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# Building Democracy for All: Interactive Explorations of Government and Civic Life

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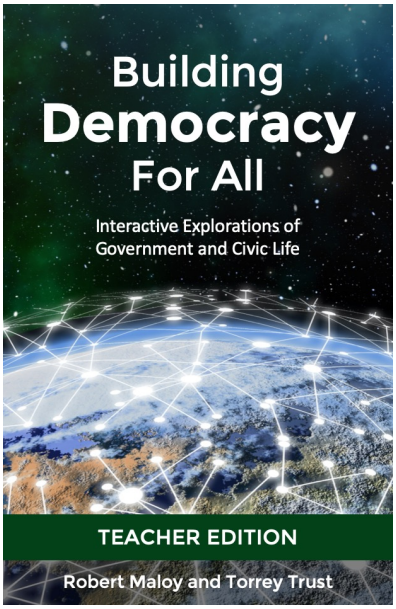
# Building Democracy for All

## Interactive Explorations of Government and Civic Life

Robert W. Maloy & Torrey Trust

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# Introduction for Educators

## BUILDING DEMOCRACY FOR ALL

**Interactive Explorations of Government and Civic Life**

**TEACHER EDITION**

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Bob Maloy, Torrey Trust, Allison Butler, and Chenyang Xu were honored for their collaborative work on this eBook project with the 2021 Learning Technologies Team Award.

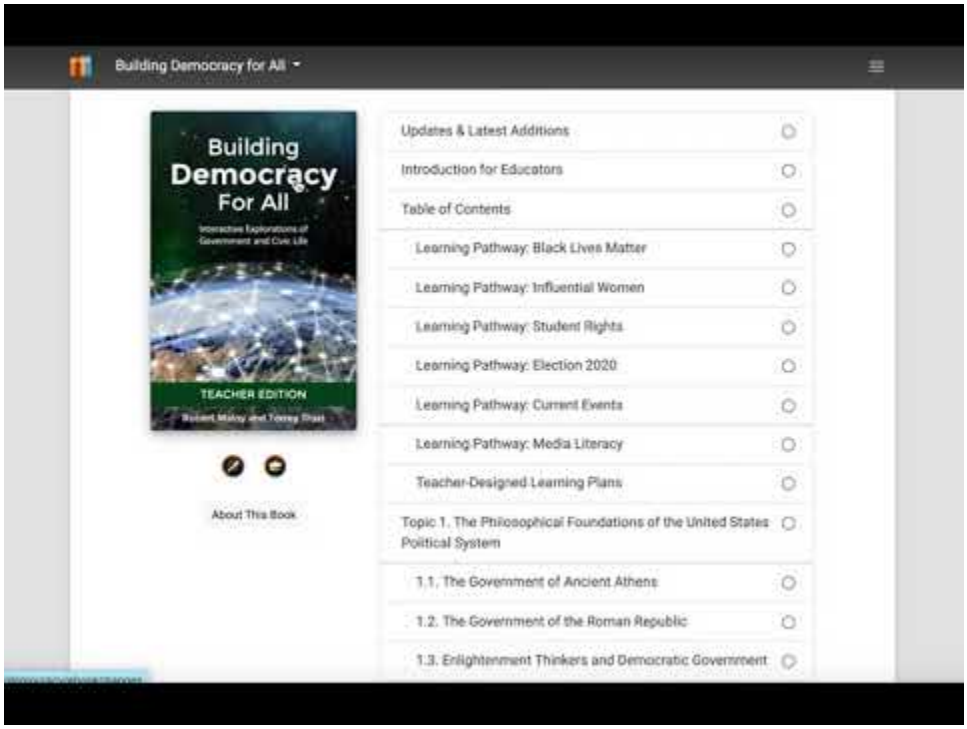
# Welcome

Welcome to *Building Democracy for All* - an interactive, multimodal, multicultural, open access eBook for teaching and learning key topics in United States Government and Civic Life. **Open access** means these materials are "digital, online, and free of charge" (Billings, 2019). This book is available online to anyone with an internet connection. The eBook can also be viewed and printed as a PDF file.

Designed as a core or supplementary text for upper elementary, middle and high school teachers and students, *Building Democracy for All* offers instructional ideas, interactive resources, primary documents, multicultural materials, and multimodal learning materials for interest-building explorations of United States government as well as students' roles as citizens in a democratic society. It focuses on the importance of community engagement and social responsibility as understood and acted upon by middle and high school students—core themes in the 2018

Massachusetts 8th Grade Curriculum Framework, and which are found in many state history and social studies curriculum frameworks around the country.

*Building Democracy for All* has been developed by a collaborative writing team of higher education faculty, public school teachers, educational librarians, and college students who are preparing to become history and social studies teachers. The primary editors and curators are from the University of Massachusetts Amherst College of Education. Contributing teachers come from school districts in the Connecticut River valley region of western Massachusetts (Amherst, Gateway, Westfield, Hampshire Regional, and Springfield). As an open resource, the book is being revised constantly by the members of the writing team to ensure timely inclusion of online resources and information.




**Watch on YouTube https://edtechbooks.org/-dZrK**

## Book Overview

We are writing this book (which began in summer 2019 and is continuing through 2021) within the context of what Joe Biden in his 2021 presidential inaugural address called the "**cascading crises of our era,"** including the COVID-19 pandemic, accelerating climate change, widespread economic inequality, long-denied demands for racial justice, America's shifting position in the world, and Trumpism and its attacks on democracy and the rule of law. The challenging impacts of these six crises on our government and our lives are present in every chapter.

We recognize that in teaching and learning about government and civic life at this time in our country's history means recognizing in the words of *The 1619 Project*'s Nikole Hannah-Jones that "the United States is a nation founded on both an ideal and a lie" (2019, para. 9). The American ideal, articulated in the Declaration of Independence and the Constitution, is that all people are created equal and have the inalienable rights to full participation in free and just democratic society. The lie,

or fundamental contradiction, is that the promise and reality of democracy has been denied Black Americans, women, Native Americans, Latinx Americans, and LGBTQ individuals from the nation's beginnings and is still denied to many today.

In designing and writing this book, we have sought to value both the ideals of America and the realities of people's historical and contemporary experiences. To build democracy for all, as the book is titled, we seek to move beyond a fact-based government and civics curriculum, that while important does not often face hard histories, address controversial topics, confront false narratives, and teach students to how to become active, engaged citizens committed to freedom and justice for all (National Council for the Social Studies, 2020).

Our goal is to build interactive and inquiry-based learning experiences for students in upper elementary, middle and high schools, as well as college courses. When thinking about teaching, learning, and school curriculum, writer Daniel Osborn (2020) reminds us, that "we have to remain vigilant of the role this institution plays in shaping collective memory and forming identities" (para. 6). In his publication, Let's Rethink How We Teach Black History, Osborn asks:

- What narratives are we privileging as educators?
- What narratives are we silencing?
- What can we do to change this today, tomorrow, and in a sustained way moving forward?"

*Building Democracy for All* is based on our belief that civic learning will be impactful and lasting when teachers and students act together as pedagogical partners. We offer ways for teachers and students to explore the ideals of the United States as set forth in its founding documents, its governmental institutions, and its laws and policies to envision how a government and a society that follows democratic principles can function equitablty and fairly for everyone. At the same time, we provide resources and learning plans for examining the hard histories and untold stories of how decisions and structures have blocked those ideals from becoming reality for many people. Understanding the tensions between the ideal and the reality of American life includes exploring how oppressed groups and courageous individuals have fought for social justice and political change through ongoing struggles and protests with the goal of realizing the dream of democracy for all.

## Topics

*Building Democracy for All* is organized around seven major topics and 50 learning modules based on standards set forth in the Massachusetts 8th Grade History & Social Science Curriculum Framework.

- Topic 1: The Philosophical Foundations of the United States Political System
- Topic 2: The Development of United States Government
- Topic 3: The Institutions of the United States Government
- Topic 4: Rights and Responsibilities of Citizens
- Topic 5: The Constitution, Amendments, and Supreme Court
- Topic 6: The Structure of Massachusetts State & Local Government
- Topic 7: Freedom of the Press and News/Media Literacy

An future eighth section will be devoted to strategies for conducting civic action/community engagement projects with students, as mandated by Massachusetts Law S2631: An Act to Promote and Enhance Civic Engagement.

# Modules for Learning

Each module includes an INVESTIGATE, UNCOVER**,** and ENGAGE module that students and teachers can use to explore topics in greater depth in face-to-face classes and online learning formats.

## INVESTIGATE, UNCOVER, ENGAGE MODULES

1. **INVESTIGATE** offers **learning field trips** with historical context and online links to primary source materials, historical timelines, biographies of influential people, interactive websites, and relevant factual information to promote awareness and understanding of the principles, values, institutions, and practices of American democracy. Investigating our nation's governmental history and foundations introduces students to their rights and responsibilities as members of a democratic society.

2. **UNCOVER** presents **little-known histories and stories** of women, Black Americans, indigenous peoples, LGBTQIA individuals, children and teens, and others who are under-represented in textbooks, curriculum frameworks and learning plans. These sections connect the struggles of diverse individuals and groups to major events and institutions of United States democracy. UNCOVER invites students to explore deeply the ongoing struggles of individuals and groups to achieve equal status in American society. Students participate in inquiry learning where questions, rather than answers, are the focus of the learning activities (Lesh, 2011).

3. **ENGAGE** poses **public policy issues and questions** for students to analyze and act upon through discussion, writing, and civic action projects. ENGAGE questions ask students to think deeply about the choices they face as members of a democracy and then act on their decisions as engaged members of their communities. Researchers have documented that **political-based discussions** among students in classrooms **increase civic knowledge and dispositions** while expanding individual perspectives beyond one's immediate group of family and friends (Hess & McAvoy, 2014; Korbey, 2019).

Each module includes the following resources.

**Suggested learning activities** provide interactive explorations of the topic. These activities encourage higher order thinking and learning by students as they explore issues, discuss ideas, analyze documents, design solutions to community problems, formulate personal positions about public policies, and create knowledge to share with others. Activities emphasize higher-order thinking using interactive web-based learning materials and digital tools and apps to support and extend student thinking and learning.

**Online resources** include digital primary sources, secondary source background materials, historical biographies, multimedia resources, landmark court cases, LGBTQ history resources, women's history materials, and other online information drawn from reliable and trusted academic and educational sites. Many of the online resources feature links to pages in the free ***resourcesforhistoryteachers* wiki**, a multimedia/multicultural resource hosted by the College of Education at the University of Massachusetts Amherst.

## Additional Features

**Teacher-Designed Learning Plans** are located in boxes throughout the book. These plans can be adapted to in-person, online, remote, and blended learning formats. We encourage book readers to submit their own lessons to be included in the text.

**Learning Pathways** enable teachers and students to explore material in the book thematically by topic rather than sequentially through standards. Learning pathways include: Black Lives Matter, Student Rights, Influential Women, Election 2020, Media Literacy, and Current Events.

**Audio Introductions** are provided each of the 50+ standards presented in the book. These short summaries highlight key civics, government, and history topics explored within each standard's learning modules.

**Digital Choice Boards** invite interactive high- and low-tech explorations of curriculum topics. A choice board is a "graphic organizer that allows students to choose different ways to learn about a particular concept" (Reinken, 2012, para. 1). Each box on the choice boards features higher order thinking activities for students to complete when using the board for learning. To use choice boards for learning, teachers can split students into groups or teams and ask them to research topics found on the board. Each topic offers points of departure for further research. Learning suggestions for student-designed choice boards include a focus on higher order thinking activities, such as:

- Code a Scratch story
- Create an interactive digital story
- Construct 3D digital artifacts
- Design a multimodal book
- Construct an augmented reality exhibit
- Build a 3D model
- Build an interactive map
- Create an Interactive Timeline
- Create a video

**Critical Media Learning Activities** are placed throughout the book as opportunities for students and teachers to critically investigate media and its influence on education and society. These activities are presented in an expanded format in a second online eBook, ***Critical Media Literacy and Civic Learning*** (see description below).

**A Companion YouTube Channel**, **UMass Democracy for All** povides video introductions to critical media activities found throughout the book. These videos highlight how students can apply essential media literacy skills in understanding U.S. government and engaging in active roles as members of a democratic society.

