a person could get twenty years in prison for being a member of a Communist Party. In Connecticut it became illegal to voice criticism of the United States government or flag. Government workers, including teachers were required to take loyalty oaths.¹³

As a result of our country's Cold War agenda, politics took on public piety. In 1954 Congress voted to add the words "under God" to the Pledge of Allegiance. Those who supported the additional words believed it would distinguish our country from those with godless communism. ¹⁴

Vietnam

Beginning in the 1950's the United States funded civil war in Vietnam. When Lyndon Johnson became president, his military chiefs pressured him to enter the war with direct force. Johnson did not want to appear soft on communism. In August 1964 Congress authorized the means to repel armed attacks against the armed forces of the United States and to prevent further aggression. There never was a declaration of war, but

Vietnam was our longest war with many casualties.

For the first time in our history, the war was seen on TV. Many Americans became angry and protested the ongoing war. One method was wearing black armbands. Students' rights to wear them became the case of *Tinker v. Des Moines Independent School District*. (1969) The Court ruled in favor of the students. Their constitutional rights of free speech and free expression protected wearing the armbands. 15

War on Terrorism

The events of 9/11 have heightened our need for homeland security and likewise raised concerns about civil liberties. Congress passed the Patriot Act (United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) in October 2001 to help the government catch terrorists and track down their movement across our country. This makes it easier for different government agencies to share information. Unfortunately, they can also invade individuals' privacy with secret searches. Many people believe this a violation of the 4th Amendment, which states that no individual shall be subject to unreasonable or illegal searches and seizures.

The USA-Patriot Act gives the government additional rights to gather information about people. The government can find out the books people buy or borrow from the library, the things they do on the Internet, their phone conversations as well as medical and financial records. Today's advanced technology makes this information gathering and sharing very easy. President Bush said that the Patriot Act would give the government new tools to fight the new dangers brought on by the terrorists while continuing to respect the civil liberties guaranteed by our Constitution.¹⁶ However, the following provisions of the Patriot Act stand out as constitutional violations:

- First Amendment: Freedom of speech and press
- Patriot Act: Prohibits the recipients of search orders from telling others about those orders even when there is no need for secrecy.
- Fourth Amendment: Freedom from unreasonable searches and seizures
- Patriot Act: Authorities can search homes and personal property without search warrants
- Fifth Amendment: Due process
- Patriot Act: Allows indefinite imprisonment of persons without judicial review, which denies due process and equal protection under the law.

Dilemma of a Democracy

Today's political atmosphere challenges us to study the dilemma. Consider a pendulum. On one side is liberty with the Bill of Rights guarantying freedom of speech and press, protection of unreasonable search and seizure, and due process. On the opposite side is security with the government's resolve to protect our country and its citizens against terrorism. In what direction will the pendulum swing with the enforcement of the Patriot Act? Most Americans would agree that an appropriate balance must occur between national security and individual rights and they would be willing to make concessions. The airport routine is now an integral part of travelers' to-do list. However, violations of civil liberties during wartime seem more like the norm than the exception.¹⁷

We want to be safe. We want our children to be safe. We need to learn the lessons of history and work out the details to strike the balance. Part of the present problem stems from terms of the Patriot Act that are broadly written. According to David Cole, a professor at the Georgetown Law Center in Washington, D.C., what is

needed is "fixing some of the broader and more sweeping provisions, and restoring some notion of checks and balances in the fight against terrorism."¹⁸

The US Patriot Act will "sunset" or expire on December 31 of this year. Critics have urged Congress to be attentive to the "tools" that have negatively impacted on civil liberties as they debate the terms and duration of its renewal. Rep. Rick Boucher (D, Virginia) said that because of 9/11, he supported the Patriot Act in 2001. However, he admonished that once the emergency was over, "the government would again return to a level consistent with a free society... Emergency powers of investigation should not become the standard once the crisis has passed."¹⁹

According to an editorial in the *Philadelphia Inquirer* (7-30/05), Senator Arlen Specter's (R, PA) committee has proposed a measure to strike a balance between security and civil liberties. It involves a check on secret searches, relevancy for library searches and better reporting to citizen's on how government is using its antiterrorism powers.²⁰

When we look back at past practices of civil liberties during wartime, we see evidence of laws becoming fragile and reduced to a whisper. We see suppression of dissent and overreaction of government and overreaching of its powers. The dilemma of a democracy will undoubtedly continue to challenge our county, our courts and our citizens as daily life absorbs inconveniences, invasions of privacy and inconsistencies of guarantying civil liberties during this war on terrorism. We must decide if Ben Franklin was correct in saying, "They that give up essential liberty to obtain a little temporary safety deserve neither liberty or safety."