## How to Use This Book

This book is designed for teachers and students working together in collaborative learning environments. Topics and standards are accompanied by easy-to-read introductions, designed to interest readers. Links throughout the sections make the book an interactive reading and viewing experience. Learning activities for each module in each standard are written to encourage students

to connect with and act on issues facing our democratic society.

The book may be a core or supplementary text for 8th grade classes. It can also be useful in high school government and history courses, including Advanced Placement (AP) United States Government and Politics. The Table of Contents is organized based on the Massachusetts Curriculum Framework, but topics presented can be aligned to curriculums in middle and high schools around the country that are teaching government and civic life.

This book is licensed under a Creative Commons Attribution NonCommercial ShareAlike 4.0 International License, which means that you are free to copy and redistribute the material in any medium or format. You can also remix, transform, and build upon the material as long as the remixed materials feature a similar Creative Commons license.

## References

A list of references to the sources cited throughout the chapters can be found on this Google Doc: Building Democracy for All eBook References.

## Critical Media Literacy Companion Edition

We are also developing a companion edition to our *Building Democracy for All* eBook entitled ***Critical Media Literacy and Civic Learning***. This book features 50+ interactive media literacy learning activities for students organized around the topics from the Massachusetts 8th Grade Civics and Government curriculum framework. Each includes short written introductions followed by step-by-step activities for students to complete, individually or in small groups. Every activity is designed to promote creative self-expression and critical thinking among students. Like *Building Democracy for All* , the Media Literacy Companion Edition will be available online to anyone with an internet connection, free of charge.

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# Learning Pathway: Current Events

*Building Democracy For All* is designed so that teachers and students can follow different learning pathways as they explore the material in the book. Rather than proceeding sequentially through the standards, the learning pathways invite a thematic approach. Other learning pathways include: Student Rights, Influential Women, Black Lives Matter, Media Literacy, and Election 2020**.**

### Latest Addition to the eBook

The coronavirus pandemic has caused massive unemployment throughout the country. New material has been added to Topic 4.3 (ENGAGE) to frame the debate about whether the United States should adopt Universal Basic Income or Guaranteed Employment as national policies.

## Current Events Choice Board

**(click here to make your own copy of the choice board)**

Current Events Choice Board by Robert W. Maloy, Ed.D. & Torrey Trust, Ph.D.,
College of Education, University of Massachusetts Amherst.
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# Building Democracy for All Chapters

**Topic 1**: The Philosophical Foundations of the United States Political System

- ENGAGE: Should 16 or 17 Year-Olds Be Allowed to Vote?

**Topic 2**: The Development of United States Government

- ENGAGE: Who Should Have Primary Responsibility for Environmental Policies?

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**Topic 3**: Institutions of United States Government

- UNCOVER: Electing LGBTQIA Legislators
- ENGAGE: Should Puerto Rico or the District of Columbia Become the 51st State?
- ENGAGE: Can a Woman Be Elected President of the United States?
- ENGAGE: Should the United States Adopt Instant Runoff/Ranked Choice Voting?

**Topic 4**: The Rights and Responsibilities of Citizens

- UNCOVER: Poll Taxes, Literacy Tests, and Voter Restriction Laws
- ENGAGE: When Should Someone Be Granted Asylum in the United States?
- ENGAGE: Should the U.S. Adopt Universal Basic Income (UBI) or Guaranteed Employment as National Policies?
- ENGAGE: How Would You Get More People, Especially Young People, to Vote?

Vote by Mail by League of Women Voters of California LWVC is licensed under CC BY 2.0

**Topic 5**: The Constitution, Amendments, and Supreme Court Decisions

- ENGAGE: What New Amendments to the Constitution Are Needed Today?
- ENGAGE: When Can Girls and Boys Compete Together in Athletic Events?
- ENGAGE: What Steps Should Communities and Governments Take to Reduce Gun Violence?

**Topic 6**: The Structure of Massachusetts State and Local Government

- UNCOVER: Gender-Inclusive and Anti-Racist Language and Images in State Constitutions, Laws, and Materials
- ENGAGE: Should the Government Pay Slavery Reparations for Black Americans?
- ENGAGE: How Can Teachers and Students Develop LGBTQIA-Inclusive Curriculum in Schools?
- ENGAGE: What Single-Use Plastic Items Should Local Governments Ban to Help Save the Environment?
- ENGAGE: How Can Society Eliminate Gender Gaps in Wages and Jobs?
- ENGAGE: Should States Expand Lotteries to Raise Money for Communities?
- ENGAGE: Should Communities Declare Themselves Safe or Sanctuary Cities?

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**Topic 7**: Freedom of the Press and News/Media Literacy

- ENGAGE: Is Internet Access a Human Right?
- ENGAGE: Should Facebook and Other Technology Companies Regulate Political Content on Their Social Media Platforms?

Topic 1

# The Philosophical Foundations of the United States Political System

The Goddess of Democracy Statue, Portsmouth Square, San Francisco, Public Domain

## Snapshot of Topic 1

Explore the topic's sub-chapters to learn more about the philosophical foundations of the United States political system.

## Supporting Question

- What were the roots of the ideas that influenced the development of the United States political system?

## Massachusetts Standards [8.T1.1-5]

1. The Government of Ancient Athens
2. The Government of the Roman Republic
3. Enlightenment Thinkers and Democratic Government
4. British Influences on American Government
5. Native American Influences on American Government

## Advanced Placement Standards for U.S. Government

- AP Government and Politics Unit 1.1:  Ideas of Democracy
- AP Government and Politics Unit 1.2:  Types of Democracy

## Topic 1: The Philosophical Foundations of the United States Political System

Topic 1 explores the origins of the United States system of **democratic government**, beginning with Ancient Athens and the Roman Republic and including how Enlightenment thinkers, colonial governments, and First People tribes influenced the writing of the Declaration of Independence and the Constitution.

The word **'Democracy'** comes from the Greek words "demos" and "kratos," meaning "**rule by the people**" (Defining Democracy, Museum of Australian Democracy). Although the term does not appear in either the Declaration of Independence or the United States Constitution, democracy is the foundation for government in this country. Americans believe in government of the people, by the people, for the people.

Democracy, as a framework of government, has evolved over the centuries and now includes concepts that are the foundations of civic and political life in our country: freedom, justice, liberty, individual rights and responsibilities, shared power, and a system of checks and balances among the legislative, executive, and judicial branches of the government.

More than half the countries in the world consider themselves democracies, although not all are fully democratic (Desilver, 2019). In the modern world, contends one researcher, an "authentic democracy" includes the following structures, without which a democratic system cannot exist:

- "free, fair, contested, and regularly scheduled elections";
- "practically all adults have the right to vote and to particpate in the electoral process";
- "minority parties are able to criticize and otherwise oppose the ruling party or parties";
- a constitution "guarantees the rule of law," established limited government, and protects individuals' rights of speech, press, petition, assembly and association. (Patrick, 2006, p.7)

Dartmouth College political scientist Brendan Nyhan (2020) has noted that democracy is not a binary

concept; countries are not exclusively democratic or not democratic. Instead, democratic nomrs are always advancing in some places and eroding in others in response to current events. The organization Freedom House reported that even before the events of the 2020 presidential election and 2021 Insurrection at the Capitol, the United States was experiencing a decline in the index of democracy in the world, occuping a position between Italy and Argentina, well below the most democratic countries: Austria, Chile, Ireland, New Zealand, Portugal, Spain and Uruguay.

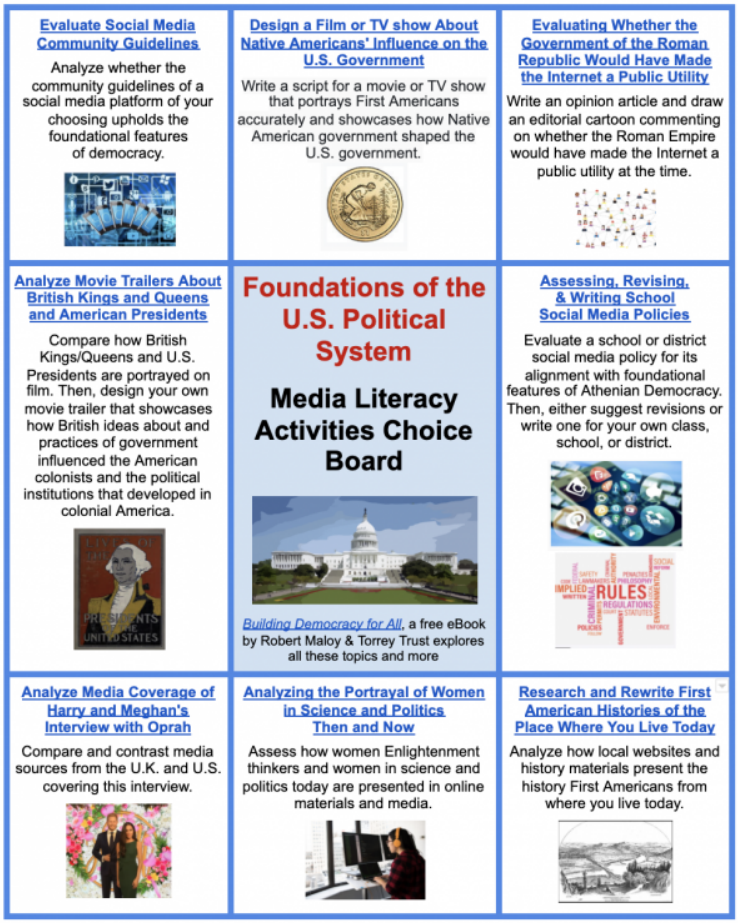
**Dictatorship and authoritarianism** are the political opposites of democracy, and the 20th century and the beginning of the 21st century have seen tyrants come to power across the globe. In her book *Strongmen*, historian Ruth Ben-Ghiat (2020) documents three eras of despotism: 1) Fascist takeovers (1919 to the end of the World War II) marked by the reign of Mussolini and Hitler; 2) Military coups (1950-1990) that brought to power men like Muammar Quddafi (Liyba), Mobuto Sese Seko (Zaire), and Augusto Pinochet (Chile); 3) New authoritarians (1990 to present) who get elected democraticallly and then set out to dismantle democratic institutions; men like Silvio Berlusconi (Italy), Vladmir Putin (Russia), and Donald Trump (United States) fall in this category.

In the second decade of the 21st century, democracy and democratic institutions continue to be under assault around the world. The Nations in Transistion 2020 report from Freedom House details what it calls a "decade of democratic deficits" in which countries experiencing declines in democracy have exceeded countries with gains every year since 2010. In Central Europe, the report notes, there is a growth of "hybrid regimes" in Poland and Hungry where authoritarian leaders have created quasi-autocracies by undermining the independent judiciary, attacking the free press, curtailing civil liberties, and spreading disinformation and propaganda to inflame people's attitudes toward outsiders such as immigrants and asylum-seekers. Despite these developments, the Freedom House report notes, citizen protests against corruption and for environmental protections, particularly in Ukraine and Armenia, represent a significant counterweight to anti-democracy in the region. Democracy - Our World in Data and Democracy 2019,*The Economist* magazine’s annual index offer additional perspectives on the place of democracy in the world today.

The standards in Topic 1 explore the philosophical and historical origins of the United States democratic political system, beginning with the emergence of democratic principles in ancient Greece and Rome and continuing to political philosophies of Enlightenment thinkers, the struggles between monarchs and nobles in medieval England, and the question of how extensively did Native Americans influence on the structure of American government.

The governments and politics of Greece and Rome profoundly influenced America's founding generation. Comparing the educational backgrounds of George Washington, John Adams, Thomas Jefferson, and James Madison, historian Thomas E. Ricks (2020) found Greco-Roman learning was "part of the culture; a way of looking at the world and set of values." Ricks notes that the United States "Senate" meets at the "Capitol." Our political parties are "Republicans" or "Democrats." The Supreme Court's architexture recalls a Roman temple. Latin phrases are familiar parts of the legal and political vocabularies. The Roman word "virtue" (which in the 18th century meant putting the common good above self interest) appears some 6000 times in the writing of members of the Revolutionary generation. At the same time, the Founders, as with their ancient world predecessors, accepted human slavery and built that acceptance into the structures of American government as well as the fabric of American life.