Strategies

This unit will be taught by partnering social studies and computer classes. In the social studies class, students will use comprehension strategies that develop literacy skills and processes for transacting with a variety of texts. They will utilize strategies for before, during and after reading activities to activate background knowledge, accommodate new information, and make text-to-self and text-to world connections. In computer class they will extend learning through graphic organizers, intentional Internet searches and creation of multimedia projects. Using software applications that are easy to edit will allow students to become reflective learners and view technology as a partner for thinking about, learning with and evaluating historical information.

Concept Formation

Concept formation involves the recognition that some events belong together while others do not. This skill is important for understanding material in most if not all areas of study. Students guess what the concept is as the teacher presents positive and negative examples. The teacher may choose to present the examples verbally or use sectioned chart paper to display them one at a time. Pictorial examples in a PowerPoint Presentation can serve as another alternative. The thinking and discussion involved in the activity will help students create new and expanded understandings of the concept.

Discussion Continuum

A discussion continuum uses a line with agree/disagree endpoints. Chart paper, chalkboard or a spreadsheet

can be used for this activity. Students will record their feelings toward a given statement. They will place a signed post-it note somewhere on the line to indicate their feelings toward the statement, or if using a spreadsheet, input their initials in a cell. The teacher will facilitate a discussion with students as they talk about where and why they put their note. This will be saved and revisited after the other learning activities. The exercise should help promote student interest, because they will have taken positions early on, and it can also help them see how learning can lead them to change their views even on matters they care about a great deal.

Anticipation Guide

An anticipation guide contains a list of statements that are related to the topic the students are learning. While some of the statements may be clearly true or false, an anticipation guide includes other statements that may challenge students' preconceived ideas about a certain topic. Students respond to the statements prior to reading or discussing a topic, indicating whether they agree or disagree. The statements activate prior knowledge, set purpose for reading, provide opportunity to clear up misconceptions, and accommodate new information.

Role Playing

To involve students in active listening and critical thinking, they will be invited to assume the role of a professional from a prepared list. Students then listen to or read the material from their selected perspective. Afterward, those with similar roles meet in small groups to prepare a statement for the class explaining their position. One person from each group will report their group's response to the class.

Concept Maps

Concept maps or semantic networks are tools that can quickly be used prior to Internet searching or transacting with text. They help students identify key words, make cognitive connections, and anticipate integration of new knowledge. Subsequently, the maps can be used to expand or explain concepts as new information is learned. While not exclusively a computer tool, the use of technology makes them easy to edit. Their true value comes from frequent reflection and revision.

Kidspiration

Kidspiration is a software application that creates concept maps and other graphic organizers. It helps students organize and represent their ideas. Kidspiration is a very kid-friendly computer tool for visual thinking and learning. Although students can also use chart paper to construct graphic organizers, this tool allows them to combine pictures, text and spoken words to represent thoughts and information. Since it is easy to edit, students can play with ideas and enlarge their thinking. They can use built in features to show relationships, switch to writing view to expand their ideas into written expression, and, when needed, transfer their work to a word processing document.

Intentional Internet Searching

Frequently, students get lost in cyberspace by following links that take them away from rather than toward their learning goals. Many students need focusing and intentionality when using the Internet for learning and meaning making. Intentional searching helps students find the information they need to construct knowledge and represent their ideas.

A scavenger hunt or a web quest is a focused research activity prepared by the teacher to help students gain knowledge of a subject while practicing Internet navigation skills. By guiding them to specific locations, the teacher helps students have a clear purpose for locating information to answer a question, establish background or evaluate ideas.

Lesson Plans

Lesson 1: Rights and Responsibilities:

Guiding Question: How do we balance our free speech and the rights of others?