# Foundations of the U.S. Political System: Media Literacy Activities Choice Board

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## Topic 1 Chapters

# 1.1

# The Government of Ancient Athens

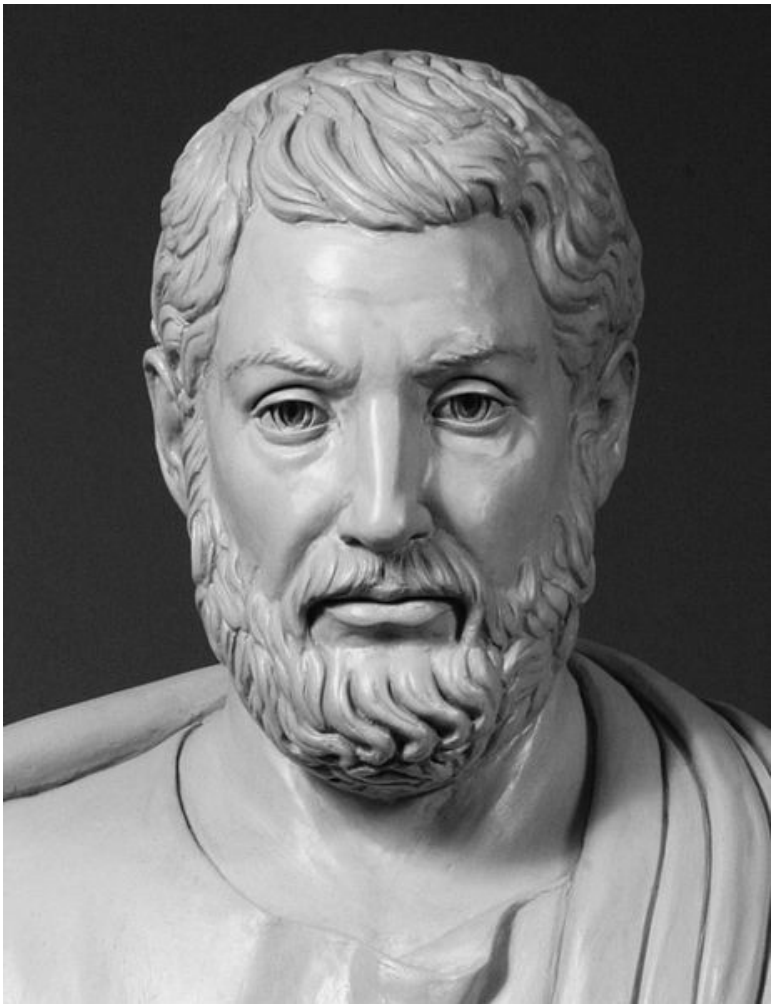
## Standard 1.1: The Government of Ancient Athens

*Explain why the Founders of the United States considered the government of ancient Athens to be the beginning of democracy and explain how the democratic concepts developed in ancient Greece influenced modern democracy.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T1.1]**

*Explain the democratic political concepts developed in ancient Greece:  a) the "polis" or city state; b) civic participation and voting rights, c) legislative bodies, d) constitution writing, d) rule of law. (*Massachusetts Curriculum Framework for History and Social Studies) **[7.T4.3]**

## FOCUS QUESTION: What Parallels Can We Draw Between Ancient Athens and the United States Government Today?

As a political system, democracy is said to have begun in the **Greek city-state of Athens** in 510 BCE under the leadership of Cleisthenes, an Athenian lawyer and reformer. Some researchers contend democracy emerged much earlier in the republics of ancient India where groups of people made decisions through discussion and debate (Sharma, 2005).



Cleisthenes, the father of Greek democracy |
"Cleisthenes Bust" by Ohio StateHouse

Democracy was not the only form of government among the city-states of ancient Greece. There was **monarchy** (rule by one individual who inherited the position by birth), **oligarchy** (rule by a small group), and **tyranny** (rule by a leader who seized power). In this context, the emergence of a democratic self-government - however limited - was a revolutionary development in world history for those who could vote did actively participate in setting policies for the community.

Only free adult men who were citizens – about 10% of the population – could vote in Athens' limited democracy. Women, children, slaves**,** and foreigners were excluded from participating in making political decisions. Women had no political rights or political power. Aristotle, in “On a Good Wife,” written in 330 BCE, declared that a good wife aims to "obey her husband; giving no heed to public affairs, nor having any part in arranging the marriages of her children."

"Hydria illustrating three women (ca. 430 BCE.)" by Dorieo is licensed under CC BY-SA 4.0
A hydria is a three-handled water vessel
Manner of the Kleophon Painter, Kerameikos Archaeological Museum in Athens

There were **significant differences in women's roles in Athens and Sparta**. Athenian women could not own property nor did they have access to money, while women in Sparta could own property, inherit wealth, could get an education, and were encouraged to engage in physical activities. Explore a *resourcesforhistoryteachers* wiki page Women and Slaves in Ancient Athens for a fuller comparison of women's roles in Athens and Sparta.

Ancient Athens also depended on many other markedly undemocratic practices. **Slavery** was essential to the operation of society; slaves did much of the work of daily life as cooks, maids, miners, porters, and craft production workers. The practice of **ostracism** allowed citizens to vote a man into exile for ten years without appeal. Women had "virtually no political rights of any kind and were controlled by men at nearly every stage of their lives" (Daily Life: Women's Life, Penn Museum, 2002, para. 1).

How did the political practices of ancient Athens impact how democracy became established in the United States? The modules in this topic consider that question in terms of 1) the emergence of modern-day **digital government** and the realities created by the COVID-19 pandemic, 2) the impact of the Olympic marathon on Native American runners, and 3) the efforts of students and teachers to make school classrooms more democratic places and spaces.

## Modules for this Standard Include:

1. INVESTIGATE: Athenian Democracy and 21st Century Digital Government--Before and After the Pandemic
    - MEDIA LITERACY CONNECTIONS: Democratic Participation on Social Media Platforms
2. UNCOVER: The Legend of Pheidippides, the Heraean Games and First American Runners in the Boston Marathon
3. ENGAGE: How Can School Classrooms Become More Democratic Spaces?

# 1. INVESTIGATE: Athenian Democracy and 21st Century Digital Government--Before and After the Pandemic

The word "**politics**" is derived from the Greek word "**polis**," meaning "city." To the ancient Greeks the "city" was a geographic location, and also a political entity. To live in the city meant to be actively involved in making political decisions for the city. In ancient Athens, it was only male citizens who could vote that were allowed to engage in politics. Today, politics more broadly refers to the activities (including cooperation and conflict) among people that create and maintain a government.

Pnyx Hill, Athens where the Athenian Assembly met to enact legislation

"Pnyx-berg2" by unknown author is licensed under CC BY-SA 3.0

## A Foundation for Democracy

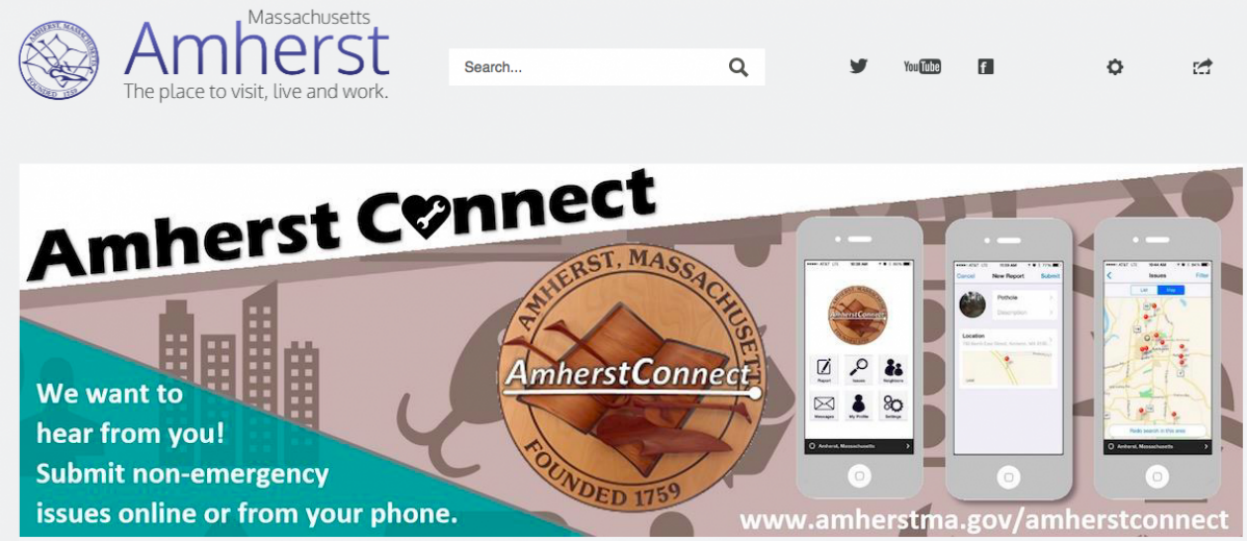
Athens' "first democracy," limited though it was, operated on two principles new in world history, namely that "we all know enough to decide how to govern our public life together, and that no one knows enough to take decisions away from us" (Woodruff, 2005, p. 24). That system had seven features that over the centuries became the foundation for people's efforts to create democratically self-governing communities, organizations, and nations:

1. Freedom from tyranny
2. The rule of law, applied equally to all citizens
3. Harmony (people adhering collectively to the rule of law while accepting differences among people)
4. Equality among people for purposes of governance
5. Citizen wisdom built on the human capacity to "perceive, reason, and judge"
6. Active debate for reasoning through uncertainties
7. General education designed to equip all citizens for social and political participation (quoted in Sleeter, 2008, p. 148)

The political practices of Athenian democracy are relevant to understanding how democracies function in the world today.  Although severely limited, there was civic participation, voting rights, and legislative bodies (the Assembly and the Council of 500). There was a constitution and an assumption of the rule of law presided over by magistrates and juries made up of citizens. More information about Athenian democracy is available at a *resourcesforhistoryteachers* wikipage on the Government of Ancient Athens.

## Digital Government and the Pandemic

The origins of democracy in ancient Athens invites us to explore how democracy and the democratic government is evolving in today's **digital world** and consider how smartphones, computers, and other interactive technologies might create new ways for citizens to interact with political leaders democratically, especially in light of the changes produced by the 2020 pandemic.




"Page of the Town of Amherst Website"
May 2020 during COVID-19 Pandemic
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The COVID-19 pandemic has increased efforts by governments to function digitally rather than through face-to-face meetings and interactions. Governments at every level are using mobile apps and social media platforms to communicate information to people about infection rates and appropriate public health practices. At local, state, and national levels, government meetings are being held virtually; in May 2020 the House of Representatives voted to allow remote voting and virtual hearings, ending a 231 year requirement that members be physically present to conduct business. Issuing a policy brief embracing digital government during the pandemic and beyond, the United Nations stated, "Effective public-private partnerships, through sharing technologies, expertise and tools, can support governments in restarting the economy and rebuilding societies" (UN/DESA Policy Brief #61).

Before the pandemic, the northern European country of **Estonia** claimed to have the world's first **digital government**. The first country to declare Internet access as a human right for every person (Estonia is a digital society), 99% of Estonia's government services are online. In 2005, Estonia held

the world's first elections on the Internet; Estonian citizens can now vote online from anywhere in the world. Estonia is also consulting with the government of Ukraine on a "**A State in a Smartphone**" project where citizens can actively participate in government through electronic petitions, consultations, and elections (Ukrinform, 2020).

"Kersti Kaljulaid MSC 2018" by Mueller is licensed under CC BY 3.0 DE
The Estonian President in 2020 is Kersti Kaljulaid, the first woman and youngest person to hold the office.

Watch the following videos and consider whether digital technologies and smartphones are a way for more people to participate more fully in democratic government:

- How Estonia Built a Digital First Government, *PBS Newshour*, April 29, 2018;
- Welcome to e-Estonia, the World's First Digital Nation

In this context, it is possible to consider the issue of how will humans govern outer space? It is projected that there will be regular settlements on the moon, an area about the size of Africa, within the next decade. There are complex issues of exploration and resource ownership and management to be settled.