Part 1: Free Speech (45 minutes in the Fifth Grade Classroom)

Objectives: Students will distinguish between civil liberties and civil rights, explore issues of free speech, and participate in classroom discussion.

Procedure

I will begin this lesson by discussing the terms *civil liberties* and *civil rights*. *Civil liberties* are the basic rights guaranteed to individual citizens by law, for example, freedom of speech. *Civil rights* are the rights that all citizens of a society are supposed to have, for example, the right to receive fair treatment from the law. To protect our civil rights, the government acts on our behalf. To protect our civil liberties, the government leaves us alone. I will ask students to give examples to determine their understanding.

Next I will use a concept formation strategy to stimulate their thinking about free speech. I will ask 7 students to select and read the examples on prepared flash cards noting the + or - sign next to each one. Students will begin guessing the concept but it will not be revealed until all cards are read. We will use the positive examples to examine interpretations of meaning and the negative examples to discuss reasons and extenuating circumstances.

- (+) Calling a talk show
- (-) False accusations
 - (+) Creating a poster for display
- (-) Internet filtering
 - (+) Remaining silent
 - (+) Sharing your ideas
- (-) Falsely yelling "fire" in crowded cafeteria

For each case we will examine rights and responsibilities associated with free speech as well as issues of freedom and security.

We will continue with an activity whereby students form opinions about freedom of speech and freedom of press. First, using a discussion continuum, students will record their feelings toward the given statement: Not all the news is fit to print. The statement will be written on chart paper and they will place a signed post-it note somewhere on the line to indicate their feelings toward the statement. I will ask for volunteers to tell

where and why they put their note. This will be saved and revisited after the following newspaper activity

Students will work in small groups to examine articles in newspapers. They will be instructed to cut or x out any items that criticize the President or any aspect of government. These might include: protesting the war in Iraq, complaining about taxes, political cartoons, voicing opinions about city services or government spending. Next they will eliminate any items that criticize sports or entertainment figures, food, movies, or music. They will tape their cut up papers around the room for a visual reminder of what could happen if freedom of speech and press were not protected. They will also decide if they want to change or keep their position on the discussion continuum.

Assessment: Students will retrieve their post-it notes and do a quick write on the back responding to one of the following prompts: "I was surprised to learn..." "It is important that students know..." "Free Speech means..." Post-its will be collected, sorted and used for further discussion and planning.

Part 2: The First Amendment in Daily Life (45 minutes in the Computer Lab)

Objectives: Students will identify key concepts and terms in web research, locate primary documents online, and relate first amendment rights to daily life

Procedure

I will begin this lesson with a demonstration of *Ben's Guide to U.S. Government for Kids*. I will check students' understanding of suffixes (.org, .com, .edu) and what they can expect from respective websites. They will then be instructed to use an Internet Scavenger Hunt to clarify terms and read content of historical documents. As they explore Ben's Guide (<http://bensguide.gpo.gov>), they will answer the following questions in their word processing journal.

- Why is the Constitution sometimes called a "living document?"
- What does the word "amend" mean?
- How can the Constitution be both strong and flexible?
- Why are the first 10 amendments called the Bill of Rights?

The fifth grade teacher and I will circulate the room as students find, record and share answers.

Using the presentation system, I will demonstrate setting up a graphic representation to relate First Amendment rights to daily life. Students will use Kidspiration software to combine pictures and text to represent their thoughts and information. The students are experienced users of this application and will be instructed to represent graphically instances when they think their first amendment rights were protected (use a + sign) or violated (use a - sign). If they encounter any gray areas, they will explain the dilemma in their accompanying text. They will be asked to provide examples from home, school and community life, and think about the need to balance freedom and safety, especially with Internet resources and practices. A sample might include:

- Home (using email (+)) I can express myself in email to friends. I still have to follow rules set down by a parent.
- School (Internet filtering (+ or -)) I want to be able to search but I have been warned about inappropriate material.
- Community (participating in a parade or protest (+)) I can march in a parade or stand in a protest for a

certain cause.

Assessment: Kidspiration assignments will be evaluated for content and computer skills. Scavenger Hunt will be evaluated with completion of journal entry.

Lesson 2: Civil Liberties during Wartime

Guiding Question: How does the government balance individual rights and security for a nation during wartime?

Part 1: Civil Liberties during the Civil War (45 minutes in Fifth Grade Classroom)

Objectives: Students will examine civil liberties during wartime, explore issues of free speech, participate in classroom discussions, and reflect on the dilemma of a democracy: individual rights and homeland security.

Procedure:

I will begin this lesson with an anticipation guide. Students will read the statements and indicate whether they agree or disagree. This activity activates prior knowledge, provides opportunity to clear up misconceptions, and promotes critical thinking.

- Slavery was the only reason for fighting the Civil War.
- The President has the power to declare war.
- Citizens have the right to protest a war.
- To maintain public safety the President can suspend privileges of citizens, such as free speech or a right to a regular civil trial.
- The Constitution protects citizens during wartime

Students will then work in pairs to share their responses followed by a whole class discussion.

To involve students in active listening and critical thinking, they will be invited to select the role of a specific character as they listen to the following script. The list will include: president, news reporter, lawyer, soldier, or citizen. We will discuss the concerns pertaining to each role. They will make and display a name card for their role. Students will be instructed to listen and respond to passage from their specific role.

Script

"Prior to the Civil War the Constitution with its subsequent amendments governed the people peacefully, for the most part, and kept a check on government control. During the Civil War President Lincoln was criticized for some of the decisions he made.

Soon after Abraham Lincoln was elected president in 1860, southern states began to break away or secede from the Union. They worried that President Lincoln would put an end to slavery and feared that it would change their way of life. Their secession convinced the North (Union) that it was necessary to fight a war to keep all states in the Union. The United States had become two nations: The United States of America (North or Union) and the Confederate States of America (South or Rebels). In 1861 Lincoln called for troops to suppress the rebellion. This was the beginning of the Civil War. President Lincoln deemed it necessary to perform important acts by his presidential power without approval of Congress.

One of these important acts was his decision to suspend the writ of habeas corpus. Habeas corpus says that authorities must bring a person they arrest before a judge who orders the person to appear in court. The authorities must show the court that there is a legal basis for the person's detention. The U.S. Constitution says: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." (Article 1 Section 9.) But Lincoln suspended habeas corpus without waiting for Congress to authorize it. Because of this, the government was able to arrest many people, put them in jail, and deny them their right to appear in court to determine if their arrest was lawful. Those arrested were also denied the right to be tried by a jury of their peers. Instead they were prosecuted under martial law, even though they were not members of the military.

In April 1861, a dissatisfied citizen from Maryland named John Merryman rebelled against President Lincoln's cause. He spoke out against the Union, favored the South, and recruited soldiers for the Confederate Army. He not only disagreed with what the government was doing, but he also tried to organize an attack against the Union. Merryman was arrested, kept in a fort and denied his right to appear in court and face the charges against him. Merryman's situation illustrates the dilemma of a democracy: how to balance individual rights with security for a nation.

Lincoln's rationale for suspending habeas corpus was explained in his July 4 speech before a special session of Congress. As president he was sworn to protect the laws of the country. These laws were being resisted in many states. If he allowed all the laws but one to fail (the right to habeas corpus), then the government itself would fail for the sake of that one.

Other civil liberties were not always guaranteed during the time of the Civil War. The Lincoln administration seized telegraph lines, shut down newspapers that printed articles in favor of secession, prohibited the printing of war news about military movements without approval, and censored private mail and telegrams. People were also arrested for wearing Confederate buttons and singing Confederate songs."

Role Playing

Students will break up into small groups. Copies of the script will be provided for reference. Those with similar roles will meet to prepare a position statement for the class explaining their position. One person from each group will participate in a panel to report their group's response to the class. A student facilitator will moderate questions and comments from the class.

Assessment: Students will be assessed on their participation in the group discussion, and written response to one of the following prompts: "To maintain public safety I think the President ..." "I think citizens who protest a war..."