- Civilization on the Moon--And What It Means for Life on Earth, Jessy Kate Schingler (May 2020)

What will the post-pandemic governments of the future look like? Everyone from elected policymakers to everyday people will be involved in answering this question in the months and years ahead.

## Media Literacy Connections: Democracy in Social Media Policies and Community Standards

Athenian democracy's foundational principles included equality, harmony, debate, and general education. Learn how to apply these same principles to more modern-day media by evaluating the community standards, rules, and policies on **social media platforms:**

- **Activity 1: Evaluate Social Media Community Guidelines**
- **Activity 2: Assessing, Revising, and Writing School Social Media Policies**
- **Activity 3: Writing Social Media Posts That Align with Democractic Values**

## Suggested Learning Activities

- **Design an Infographic**
  - Visit the Philosophies and Forms of Government wiki page
  - Choosing between an **Oligarchy, Autocracy, Direct Democracy, Representative Democracy, Theocracy** or **Monarchy,** create an infographic describing your selected government, including its benefits and drawbacks.
    - For more background material on types of government, explore 20 different types of government.

- **Create an interactive Timeline**
  - Design a historical timeline that traces the beginning of democracy to modern day U.S. democracy to Estonia's digital democracy (using Timeline JS, Adobe Spark, LucidPress, or Google Drawings).

- **Analyze and Discuss**
  - How might a digital government work in the United States?
  - What would be the benefits? What issues might emerge?

- **Create a Meme, Editorial Cartoon, or Short Video**
  - How might students more directly influence decisions and policies if there were a **Government with a Smartphone** initiative at your school, in your community, and in the state and the United States?

## Online Resources for Athenian Democracy and Digital Government

- Athenian Democracy: A Brief Overview
- **Primary Source**: For a classic statement about democracy, read and discuss in current English "Pericles' Funeral Oration" from *The History of the Peloponnesian War* by Thucydides.
  - What did Thucydides want listeners to think over or consider?
- Democracy Web: Comparative Studies in Freedom
- Athens and Democracy provides text, video, Powerpoint, and plans about Athenian democracy.
- A teaching case study includes primary sources that explore the lives of women in Athens and Sparta.
- Women, Money and the Law in Ancient Athens has more information about the societal position of women in Athens
- Ancient Greece:  Women is a kid-friendly interactive website explaining the role of women in

Ancient Greece.
- Women in Ancient Greece talks about how men viewed and talked about women in Greek society.
- AP World History Period 2.2:  States and Empires

### Teacher-Designed Learning Plan: Government in Ancient Athens

Government in Ancient Athens is a learning unit developed by Erich Leaper, 7th-grade teacher at Van Sickle Academy, Springfield Massachusetts, during the spring 2020 COVID-19 pandemic. The unit covers one week of instructional activities and remote learning for students. It addresses both a Massachusetts Grade 7 and a Grade 8 curriculum standard as well as Advanced Placement (AP) Government and Politics unit.

- Massachusetts Grade 7
    - Explain the democratic political concepts developed in ancient Greece: a) the "polis" or city state; b) civic participation and voting rights; c) legislative bodies; d) constitution writing; d) rule of law.
- Massachusetts Grade 8
    - Explain why the Founders of the United States considered the government of ancient Athens to be the beginning of democracy and explain how the democratic concepts developed in ancient Greece influenced modern democracy.
- Advanced Placement: United States Government and Politics
    - Unit 1: Ideas of Democracy

This activity can be adapted and used for in-person, fully online, and blended learning formats.

## 2. UNCOVER: The Legend of Pheidippides, the Heraean Games and First American Runners in the Boston Marathon

Democracy was not the only accomplishment that modern day America owes to Ancient Greece. Greek thinkers made history-altering contributions in **science** (Thales), **mathematics** (Pythagoras and Euclid), **medicine** (Hippocrates), **philosophy** (Socrates, Plato and Aristotle), and **history, poetry, and drama** (Herodotus, Thucydides, Homer, Aeschylus, Sophocles, Aristophanes and Euripides).

**Athletic competitions**, signified by the Olympics and its long-distance races, also stretch back to Ancient Greece. The Boston Marathon, the New York City Marathon, and the Olympic Marathon itself are among the most exciting events in sports today. Modern marathons have their origins in ancient Greece with the legend of Pheidippides, a messenger.

"Statue of Pheidippides along the Marathon Road"
by Hammer of the Gods27 is licensed under CC BY-SA 3.0

During the Battle of Marathon in 490 BCE, Pheidippides is said to have run from the battlefield of Marathon to Athens to announce a Greek victory, a distance of about 24.85 miles. Pheidippides' long journey inspired the marathon race at the first modern Olympics in Athens in 1896. Marathons for men have been run in every Olympics since then - a women's marathon was added in 1984.

The legend of Pheidippides invites exploration of a largely forgotten history of First (or Native) American Runners at the Boston Marathon, the modern world's oldest annual marathon. Iroquois tribe member Thomas Longboat (or Cogwagee) won the Boston Marathon in 1907 and Tarzan Brown: Narragansett Indian Tribe of Rhode Island won the race in 1936 and 1939. Google Doodles celebrated Thomas Longboat's 131st birthday with an animation and a short biography on June 4, 2018.

Running is deeply part of American Indian culture and history. **Jim Thorpe** (the first Native American to win a gold medal and the greatest multi-sport athlete of the early 20th century), Lewis Tewanima, and Billy Mills all excelled as runners during the Olympics. Patti Catalano Dillon from Quincy, Massachusetts won the Honolulu Marathon four times in a row. You can learn more about running and sports among First Americans from the article "For Young Native Americans, Running is a Lesson in their own History."

In addition to the marathon, athletic competition in ancient Greece featured tests of individual skill and strength for men - there were no team sports or records kept of individual achievements. The first Olympic Games were held in 776 BCE. Events included sprinting, wrestling, javelin, discus, chariot racing, and a fight to the death called "pankation." The ancient Olympics were abolished by the Roman Emperor Theodosius I in 393 or 394 CE (Frequently Asked Questions about the Olympic Games).

**Women were excluded from Olympic events with men**. Unmarried girls were allowed to participate in their own athletic event - a once-every-four-years foot race during the Festival of Hera known as the **Heraean Games**. The first Olympic woman champion was Cynisca from Sparta who

won the four-horse chariot race twice, in 396 and 392 BCE.  Monuments were built to honor her achievements. The modern Olympics began in 1896 and women were allowed to participate for the first time in 1900. In 2016, women were 45% of Olympic competitors (5,176 out of 11,444 athletes (Key Dates in the History of Women in the Olympic Movement).

### Suggested Learning Activities

- **Create and Perform**
    - Use the following resources for a student-made TV news and sports show discussing how running and other sports have evolved in American Indian communities:
        - Sports were Essential to the Life of the Early North American Indian, *Sports Illustrated*, December 1,1986
        - Legend of Tarzan: Stories about Brown Have Legs, *The Boston Globe*, April 13, 2016
        - Tradition of Champion Native Runners in Boston Continues, *Indian Country Today* (March 8, 2017)
        - The Importance of Running in Native American Culture, *Women's Running* (February 25, 2019)
        - For Young Native Americans, Running Is a Lesson in Their Own History, *The Christian Science Monitor* (January 15, 2019)

### Online Resources for the History of the Marathon

- The Truth About Pheidippides and the Early Years of Marathon History
- The History of Marathons
    - Where did the 26.2 mile marathon route come from? The History of the Marathon describes the development of the modern marathon that we know today.

### Teacher-Designed Learning Plan: The Ancient and Modern Olympics

**The Ancient and Modern Olympics** is a learning activity developed by social studies teacher Erich Leaper and University of Massachusetts Amherst faculty member Robert Maloy.  It is designed for in person, virtual or hybrid learning settings and addresses the following curriculum standard:

- Massachusetts Grade 7: Topic 4/Standard 7
    - Identify the major accomplishments of the ancient Greeks

## 3. ENGAGE: How Can School Classrooms Become More Democratic Spaces?

While the word **democracy** is often used, it is experienced far less often by most people in this country. “Although we think of ourselves as living in a democratic society," observed journalist Jay Cassano (2015), "we actually practice democracy very rarely in our everyday lives" (para. 1).

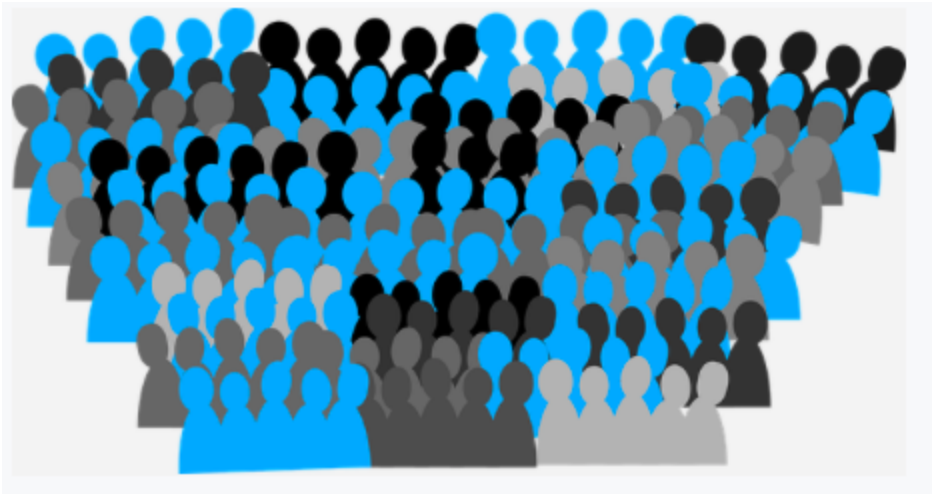


Image on Pixabay
Free for commercial use, no attribution required

Many consider voting for President every four years as their primary democratic experience, but practicing democracy also means exercising one's rights through free speech, peaceful protests, petitions for change, consumer boycotts and buycotts, and other forms of civic participation and engagement. Democracy also means having a say in determining what happens in one's work, family, education and recreation settings. It is through vote and voice, people have opportunities to exercise control and agency over their lives.

**Worker cooperatives** and **worker/employee owned businesses** are increasingly common in our economy, but not widely discussed as examples of democracy being practiced in American society. Cooperatives (aka co-ops) are organizations where "the people who own the businesses are the same people who work there" (Anzilotti, 2017, para. 4). You can learn more about worker cooperatives and workplace democracy in Topic 6/Standard 10 in this book.

**Democratic schools** operate classrooms where students invest time and energy in designing their educational activities. Advocates believe schools should organize educational experiences so that both students and teachers have **voice and vote** about what happens instructionally and interpersonally in classrooms and corridors. In such democratic classroom environments, students are involved "on a regular basis and in developmentally appropriate ways, in sharing decision making that increases their responsibility for helping to make the classroom a good place to be and learn" (A Democratic Classroom Environment, State University of New York Cortland, para. 1).

Democratic schools, contend Michael Apple and James Beane (2007), involve two essential elements:

1. "Democratic structures and processes by which life in the school is carried out and
2. A curriculum that gives young people democratic experiences" (pp. 9-10).

Having **student representatives** on local school boards or other educational decision-making committees is another opportunity for students to have democratic experiences in schools. Many districts allow students to have an advisory role on school boards and committees, but actual **student voting power is fairly rare**. In Maryland, however, students do vote on many school boards in the state, although not on the hiring of school personnel. In the state's Montgomery County, high school

students choose their school board student representative through direct election.

Allowing students to vote on local school boards is complicated, and in some places, a contentious issue. In late 2020, a group of Maryland parents filed a lawsuit against the practice after a student representative cast the deciding vote to block a return to in-person schooling during the pandemic. The parents claimed student member voting rights violated the Maryland state Constitution that sets the legal voting age in the state at 18. The student representative said he hoped the lawsuit would be unsuccessful because students need to have a consequential voice in educational matters that directly affect them (*Baltimore Sun*, December 18, 2020).