Part 2: Civil Liberties during the Cold War (45 minutes in the Computer Lab)

Objectives: Students will examine civil liberties during wartime, use factual knowledge to make links between events, recognize the impact of world events upon ordinary people, and investigate the history of the Pledge of Allegiance

Procedure:

I will begin with a brief background by asking students if they ever heard of "old" TV shows such as "I Led Three Lives," or "I Spy?" The first portrayed the triple life of Herb Philbrick as citizen, communist, and counter-

spy. In the second one, two secret agents roamed the world as a professional tennis player and his trainer. Their espionage had a comic twist as they saved their country and its friends from dictators. These as well as other spy and espionage shows were popular as a result of the Cold War with its fear of communism.

Next I will direct the students to open a prepared document on their computers. This selection will give a brief background to the Cold War with hotlinks embedded. As they read the text, they click on key words and concepts to clarify meaning when needed and expand understanding.

Prepared Script

"The Cold War began after World War II when the United States feared the spread of Soviet Communism and the threat of nuclear war. President Truman committed the United States to ridding itself of communism and preventing the spread of communism around the world. National security was a major concern. Any person suspected of being a communist was sought after as a disloyal citizen and an enemy of the county.

Abuses of civil liberties occurred during the Cold War. Joseph McCarthy, a senator from Wisconsin, was known for his shocking allegations that the United States was full of communists, even in the nation's Capitol. His use of hateful remarks against political opponents, even when no justification was found, became known as McCarthyism. Another abuse at this time was blacklisting, a tactic used by the House Un-American Activities Committee that prevented those listed as Communist from certain jobs especially in the entertainment community. Any writer or actor who was suspected of communist connections was deprived of a job unless they gave information about themselves or pointed fingers to others. These interrogations and trials were a violation of civil liberties."

When students are finished the activity, I will invite them to share a comment or question about the conflict between individuals' rights and the government's control. I will encourage them to speak to relatives about their memories and experiences during this period of our history. What movies, TV programs, books and games resulted from this period of our history?

Pledge of Allegiance

Although there were civil liberties' violations during this time, most Americans were loyal to the government because they truly feared that our country could be taken over by communism. Two little words, "under God," were added to the Pledge of Allegiance. Those who supported the additional words believed that those words would help distinguish our country from those ruled by communism, which promoted atheism.

In this part of the lesson students will use research strategies to investigate the history and meaning of our daily opening exercise in the schoolyard. I will direct them through several websites that pertain to the history of the Pledge of Allegiance and issues involving civil liberties.

Students can follow these links or use our bookmarked search engines to answer questions and gather information about the history of the Pledge of Allegiance. Providing links helps students who need to lesson their distractions and complete assignment in timely fashion. Using search engines gives other students opportunities to compare results and provide experience in word choice when doing web searches. In both cases students will be instructed to look at the source of information and evaluate websites for accuracy.

History of the Pledge

Locate information to answer the following questions:

- When and why was the Pledge of Allegiance first published?
 - What changes were made in response to the growing number of immigrants in America?
- Why did an unofficial recitation become an official Pledge sanctioned by Congress in 1942?

School Children and the Pledge

Scroll through the photographs of children reciting the pledge.

- What do you notice about the children, their posture, or their attentiveness?
- Do you think they understand the meaning of the words they are reciting?
- How did the courts rule on Jehovah's Witnesses objections to their children reciting the Pledge?
- What is the current controversy over school children and the Pledge?

Words and Meanings

For this activity, each student will work with a partner to create a presentation explaining the meaning of the 10 phrases of the pledge. I will demonstrate and assist students who choose to insert a table into a word processing document. The class can independently use PowerPoint and Kidspiration.

Students will be instructed to accompany the following phrases with a brief explanation of meaning: I pledge allegiance, to the flag, of the United States of America, and to the Republic, for which it stands, one Nation, under God indivisible, with liberty and justice, for all.

Students will probably need extra time to complete this. They will have access during times of open lab. Upon completion, students who created charts or graphic organizers will print them out for display. Those who created a PowerPoint will present their work to a younger grade.

Assessment: Students will be assessed on their completion of Pledge Presentation and journal responses to one of the following prompts: "I think the Pledge of Allegiance should or should not be recited every morning because..." "Learning the history of the Pledge of Allegiance helped me understand..."

Lesson 3: Privacy and Public Information

Guiding Question: How does the government balance individual rights and security for a nation during wartime?