## Suggested Learning Activities

- **Watch and Learn**
  - Watch teachers, including Marco Torres, describe what it is like to teach democratically in school classrooms from the Democratic Classrooms page of *Teaching Tolerance*.
- **Dialogue and Debate**
  - How can students create more democratic schools and classrooms?
  - How can students gain greater voice and agency in school classrooms and learning activities?
  - Do you agree or disagree with suggestions for democratic classrooms offered in What is Democratic Education?
- **Draw Connections to Personal Experiences**
  - Think about your earliest memories of democracy - when you were in a situation where you felt your voice and participation mattered to making decisions.
    - Was it in a family setting, at church, during youth sports, with peers, in stage or musical performances?
    - What role did you play in the process?
- **Conduct a Poll**
  - Ask 5 other people for their earliest memories of participating in a democratic setting. List times when those interviewed felt their voice and participation mattered and when it did not matter.
    - You can ask your: Family, community, peers, and school members.

## Online Resources for Democratic Schools

- Democratic Schools: Lessons in Powerful Education, Michael Apple and James Beane (2007).
- How Students Lead the Learning Experience at Democratic Schools from MindShift (2014)
- Putting Students in Charge of Building the Classroom Community, NCTE Blog (September 2017)
- Collaborative Learning as Democratic Practice:  A History, NTCE Blog (January 12, 2018)
- How to Revive Your Belief in Democracy, Eric Liu (Ted Talk 2019)

## Standard 1.1 Conclusion

The United States system of government has its origins in the Greek city-state of ancient Athens. **INVESTIGATE** examined the nature and decidedly undemocratic elements of Athenian democracy, particularly in terms of women’s roles, before considering how today's interactive digital technologies may offer new ways for people to participate directly in government and decision-making. **UNCOVER** looked at Greek marathons and the histories of First (Native) American runners in the Boston Marathon and Olympic competitions. **ENGAGE** asked how school classrooms can become more democratic spaces where students have greater voice and agency concerning their educational learning activities.

# 1.2

# The Government of the Roman Republic

## Standard 1.2: The Government of the Roman Republic

*Describe the government of the Roman Republic and the aspects of republican principles that are evident in modern governments.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T1.2]**

## FOCUS QUESTION: How did the Government of the Roman Republic Contribute to the Development of Modern-Day Democracy?

The Roman Forum was the center of the public sphere in Rome. Much of Rome's political process took place here.
"Roman Forum from Palatine Hill" by Chalaph is licensed under CC BY-SA 4.0.

The Roman Republic lasted from 509 to 27 BCE. Its system of government included features that are part of the United States government today, notably its processes for political decision making based on mutually agreeable compromise (Watts, 2018, p. 7). At the same time, Rome during the Republic and the Roman Empire, had many undemocratic features, including a rigid class system, slavery, and the sanctioning of everyday violence. Additionally, women could not attend or vote in political assemblies nor hold any political office. So, what did liberty, government, and democracy mean and for whom did they exist during the Roman Republic and later the Roman Empire?

"Roman Forum, Rome, Italy" by Eustaquio Santimano is licensed under CC BY-NC-SA 2.0

The modules for this standard explore this question by examining the role of Roman government in Roman society and Roman engineering; the widespread presence of slavery in Roman society as well of the resistance of slaves (both in the ancient world and in North America) to their oppression; and the lasting impact of the Latin language on the English language and the words we use to discuss citizenship, government and politics.

### Modules for this Standard Include:

1. INVESTIGATE: Roman Government and Roman Engineering and Public Works Projects
    - MEDIA LITERACY CONNECTIONS: Making the Internet a Public Utility
2. UNCOVER: Spartacus and Slavery in the Roman World, Toussaint L'Ouverture and Black American Slave Revolts
3. ENGAGE: What Latin Words and Phrases Should Every Student Know?

## 1. INVESTIGATE: Roman Government and Roman Engineering and Public Works Projects

The government of the Roman Republic was neither strictly a monarchy (rule by one) or a direct democracy (rule by all). It had democratic features but was essentially a "fundamentally undemocratic society dominated by a select caste of wealthy aristocrats" (Brown, 2016, para. 2).

In drafting the Constitution and envisioning a democratic society for the United States, the American founders focused on the following features of the Roman Republic. Rome had a **constitution**. There were **written laws**. Disputes were settled in **courts**. There were **separate branches of the government** and most Roman male citizens had some voting power. Finally, there was the belief in the overriding principle of **libertas** (liberty). As historian Mary Beard (2005) noted, "All, or most, Romans would have counted themselves as upholders of libertas" (p. 129).

American System -- based on balance of powers/functions

| Executive | Legislative | Judicial |
|---|---|---|
| President | Congress | Supreme Court |

Note: The only legitimate interest is that of the people

Roman System -- based on balance of interests

| Monarchical | Aristocratic | Democratic |
|---|---|---|
| 2 Consuls<br>+ other magistrates | Senate | Assembly of Tribes<br>Tribune |
| Directed government and army<br>Acted as judges<br>Could issue edicts<br>Acted as chief priest | Controlled state budget<br>Could pass laws | Approved/rejected laws<br>Decided on War<br>Tribune could veto actions of magistrate<br>Acted as final court |
| Basis of power:<br>possess imperium, the right to rule<br>need for leadership | Basis of power:<br>members were richest men in Rome. | Basis of power:<br>provided most of the soldiers |
| Limits on power:<br>one year term<br>each could veto | Limits on power:<br>could not control army<br>needed majority as soldiers. | Limits on power:<br>Could not suggest laws<br>often paid as clients by the elite |

"The Roman Republic: Checks and Balances", Public Domain

Roman government functioned within the **strict class structure** of Roman society **(**Roman Social Order). The ruling class were known as the **Patricians;** the other social classes included **Plebeians, Freemen,** and **Slaves**. Patricians controlled the government. Plebeians were only granted a right to an Assembly after much conflict with the Patricians. Despite their protests, the Plebeians were granted limited rights. Like ancient Rome, the U.S. has ongoing struggles among social groups within its social, economic, and racial class structures. Topic 4/Standard 13 examines the role money plays in U.S. politics and elections.

Rome established a **code of written laws** known asThe Laws of the Twelve Tables. Carved into 12 stone tablets between 451 and 450 BCE, these codes set strict rules for Roman citizens, many of which would be considered incredibly harsh or barbaric today. The Twelve Tables was part of the "struggle by plebeian citizens for full political rights and for parity with the elite, partrician citizens who were generally loath to give up their hereditary monopoly of power" (Beard, 2005, p. 146). Writing down laws so they could be applied to every citizen was a new development in Roman society. Written laws could not be changed, meaning people had certain rights that could not be taken away from them.

The first legal codes in world history came from the ancient Middle East with the Code of Ur-Nammu

being the first having predated the Code of Hammurabi,the most well-known by three centuries. The Great Tang Code was the earliest Chinese legal code that has been recorded completely. Written in 1804, the 2,281 articles of the Napoleonic Code ensured equality, universal suffrage, property rights and religious liberty to all male citizens of France. The United States Code is a collection of this country's permanent laws, but is so large that no one can for sure how many laws there are (Library of Congress, March 13, 2013).

The government of the Roman republic had a **system of checks and balances** that sought to balance three forces in Roman society:

1. representation and participation of the poor;
2. the power and influence of the elite; and
3. the need to enact swift decision making outside of representative government.

The U.S. adopted its own system of checks and balances to control the power of the legislative, executive, and judicial branches (see the *resourcesforhistoryteachers* wiki page on The American Political System).

## Suggested Learning Activities

- **Write Your Definition of a "Law"**
  - How would you define or explain "what is a law?"
  - What do you think are the three most important laws in your life today? Why do you think so?
- **Propose a Change to Classroom Rules or School Codes of Conduct**
  - The Laws of the Twelve Tables were the Roman's attempt to create a code of laws that applied to every citizen; today every classroom and school has codes of conduct that seek to create protocols for behavior that apply to every student.
  - After examining your classroom or school's rules of student conduct and propose changes or additions; Explain the reasons for your proposal.
    - What changes would you make to current procedures for beginning a class, conducting daily learning activities, and ending class for the day?
- **State Your View about School Dress Codes**
  - In ancient Rome it was mandated by law that all male citizens wear togas of certain colors to public events: Plain white for ordinary citizens; Off-white with a purple border for magistrates and upper class boys; Bleached togas for politicians; Purple with gold embroidery for victorious generals and the emperor (The Romans-Clothing). Many schools today have dress codes mandating what students must wear.
    - Does your school have a dress code?
    - What are the arguments for and against school dress codes?
    - What recommendations would you make for the school's student dress code: what must students wear; what may students wear; what cannot students wear?

### Roman Engineering and Public Works Projects

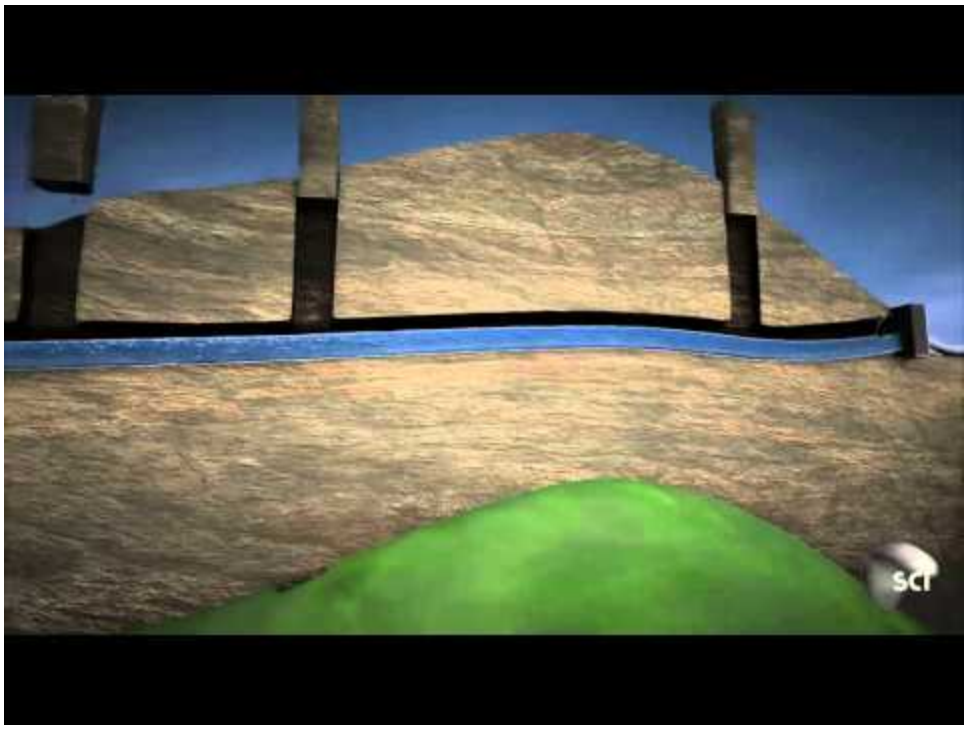
In addition to its government institutions and social class system, ancient Rome is known for its architecture, engineering, and technology contributions: roads, bridges, arches in buildings, domes,

arenas and ampitheatres, baths, central heating, plumbing, and sanitation. These innovations were **government-funded public works projects** intended to further the power and control of the Republic and then the Roman Empire. Still, public works projects benefited people, a dynamic that is ever-present today where local, state, and federal government in the U.S. fund a wide range of services that people need and demand.

Aqueduc romain du Mont Chemin by Sylenius is licensed under CC BY-SA 4.0

**Roman aqueducts** delivered water over long distances using downhill gravity flows to public baths and fountains throughout cities and towns. The city of Rome had more than 480 miles of aqueducts that brought 300 million gallons of water daily.

The word "aqueduct" comes from the Latin words "aqua" meaning water and "ducere" meaning to lead or to conduit. Aqueducts transformed Roman society, one blog referred to them as the "dawn of plumbing." To learn how aqueducts function, view the video: Roman Water Supply from Science Channel.



Watch on YouTube https://edtechbooks.org/-fdkm

Roman aqueducts are a notable example of government-funded public works projects and government-funded technological innovation. Such activities have been central to the expansion of the United States from the beginning of the nation.

- **The National Road** (also known as the Cumberland Road)**,** built between 1811 and 1837, was the first federally funded highway.
- New York State funded the building of the **Erie Canal** between 1817 and 1825.
- The federal government heavily subsidized the first **Transcontinental Railroad**.
- Between 1933 and 1939, the Public Works Administration funded more than 34,000 projects as part of the New Deal. For examples read about The Great Depression Top Five Public Works Projects of the New Deal:
    - Grand Coulee Dam
    - Hoover Dam
    - Great Smoky Mountain National Park
    - Overseas Highway from Miami to Key West
    - The Lincoln Tunnel
- In 1956, President Dwight Eisenhower signed legislation creating the **Interstate Highway System**. Ike's Interstates at 50 from the National Archives (2006) offers more information the national highway system.
- Beginning in the 1960s, the **Internet** had its origins as a Department of Defense research project (The History of the Internet in a Nutshell: 1969 - 2009).

## Media Literacy Connections: Making the Internet a Public Utility

In ancient Rome, the government provided public services such as roads, schools, waste management, and plumbing that its citizens needed and demanded. Many Americans are now debating whether **the Internet**, too, should be provided by the government as a **public utility** rather than a private service. If the Internet had been invented at the time of the Roman Republic, do you think the government of the Roman Republic would have made the Internet a public utility?

- **Activity: Evaluating Whether the Government of the Roman Republic Would Have Made the Internet a Public Utility**

## Suggested Learning Activities

- **Build a Model of an Aqueduct**
  - Watch the TeachEngineering video Construct an Aqueduct! and then build your own working model.

- **Propose a Modern-Day Public Works Project**
  - Rome built roads, aqueducts and many other structures as government-funded public works project. What new public works project should local, state, or federal government provide for your community?

### Teacher-Designed Learning Plans: Ancient Rome/Our Lives

The following learning plans were developed by Erich Leaper, 7th-grade teacher at Van Sickle Academy, Springfield Massachusetts during the spring 2020 COVID-19 pandemic. The plans offer one week of remote instructional activities and learning for students. They address both a Massachusetts Grade 7 and a Grade 8 curriculum standard as well as Advanced Placement (AP) Government and Politics unit.

- Ancient Rome Our Lives Pt.1
- Ancient Rome Our Life Pt. 2
- Ancient Rome Our Life Pt. 3

These plans can be adapted and used for in-person, fully online, and blended learning formats. Note: There are some minor spacing issues due to moving the material from Nearpod to the PDF version.

- Massachusetts Grade 7
    - Describe the contributions of Roman civilization to architecture, engineering, and technology (e.g., roads, bridges, arenas, baths, aqueducts, central heating, plumbing, and sanitation).
- Masschusetts Grade 8
    - Describe the government of the Roman Republic and the aspects of republican principles that are evident in modern governments.
- Advanced Placement: United States Government and Politics
    - Unit 1: Ideas of Democracy

### Online Resources for Roman Government, Roman Society, and Roman Engineering

- Citizenship in the Roman Republic, Learning Plan, Los Angeles Unified School District
- The Pantheon interactive panorama
- Colosseum in 360 degrees using Google Earth
- Government of the Roman Republic
- Roman Republic, Stanford History Education Group
- Republic to Empire:  Government in Ancient Rome, National Geographic
- Slavery and Social Classes in Ancient Rome
- PRIMARY SOURCE Activity: Tang Code's "Ten Adominations"
- Oregon NOW Model Student Dress Code

## 2. UNCOVER: Spartacus and Slavery in the Roman World, Toussaint L’Ouverture, and Black American Slave Revolts

Though slavery was widespread throughout the ancient world, ancient Rome was the society most reliant on slave labor with the highest number of slaves among its population. Estimates vary, but many sources estimate it was between one-fifth and one-third of the ancient Roman population was enslaved.

Photo of "Roman collared slaves - Ashmolean Museum" by Jun is licensed under CC BY-SA 2.0

The institution of slavery was interwoven into all areas of Roman life.

- Slaves were status symbols for the wealthy.
- Slaves were forced to do manual labor (e.g. farming) in horrible working conditions.
- Due to the constant warfare of the Roman empire it was hard for them to grow enough food to sustain everyone in the empire. To balance this, they often took the prisoners of war and made them grow food so they could continue to be at war.
- Slaves were forced to do household labor as cooks, waiters, cleaners, and gardeners.
- Slaves were forced to work on public works projects such as the construction of buildings and aqueducts.
- Slaves were also forced to be gladiators, and participate in ritualized public violence in which men and women literally fought their deaths for the entertainment of spectators.
- Slaves were needed to keep Roman society stable because they were such a high percentage of the population.

Unlike the Atlantic slave trade centuries later, **Roman slavery was not based on race**. Roman slaves included prisoners of war, sailors captured by pirates, and enslaved individuals purchased outside Roman territory. Impoverished Roman citizens sometimes sold their children into slavery to make money. Slavery, as practiced in Rome and many other societies, contradicted the fundamental principles of freedom and liberty. It created lasting and unresolved philosophical and political problems in every democracy where it was practiced—including colonial North America and the United States before and after the Civil War.

Throughout history slaves have rebelled against those who enslaved them. The desire to be free, to have control over one's life, is basic to being human. **Spartacus** was a gladiator and leader of a lengthy, though unsuccessful, slave revolt against the Roman Republic in 73 BCE.

"Spartacus' death" by Hermann Vogel
Wikimedia Commons/Public Domain

**Toussaint L'Ouverture**, who has been called the Black Spartacus, was the leader of the Haitian Revolution, an uprising of African slaves on the island of Haiti that produced in 1804 the second independent republic in the western hemisphere (the United States was the first) (learn more from *resourcesforhistoryteachers* wiki page Toussaint L'Ouverture and the Haitian Revolution).

"Général Toussaint Louverture"
NYPL Digital Gallery/Public Domain

Resistance to slavery through **slave revolts** is a recurring theme in the history of the Atlantic Slave Trade and the American South before the Civil War. In the Jamacian Slave Uprising of 1760-61, one of the largest slave revolts of the 18th century, 1000 enslaved Africans rose up against their oppressors in a violent, bloody struggle. It was a powerful example of Black agency, but it is not included in many textbooks. "Masters and their captives struggled with one another continuously," noted historian Vincent Brown in his book *Tacky's Revolt: A Story of an Atlantic Slave War* (2020, p. 7). A more complete history demands us, in Brown's view, to "elaborate on the slaves' grievances and goals, or the connections among the various individuals and forces behind the insurrections" (2020, p. 13).

The United States also had slave revolts, as Henry Louis Gates (100 Amazing Facts about the Negro) has recorded: the Stono Rebellion (1739), the New York City Conspiracy of 1741; Gabriel's Conspiracy (1800); the German Coast Uprising (1811), and the Nat Turner Rebellion (1831). Each is a compelling example of Black resistance to the cruelties of slavery. For as the 20th century revolutionist Frantz Fanon (1961) wrote in *The Wretched of the Earth*: “the famous dictum which states that all men are equal will find its illustration in the colonies only when the colonized subject states he is equal to the colonist” (p. 9).

### Suggested Learning Activities

- **Compare and Contrast Slave Revolts and Rebellions** in Roman history and U.S. history
    - Spartacus War: Story of a Real-Life Gladiator, NPR Podcast (February 2, 2010)
    - View From Slave to Rebel Gladiator: The Life of Spartacus, TED-Ed (December 17, 2018)
    - Did African-American Slaves Rebel? 5 Greatest Slave Revolts in the United States, Henry Louis Gates, *100 Amazing Facts about the Negro*
    - American Uprising: The Untold Story of America's Largest Slave Revolt - 500 slaves revolted near New Orleans in 1811
    - Poetry of Resistance:  How the Enslaved Resisted, Zinn Education Project

- **Explore Interactive Online Resources**
    - The Atlantic Slave Trade: 315 Years. 20,528 Voyages. Millions of Lives - A visualization of voyages bringing slaves to Europe and the Americas, year by year.
    - The 1619 Project, *New York Times,* August 2019, the 400th Anniversary of the beginnings of American slavery

### Online Resources about Slave Revolts

- Roman Society and the Question of Race is a short essay exploring race in the Roman slave system.
- Reckoning with Legacies of Slavery and Slave Trade, Slavery and Remembrance, Colonial Williamsburg
- History of Haiti: Toussaint LOuverture in Power: 1492-1801, Brown University Library
- AP World History Period 2.2: States and Empires
- Slaves, the Labor Force, and the Economy, Roman Empire in the First Century, PBS
- Roman Slavery, World History For Us All, UCLA
- Background Information on slavery in United States history:
    - Slavery in Colonial North America
    - Beginnings of Slavery in North America in the 1600s and 1700
    - Debates Over Slavery and the Coming of the Civil War
    - PODCAST: The History of American Slavery

## 3. ENGAGE: What Latin Words and Phrases Should Every Student Want to Know?

Why does the English language include so many words from Latin, a language that is hardly spoken in the United States? Dictionary.com has concluded that **60 percent of all English words come from Greek or Latin roots**; in science and technology, the figure is more than 90 percent. Ten percent of Latin words have come directly into English - terms such as chivalrous, flux, rapport, and taunt.

Knowing the meaning of Latin words and phrases is essential in everyday life. One would not want to sign a contract that had the phrase *caveat emptor* (let the buyer beware) or fail to accept someone's *mea culpa* (it was my fault). The term "**coronavirus**" is derived from the Latin word for *corona* (crown-like circle of light) + *virus.* A coronavirus has the appearance of a solar corona when seen

under an electron microscope (see Coronavirus Etymology on Wikipedia).

Latin is the language of law and government. Understanding Latin is key to understanding one's rights in political and legal systems. ***E Pluribus Unum*** is a Latin phrase meaning from "**out of many, one**." It was adopted as the United States' motto in 1782 and first appeared on a U.S. coin in 1795. It was intended to convey the message that the United States is one country made from many diverse peoples and places. *E Pluribus Unum* was replaced by "In God We Trust" as a Cold War-era statement against communism. For more, consult:

- Glossary of Latin Terms Used in Law and Government
- Dictionary of Latin Terms Used in Legal Doctrines and Rules

Apotheosis of Washington, detail E Pluribus Unum - 1865 by Michael Edward McNeil is licensed under CC BY 2.0

Hundreds of Latin language words and phrases that have made their way into the English language. The word **justice** had its origins in Latin *jus,* meaning "right" or "law."The English words "citizen," "civil," "civics," and "civilization" all come from the Latin words ***civis*** (city-dweller, citizen) and ***civitas*** (city). Then there is the word ***pater*** (father) which gives English the words paternal, patriot, and patriarchy. The words **segregate** and **desegregate** come from the term *segregatus* meaning to "set apart" or "separate from the herd." Many more important terms from Latin are listed in the Glossary of Educational and Legal Terms for Middle and High School Students.

Latin words appear regularly in the news. *Quid pro quo*, meaning an exchange of something for something, became widely used during the 2019/2020 impeachment inquiry into Donald Trump's infamous phone call with the President of Ukraine. That phone call, and its surrounding events, established that the delivery of U.S. security assistance was contingent on Ukraine announcing an investigation into Trump's political rival, former Vice President Joe Biden and his son. Latin is also used for mottos, including the Massachusetts state motto, *Ense petit placidam sub libertate quietem* (By the sword we seek peace, but peace only under liberty). *Ars gratia artis* (art for the love of art) is the motto of the movie studio Metro-Goldwyn-Mayer.Suggested Learning Activities

- **Design a Coat of Arms Featuring a Motto in Latin**
    - Use the Online Motto Generator to select a motto to represent your family, class, or school.
    - Draw, design, or construct a coat of arms.
- **Use Latin Words in Writing**
    - From a list of common Latin words and phrases (see examples below), in groups, design a video, skit, or digital story in which the characters use multiple Latin words in the narrative.
        - *Ad infinitum:* going on for ever and ever
        - *Bona fide*: in good faith
        - *Cum laude*: with honor
        - *De facto*: in fact
        - *Et cetera*: and the rest
        - *Per diem*: for/by each day
        - *Pro bono*: for good
        - *Alibi*: elsewhere
        - *Per se:* In itself
        - *Multi-*: many
        - *Quid pro quo*: this for that
        - *Semi-:* Half
        - *Verbatim*: word for word
        - *Versus*: against
        - *Affidavit*: he/she/it declared under oath
- **Send a Message in Latin**
    - Select a Latin phrase from this website.
    - Express the phrase creatively using paper, colored markers and pencils, or online with a meme or poster.
    - Present the Latin message to the class, explain what it means in English, and display the phrases in the classroom or on a virtual bulletin board/class website.