Part 1: Privacy and the Patriot Act (45 minutes in Fifth Grade Classroom)

Objectives: Students will recognize issues of privacy in daily life, understand the basic components of the Patriot Act, and formulate opinions about the dilemma of balancing individual rights and national security

Procedure:

In this lesson children will use a Questionnaire to stimulate their thinking about the implications of the Patriot Act. Working in pairs they will interview each other with the following questions:

- Do you mind having your picture taken in public?
- Do you mind having your picture taken in public without your knowledge by someone you don't know?

- Do you mind if someone knows about the books you use or take out of the library?
- Do you mind if someone checks on the websites you visit or email you send?
- Do you mind if someone can listen to your phone conversations?
- Do you mind if someone searches your desk at school or your room at home?
- Do you mind taking your shoes off at the airport or showing contents of your suitcase?

After the interviews, students will discuss their feelings toward the issue of privacy.

Next, I will use a PowerPoint presentation to give the students an overview of the Patriot Act. Slides will include:

- What does the name stand for? The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.
- When did it become law? October 26, 2001
- Why was it made? Its purpose is to fight against terrorism
- How? It expands government authority to obtain personal information, among other measures.
- What can it do? It gives the FBI the authority to obtain "any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities."
- What kind of records can be obtained? Purchase records, computer files, educational records, and library records can be obtained.
- How does it affect travel? Security checks at airports are routine and other baggage checks on buses and trains can be expected.

Using a T Chart, students will list on one side the freedoms assured each American by the Bill of Rights (the first ten Amendments to the United States Constitution). Then, beside the ones listed, students will be guided to make connections from their interview questions to individual freedoms that might be affected by the Patriot Act. After a class discussion of the chart, students write in their journals why a particular freedom should be preserved or sacrificed for national security during this war on terrorism.

Assessment: Students will review a period of wartime in our history. A printed script (from above or from relevant material in the classroom) will help students identify issues of civil liberties during wartime. Their task will be to

- Name the war
- Identify the civil liberty issue
- Give an example of how it was addressed
- Explain how it provided homeland security
- Identify how technology played a part in the issue
- Decide if this is still an issue in our present war on terrorism
- Formulate questions about privacy issues to ask the judge or lawyer that will visit the class for Law Day

Students will use their information to write an open letter to the speakers from the law community who are invited to the fifth grade class to celebrate Law Day.

Part 2: Pulling it Together (two 45 minute periods in the Computer Lab)

Objectives: Students will connect meaning of Preamble to contemporary culture, explore "the blessings or

liberty" and the need to protect them, and use digital media to interpret historical documents.

Procedure:

For a culminating activity, students will have memorized the Preamble to the Constitution and a list of First Amendment rights. Students will begin this activity by viewing the wording of the Preamble and listening to a musical rendition at School House Rock: America Rock <http://www.school-house-rock.com/Prea.html>.

Students will record their own voices on the computer. Using digital cameras, some students will take pictures around school to illustrate the meaning of the text. Others will do Internet searches to find appropriate photos. They will import and organize photos in iPhoto using the Ken Burns effect. At a second session students will import their photos into iMovie. They will use transitions to edit their work, and use iTunes to import appropriate background music. The project then can be shared with the wider school community for Law Day. Students will need extra assistance with this portion of the project.

Assessment: Students will be assessed on contributions to the media presentation.

Teacher Bibliography

Barrett, Ted. "House approves renewal of Patriot Act: Critics voice concern over civil liberties," CNN.com, 22 July 2005 <http://www.cnn.com/2005/POLITICS/07/21/patriot.act/> accessed August 11, 2005. Lawmakers on both sides of the political spectrum voice their reactions to the House's approval of renewing the Patriot Act.

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Espionage History (1917-1918)," PageWise, Inc.

http://ncnc.essortment.com/espionagehistor_rago.htm accessed on August 3, 2005. This is one of several articles on Espionage History from the Essortment database of reference articles managed by PageWise Inc. Their mission is to provide concise, clear accurate answers to questions asked online.

Jonassen, David. *Computers as Mindtools for Schools*. New Jersey: Prentice Hall, 2000

This book provides rationale and examples for integrating technology with the learning process in order to engage learners both mindfully and meaningfully.