## Online Resources about Latin Language

- History of Latin timeline
- Coding as the New Latin? Can Code Clubs Provide a New Pathway for Low-Income Children and Help Close the Digital Divide? *Connected Learning* (August 3, 2020)
- Interactive map (flash-based) to see how the Romans conquered all of Western Europe and spread their language
- Letters of the Roman Alphabet and how to pronounce each letter.
- Latin Derivatives
- How Did Latin Become a Dead Language? shows its spread and its decline
- See How English Words Are Derived from Latin

## Standard 1.2 Conclusion

The Roman Republic, like the government of ancient Athens, had political and social features that made their way into the new government of the United States. **INVESTIGATE** looked at the structure of Roman government and the central role that slavery played in Roman society. **UNCOVER** addressed the long history of slave revolts, including the roles of Spartacus, and much later, Toussaint L'Ouverture, the Haitian Revolution, and revolts of Black slaves in the American South before the Civil War. **ENGAGE** asked what Latin words and phrases should everyone know?

# 1.3

# Enlightenment Thinkers and Democratic Government

## Standard 1.3: Enlightenment Thinkers and Democratic Government

*Explain the influence of Enlightenment thinkers on the American Revolution and the framework of American government.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T1.3]**

## FOCUS QUESTION: How did the Enlightenment Contribute to the Growth of Democratic Principles of Government?

The British Museum's Enlightenment Room

"British Museum Room 1 Enlightenment" by Mendhak is licensed under CC-BY-SA-2.0

The **Enlightenment** (or Age of Reason) is the term used to define the outpouring of philosophical, scientific, and political knowledge in Europe at the beginning of the 18th century. European civilization had already experienced the Renaissance (1300-1600) and the Scientific Revolution (1550-1700). The Enlightenment further transformed intellectual and political life  based on the application of science to dramatically alter traditional beliefs and practices.

Explore our *resourcesforhistoryteachers* wiki page to learn more about the Main Ideas of Enlightenment Thinkers.

Enlightenment thinkers believed that rational reasoning could apply to all forms of human activity. Their writing can be "broadly understood to stand for the claim that all individuals have the right to share their own ends for themselves rather than let others do it for them" (Pagden, 2013, p. x). Politically, they asked what was the proper relationship of the citizen to the monarch or the state. They held that society existed as a contract between individuals and some larger political entity. They advanced the idea of freedom and equality before the law. Enlightenment ideas about how governments should be organized and function influenced both the American and French Revolutions.

The Enlightenment is commonly associated with men whose writing and thinking combined philosophy, politics, economics and science, notably John Locke, Thomas Hobbes, Jean-Jacques Rousseau, Adam Smith, Immanuel Kant, Isaac Newton and Thomas Jefferson. Women too, though often downplayed or ignored in the textbooks and curriculum frameworks, contributed change-producing ideas and actions, including Mary Wollstonecraft, Olympe de Gouges, Mary Astell, Caroline Herschel, Emile du Chatelet, and Maria Sybilla Merian.

Explore our *resourcesforhistoryteachers* wiki page to learn more about The Enlightenment, Principles of Democratic Government and Women's Political Empowerment.

How did the Enlightenment's optimistic faith in the **discovery and application of natural law to human life** inspire revolution and reform throughout the world? As the National Center for History in Schools (1992) noted: "The first great upheavals to be marked - though surely not 'caused' - by Enlightenment thought were the American and French revolutions, and they opened the modern era of world history" (p. 262). The modules in this topic explore the catalysts for revolutionary change through the writings and actions of men and women philosophers, scientists, and change-makers.

## Modules for this Standard Include:

1. INVESTIGATE: Locke, Montesquieu, and Rousseau and their Influence on Government
2. UNCOVER: Mary Wollstonecraft, Olympe De Gouges, and the Rights of Women
3. ENGAGE: Who Were History’s Most Important Women Change-Makers in Math, Science, and Politics?
    - MEDIA LITERACY CONNECTIONS: Locating 21st Century Female Tech Innovators

# 1. INVESTIGATE: Locke, Montesquieu, and Rousseau and Their Influence on Government

The American Revolution and the subsequent framework of American government were heavily influenced by John Locke, Baron de Montesquieu, and Jean Jacques Rousseau - three Enlightenment philosophers who "developed theories of government in which some or even all the people would govern" (Constitutional Rights Foundation, 2019, para. 10). Each rejected in one way or another the views of Thomas Hobbes who believed government must be led by an all-powerful king.

The Constitutional Rights Foundation has characterized Locke as a "reluctant" democrat because he favored a representative government, Montesquieu a "balanced" democrat who favored a combination of a king checked by a legislative body, and Rousseau an "extreme" democrat because he believed everyone should vote. Each influenced the founding and development of United States government.

You can learn more about these philosophers and their philosophies at our wiki pages: Political, Economic and Intellectual Influences on the American Revolution and Main Ideas of Men and Women Enlightenment Thinkers.

## John Locke

John Locke (1632-1704) was a political theorist who is remembered as the **father of modern republican government**. He believed a state could only be legitimate if it received the consent of the governed through a social contract. In Locke's view, social contract theory protected the natural rights of life, liberty, and property. If this did not happen, he argued, the people had a right to rebel. His ideas about the consent of the governed and the right to rebellion would later influence the supporters of the American Revolution and the framers of the U.S. Constitution.

"Portrait of John Locke" | Public Domain

Locke supported England's constitutional monarchy and promoted democratic governments with a system of checks and balances. Thomas Jefferson's famous quote from the Declaration of Independence was based on Lockean philosophy: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

In Locke's view, all men—literally men and not women—had the political rights to life, liberty, and the pursuit of private property. He also believed that human beings, because of divine will are by nature inherently good and can make their own reasonable decisions if left alone by the government.

John Locke wrote Two Treatises on Civil Government (1690). Watch this Video summarizing and highlighting his main ideas.

## Baron de Montesquieu

Baron de Montesquieu (1689-1755) is perhaps best known for his belief in the separation of governmental powers. Inspired by England's Glorious Revolution and Constitutional Monarchy, Montesquieu believed that in an ideal state there are two types of governmental authority:

1. the sovereign (King/President) and
2. the administrative powers (bureaucracy).

In Montesquieu's view, there are also three administrative powers within a state, each providing a check and balance on the others:

1. the legislature (parliament/congress),
2. the executive (king/head of state),
3. the judiciary (court system).

The purpose behind this system of checks and balances was to prevent a single individual or group of people from having full control of the state. Ironically, while Montesquieu was inspired by Britain's Constitutional monarchy, England during the time period did not practice separation of governmental powers. Indeed, until the late 1800s, the British Monarchy effectively ruled the nation with the help of the House of Lords and the House of Commons. To this day, England still does not have an official written constitution.

The idea of a constitutional government with three separate branches of the state would later become essential in the writing of the American constitution. To get any official new legislation passed into law, the U.S. President must always work together with Congress. This is a legacy of Montesquieu's political philosophy in practice today.

## Jean Jacques Rousseau

Jean Jacques Rousseau believed that human beings are basically good by nature, but historical events have corrupted them and the present state of civil society.  Although "he did not go to school for a single day and was essentially self-taught, his writings included a political theory that deeply influenced the American Founding Fathers and the French Revolutionaries. . ." (Damrosch, 2005, p. 1).

"Rousseau Statute, Geneva Switzerland", Public Domain

In Rousseau's ideal world, people would live in small communal farming communities and make decisions democratically. His 1762 work, The Social Contract, begins with the famous line, “Man was born free, but everywhere he is in chains” (para. 2).

Rousseau believed that people could regain their lost freedom by creating a society where citizens choose to obey laws they themselves created, giving up some personal self gains in exchange for a wider common good. He advocated for direct democracy where everyone’s votes determine what happens politically.

To read more, explore an interactive transcript for the "Introduction to Rousseau: The Social Contract" video using VidReader, a tool that creates interactive transcripts for YouTube videos.

## Suggested Learning Activities

- **Research and Report**
  - Compare and contrast the ideas of two Enlightenment Philosophers from the following list:
    - Thomas Hobbes: Leviathan, Chapters 13-14 (1651)
    - John Locke: Two Treatises of Government
    - Baron de Montesquieu: The Spirit of the Laws (1748)
    - Jean Jacques Rousseau: Social Contract
    - Thomas Jefferson: The Declaration of Independence (1776)
    - Thomas Paine: Common Sense (1776) and The American Crisis (1776 - 1783)
    - Olympe de Gouges: The Declaration of the Rights of Women and Female Citizen (1791)
    - Mary Wollstonecraft: A Vindication of the Rights of Women (1792)
    - Mary Astell: A Serious Proposal to the Ladies (1694)
    - Margaret Cavendish: The Atomic Poems (1653)
    - Emile du Chatelet: Institutions Physiques (1741)
- **Participate in a Simulation**
  - An Enlightenment Salon by Robert Davidson, Whitman-Hanson Regional High School
- **Write a Social Contract for Your Classroom**
  - A social contract is an agreement made between a government and its people, or in this case, between students and a teacher.
  - Through class discussion and individual writing, develop a social contract for your classroom and publish it on Google Classroom or some other learning management system.
  - Questions to consider include:
    - Based on your experiences so far, what is the role of your civics teacher?
    - In your opinion, do you think the rules in your class are fair or unfair? Why do you say this?
    - In your opinion, do you think the activities the teacher assigns actually helps you learn? Why do you say this?
    - On a scale of 1-5, how much would you say your understanding of civics has increased (1 being not at all, 5 being you know much more now than you did before the class)?
    - What is AT LEAST one way in which the teacher could make your civics education experience more effective for you as a learner (rules, information, assignment types, organization, structure, etc.)?

## Online Resources about Enlightenment Philosophers

- Political Theory - Thomas Hobbes, a video describing how the views of Hobbes were influenced by the conflict occurring in England.
- Introduction to John Locke, a short video on Locke's Two Treatises of Government.
- The Political Philosophy of Thomas Hobbes and John Locke, University of Tennessee Chattanooga. Hobbes advocated an absolute monarchy, happening in most of Europe at the time, as the best form of government
- John Locke Mini-Lesson, iCivics

- Women from the Renaissance to the Enlightenment
- The Declaration of the Rights of Man and the Citizen by Marquis de Lafayette with Thomas Jefferson (1789)
- Women of the Enlightenment slideshow explains how different philosophers, like Montesquieu, Rousseau, and Diderot viewed women

# 2.UNCOVER: Mary Wollstonecraft, Olympe de Gouges, and the Rights of Women

## Mary Wollstonecraft

Mary Wollstonecraft (1759 - 1797) was a writer and advocate for women's rights. She believed that women should be given greater education because of their importance in raising children and being not just wives but partners or "companions" with their husbands. Her personal life, that included an illegitimate child, love affairs, and suicide attempts, was considered scandalous at the time. She died at age 38. Her daughter was Mary Shelley, author of the novel, *Frankenstein*.