Hakim, Joy. *Freedom: A History of Us*. New York: Oxford Press, 2003. This is the companion to the PBS History of US Series. The engaging text with accompanying illustrations, sidebars, and historical documents makes this an excellent resource.

Herzberg, Hendrik. "Two Little Words." *The New Yorker*, 15 July 2002: 27+.

This article presents a short, witty account of the wording of the Pledge of Allegiance.

McCullah, Declan. "Why Liberty Suffers in Wartime," *Wired News*, 19 Nov. 2002.

<http://www.wired.com>> accessed on July 10, 2005. The author explores the supremacy of security over liberty during national emergencies.

McKenna, Michael. (2002). *Help for Struggling Readers: Strategies for Grades 3-8*. New York: Guilford Press, A collection of strategies that engages students in actively learning comprehension skill, especially content areas.

Perret, Geoffrey. (2004) *Lincoln's War: The Untold Story of America's Greatest President as Commander in Chief*. New York: Random House. A discussion of Lincoln as a modern president with "the war power" of the presidency, even though there was no reference to any such power in the constitution.

Sullivan, Harold. *Civil Rights and Civil Liberties: Provocative Questions and Evolving Answers*. New Jersey: Prentice Hall, 2001. A discussion of traditional and contemporary issues grappled by the Supreme Court presented in a question and answer format.

Straub, Bill. "Are civil liberties the real victim of terrorism?" *Scripps Howard News Service* 11 July 2002 <http://www.capitolhillblue.com/cgi-bin/artman/exec/view.cgi?archive=7&num=48&printer=1>>accessed 7/11/05. This article evaluates President Bush's resolve to initiate new tools for fighting terrorism while preserving of civil liberties.

Stephens, Elaine and Brown, Jean. *A Handbook of Content Literacy Strategies: 75 Practical Reading and Writing Ideas*. MA: Christopher Gordon Press, 2002. The book presents very descriptive strategies that emphasize using language to learn content and building skills for lifelong learners.

"The Patriot Act: Security and Liberty." *Philadelphia Inquirer* (Philadelphia) 30 July 2005, first ed.: A6. An editorial.

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Avi. *Nothing but the Truth*. New York: Orchard Books, 1991.

This is a documentary novel for more advanced readers. It is told through diary entries, letter and news clips. It tracks the events of a ninth grader who hums during the National Anthem when he should have been standing silently, at attention. A lesson plan entitled, "Exploring Free Speech and Persuasion" is available at [read□write□think](#) to be used after reading the book.

Catrow, David. *We the Kids: The Preamble to the Constitution of the United States*. New York: Dial Books, 2002). As author and illustrator, Catrow provides a humorous approach to learning the meaning of the Preamble as three kids and a dog embark on a camping trip. This witty picture book will capture interest; encourage further reflection on the document while providing relevant material for struggling readers at this grade level.

Hunt, Irene. *Across Five Aprils*. New York: Berkley Publishing, 1964.

The novel is a bittersweet story of a young boy growing up in the turbulent years of the Civil War. It blends national history with personal narrative without sacrificing either. Several lesson plan guides are available through a search on read□write□think

Krull, Kathleen. *A Kid's Guide to America's Bill of Rights*. New York: Avon Books, 1999. Through engaging text and beautiful illustrations, this book will help students learn the significance of the Bill of Rights. It details how Bill of Rights affects their daily life. Students will study the laws that protect the individual freedoms of everyone — even young people.

Appendix

Pennsylvania Academic Standards for Reading, Writing, Speaking, and Listening

Students will have opportunities to read and understand essential content of informational texts and documents; use, understand and evaluate a variety of media; and use spoken, written, and visual language to accomplish their own purposes

- 1.1 Learning to Read Independently (A, B)
- 1.2 Reading Critically in all Content Areas (A, B, C)
- 1.6 Speaking and Listening (A, D, E)
- 1.8 Research (A, B)

Pennsylvania Academic Standards for Science and Technology

Students will use a variety of technological and information resources to gather and synthesize information, and to create and communicate knowledge

- 3.6 Technology Education (B)
- 3.7 Technological Devices (C, D, E)
- 3.8 Science, Technology and Human Endeavors (A, C)

Pennsylvania Academic Standards for History

The following academic standards will be addressed as students understand and explain basic principles and ideas within documents of the United States Government; understand how law protects individual rights; and compare current situations to the promises of the Bill of Rights:

- 8.1. Historical Analysis and Skills Development (A, B, C)
- 8.3. United States History (B, C)

Materials/Resources for Lesson Plans

Lesson 1: Chart Paper, Post-it Notes, flash cards with 4 positive and 3 negative examples of free speech, newspapers for each group of students, scissors or magic markers,

Presentation system (over-head projector, white screen, speakers), Internet-connected computer per student, Kidspiration Software

Ben's Guide to the Us Government for Kids<http://bensguide.gpo.gov/index.html>>

This site includes grade-leveled resources and activities for learning about the government.

Justice for Kids <http://www.usdoj.gov/kidspage/>>

This site provides information on different aspects of justice - like Internet crimes, drug prevention and laws that protect your rights. It has specific areas designated for kids K-5th, youth 6th-12th, teachers and parents.

Lesson 2: Prepared script, paper and markers for making name cards, journals,

Presentation System, Internet resources, prepared scrip with hotlinks on each student computer, journals

The Pledge of Allegiance to the United Stateshttp://www.homeofheroes.com/hallofheroes/1st_floor/flag1bfc_pledge.html>

A short history of the wording of the Pledge of Allegiance is given in an attractive format. The site contains other links for information on our founding documents.

http://en.wikipedia.org/wiki/Pledge_of_Allegiance>

This site offers a more detailed history of the Pledge of Allegiance with photographs and related links.

Lesson 3: Questionnaire, PowerPoint Presentation, T Chart, Guidelines for Assessment

Copies of Preamble and Bill of Rights, Digital Cameras, iMovie, iPhoto, and iTunes Software, Musical CD's

School House Rock: America Rock

<http://www.school-house-rock.com/Prea.html>>

Students can view the wording of the Preamble and listen to a musical rendition.

Sources for Images for classroom use

<http://office.microsoft.com/clipart/default.aspx?lc=en-us>>

<http://classroomclipart.com>>

<http://www.google.com> > (image search)

Notes

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2. Harold Sullivan, *Civil Rights and Civil Liberties: Provocative Questions and Evolving Answers* (New Jersey: Prentice Hall, 2001), 1-2.
3. Declan McCullah, "Why Liberty Suffers in Wartime," *Wired News*, 19 Nov. 2002 at <http://www.wired.com/news/politics/0,1283,47051,00.html> accessed on July 10, 2005.
4. McCullah
Michael Linfield, *Freedom Under Fire: U.S. Civil Liberties in Times of War* (Boston: South End Press, 1990),
5. p. 27. in David Hudson, "The First Amendment: A Wartime Casualty?" *Freedom Forum* 15 Feb. 2002 <http://www.freedomforum.org/> accessed August 7, 2005.
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7. "Espionage History (1917-1918)," PageWise, Inc.
http://ncnc.essortment.com/espionagehistor_rago.htm accessed on August 3, 2005.
8. CLDW: "Civil Liberties during Wartime," Pacific Lutheran University, Dec. 2002 at <http://www.plu.edu/~cvlright/media/home.html> accessed on August 3, 2005.
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Bill Straub, "Are civil liberties the real victim of terrorism?" *Scripps Howard News Service*, 11 July 2002
16. at <http://www.capitolhillblue.com/cgi-bin/artman/exec/view.cgi?archive=7&num=48&printer=1> accessed July 13, 2005.
Michael Linfield, *Freedom Under Fire: U.S. Civil Liberties in Times of War* (Boston: South End Press, 1990),
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18. Editorial, "The Patriot Act and Civil Liberties," *America* 1 August 2005
19. Ted Barrett, "House approves renewal of Patriot Act: Critics voice concern over civil liberties," *CNN.com*, 22 July 2005 <http://www.cnn.com/2005/POLITICS/07/21/patriot.act/> accessed August 11, 2005
20. "Security and Liberty," *Philadelphia Inquirer* (Philadelphia) 30 July 2005: A6.

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