"Mary Wollstonecraft" by Paul, C. Kegan; St. John, Cynthia Morgan, No Restrictions

Mary Wollstonecraft believed that women should have the same rights as men (including life and liberty). In *A Vindication of the Rights of Man* (1790), she opposed monarchy and aristocracy. In 1792, she published ***A Vindication of the Rights of Woman*** in which she asked:

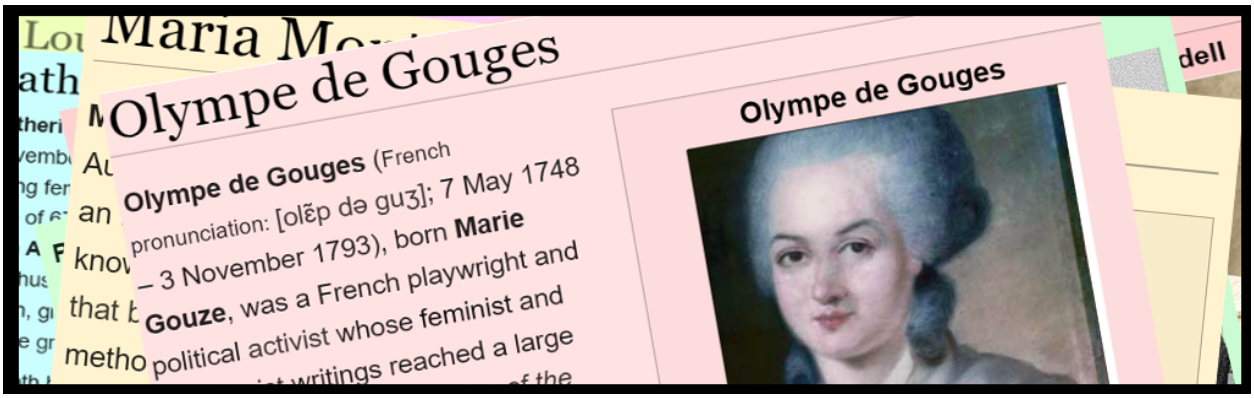
> "How many women thus waste life away the prey of discontent, who might have practised as physicians, regulated a farm, managed a shop, and stood erect, supported by their own industry, instead of hanging their heads surcharged with the dew of

sensibility, that consumes the beauty to which it at first gave lustre" (p. 157).

Wollstonecraft also urged establishment of a national education system with mixed gender schools; such education would give women the right to earn their own living (British Library Book/Manuscript Annotation).

## Olympe de Gouges

Olympe de Gouges (1748 - 1793) was a French writer and activist for women's rights during the French Revolution. She was the author of **The Declaration of the Rights of Women and Female Citizen** (1791), a powerful call for gender equality and political change. She was subsequently beheaded during the Reign of Terror, the only woman executed for her political writing during that time. She wrote, "A woman has the right to be guillotined; she should also have the right to debate" (quoted in "The Writer's Almanac," November 3, 2019).




**Twitter banner created for #wikiwomeninred and the womeninred project by Victuallers**
"May7 Woman of the Day" by wikipedia community is licensed under CC BY-SA 3.0

Olympe de Gouges' activism contrasted dramatically with the traditional gender roles women were expected to play in European society. Although women did not have many rights and privileges, de Gouges used ideas from the Enlightenment to advocate for greater rights for women and enslaved Black people.

### Suggested Learning Activities

- **Create a Digital Poster**
  - Design a visual representation of Mary Wollstonecraft's and Olympe de Gouges' writings:
    - A Vindication of the Rights of Women, Mary Wollstonecraft (1792)
    - The Declaration of the Rights of Women and Female Citizen, Olympe de Gouges (1791)
- **Construct Women Change-Maker Trading Cards**
  - Design trading cards for important women change-makers in history
  - Include name, image, and key facts about the person and what makes her unique and important in history
    - Based on a scientist trading card project by Jaye C. Gardiner

### Online Resources for Mary Wollstonecraft, Olympe De Gouges and Rights of Women

- View a Brief Illustrated Video Biography of Mary Wollstonecraft
- Take a Quiz on Mary Wollstonecraft's "A Vindication of the Rights of Woman"
- A brief biography, Olympe de Gouges, is online from the Internet Encyclopedia of Philosophy
- *Olympe de Gouge* historical biography page on *resourcesforhistoryteachers*
- The Declaration of the Rights of Man and the Citizen
- The Declaration of Independence

## 3.ENGAGE: Who Were History's Important Women Change-Makers in Math, Science, and Politics?

**Ada Lovelace** was the daughter of poet Lord Byron and Anne Isabelle Milbanke. She is considered the first computer programmer.

**Portrait of Ada Lovelace by Alfred Edward Chalon (1838)**
"Ada Lovelace Chalon" by Alfred Edward Chalon, Public Domain

Ada Lovelace did not conform to traditional gender roles and expectations, focusing on mathematics and coding in a time when women were not taught math. She became a correspondent to mathematician Charles Babbage who was in the process of creating the plans for the Difference Machine, the world's first calculator. She created notes on the machine and its step sequences and those notes became the first computer "code." Learn more at Ada Lovelace, Mathematician and First Computer Programmer.

**Katherine Johnson** was a mathematician and physicist at NASA (National Aeronautics and Space Administration) who was one of the African American women whose math and science work were essential to the success of early United States space exploration, including the 1962 flight when John Glenn became the first American man to orbit the earth. Her work in STEM was the basis for the book *Hidden Figures* (Shetterly, 2016) and 2017 movie.

"Katherine Johnson at NASA, 1966"
by NASA, Public Domain

Katherine Johnson was a pioneer in civil rights as well. She was one of the first Black students to integrate graduate schools in West Virginia; the third African American to earn a doctoral degree in mathematics; and a Presidential Medal of Honor recipient.

Sisters in Innovation: 20 Women Inventors You Should Know from *The Mighty Girl* website provides an engaging historical overview from Jeanne Villepreux-Power and Margaret E. Knight to modern-day scientists and innovators. Check out as well Ignite Her Curiosity: 60 Children's Books to Inspire Science-Loving Girls from the same website.

There is historical background for women in math and science at the wiki page Women of the Scientific Revolution.

## Media Literacy Connections: Locating 21st Century Female STEM Innovators

Women, whose work in philosophy, science, and politics is often neglected or marginalized in history textbooks and curriculum framework, made change-producing discoveries and advances during the Enlightenment and in every era since. However, still in today's digital age, the most well-known figures are men: Steve Jobs, Elon Musk, and Mark Zuckerberg.

In the following activities, you will explore the accomplishments of 21st century women innovators in the media and think about how to encourage more girls to pursue careers in science, technology, engineering and math (STEM):

- **Activity 1: Finding Women in STEM in the Media**
- **Activity 2: Increasing Participation of Girls in STEM**
- **Activity 3: Analyze the Portrayal of Women in Science and Politics Then and Now**

## Suggested Learning Activities

- **State Your View**
    - Have the accomplishments of women such as Mary Wollstonecraft and Katherine Johnson been intentionally excluded or just omitted from textbooks and curriculum frameworks?
    - Why is it important to recognize the contributions of women in math, science, and politics?

- **Create a Digital Poster**
    - Design a poster about a woman from the 17th and 18th centuries who made prominent discoveries in math and science fields, but who has been largely ignored for their contributions. Include a picture, the position she had, the impact she made, and two additional facts.
        - *resourcesforhistoryteachers* wiki online biography pages for each woman:
            - Beatrix Potter - Author and Natural Scientist
            - Caroline Herschel - An Astronomer who, with her brother, discovered the planet Uranus
            - Ada Lovelace - Mathematician and First Computer Programmer
            - Mary Anning - Fossil Finder and Paleontologist
            - Marie Curie - Scientist and Two-Time Nobel Prize Recipient

- **Conduct a 20th Century Trailblazers/Change-Makers Tournament**
    - A Women Trailblazers/Change-Makers Tournament is a way to uncover the hidden histories and untold stories of women who made significant contributions in math, science, or politics, but who have been largely ignored in textbooks and curriculum frameworks.
    - Here is a Women Trailblazers March Madness Game with additional women change-makers to feature in a March Madness Tournament.
    - Suggested 20th Century women trailblazers and change-makers include:
        - Grace Hopper, Computer Pioneer
        - Rachel Carson, Environmental Activist
        - Jane Goodall, Primatologist and Anthropologist
        - Rosalind Franklin, Molecular Biologist

        - Hedy Lamarr, Hollywood Actress and Inventor
        - Shirley Chisholm, African American Presidential Candidate

- **Propose Wikipedia Edits**
    - View**You Can Help Fix Wikipedia's Gender Imbalance - Here's How To Do It,** TED.com (March 9, 2020) about one woman's work fixing Wikipedia's lack of information about women scientist, inventors, change-makers**.**
    - Create a poster or infographic using online resources such as Canva or other creator app or software, OR DRAW BY HAND A POSTER or INFOGRAPHIC that briefly, succinctly explains to students HOW to create or improve a wiki page for an unknown woman scientist, inventor or change-makers.

- **Interactive Viewing:** Watch and Respond to **Microsoft's #MakeWhatsNext** Ad
    - Begin viewing and stop at 0:09 where you see the first question about inventors. Write as many responses as you can in 60 seconds.
    - Resume viewing and stop at 0:24 when you see the second question about women inventors. Write as many responses responses as you can in 60 second.
    - What surprised you about the lists? Did you have difficulty listing women inventors? Why is this often the case for not only students, but adults as well?

### Online Resources for Women Trailblazers

- Historian Margaret Rossiter's efforts to showcase women in science (Women Scientists Were Written Out of History.  It's Margaret Rossiter's Lifelong Mission to Fix That).
- Rossiter has identified what she calls the Matilda Effect, the pattern that male scientists and "masculine" topics are frequently seen as demonstrating higher scientific quality than those associated with women in science or related fields.

## Conclusion for Standard 3

This standard's **Investigate** examined the work of **John Locke**, including his "Two Treatises of Government" (1690) and social contract theory, as well as **Montesquieu's** formulation of checks and balances to prevent a single individual or group of people from having full control of the state. **Uncover** focused on the French feminist **Olympe De Gouges** who in 1791 published the Declaration of the Rights of Women and Female Citizen, a stirring call for the equality of women during the French Revolution. **Engage** asked what women in history and current society were important trailblazers, innovators, and change-makers in math, science, and politics.

# 1.4

# British Influences on American Government

## Standard 1.4:  British Influences on American Government

*Explain how British ideas about and practices of government influenced the American colonists and the political institutions that developed in colonial America*. (Massachusetts Curriculum Framework for History and Social Studies)[8.T1.4]

## Focus Question: What Were the Democratic and Undemocratic Political Practices that Developed in Early Colonial America?

"Magna Carta 5-cent 1965 issue U.S. stamp" | Public Domain

How did experiments in democracy and democratic government that began in the 13 North American colonies connect to modern day United States governmental ideas and practices? The modules in this chapter explore democracy and voting in colonial America, the impact of Anne Hutchinson's religious dissent, and current debates over extending voting rights to 16 and 17-year-olds.

You can also explore this topic at our wiki page for British Influences on American Government.

### Modules for this Standard Include:

1. INVESTIGATE: The Mayflower Compact, Colonial Governments, and Who Voted in Early America
    - MEDIA LITERACY CONNECTIONS: Media Coverage of the Royals
2. UNCOVER: Lucy Terry Prince, Anne Hutchinson and Mary Dyer: Women's Roles in Colonial America
3. ENGAGE: Should 16-Year-Olds or 17-Year-Olds Be Allowed to Vote?

# 1.INVESTIGATE: The Mayflower Compact, Colonial Governments, and Who Voted in Early America

## The Mayflower Compact

Signed in 1620 by 41 adult male passengers during the 3000-mile sea voyage from Holland to establish a colony in the new world of North America, the **Mayflower Compact** established a framework for self-government among the colonists.

**Signing of the Mayflower Compact, 1620**

"The Mayflower Compact, 1620" by Jean Leon Gerome Ferris, Public Domain

The Compact has its foundation in the Magna Carta (1215) that established the idea of the rule of law. The Mayflower Compact asserted it was the people, not a king, who made the law. Here is the **complete text of the Mayflower Compact**.

## Suggested Learning Activities

- **Analyze the Historical Evidence**
  - Were Pilgrims, the original settlers of the Plymouth Colony, democratic?
  - Here are resources to guide the discussion:
    - The Mayflower Compact, George Mason University
    - Mayflower Compact, Constitutional Rights Foundation
    - Mayflower and the Mayflower Compact, Plimoth Plantation

- **The Mayflower II: Design the First Government on Mars**
  - Imagine a 21st Century Mayflower Spaceship landing on Mars 400 years after the Pilgrims landed in North America. The ship is damaged and cannot return.
  - Make decisions about how to govern the new Mars colony and record those decisions in video as well as a written document. The **Mayflower II** learning experience was developed by the Constitutional Rights Foundation.

## Colonial Governments

The Virginia House of Burgesses was the **first legislative assembly** in the American colonies. The assembly met for the first time in Jamestown's church on July 30, 1619. It had 23 original members, including the colony's governor, all of whom were property-owning white men. It was modeled after the British Parliament and members met annually to vote on taxation and set local laws. You can eearn more from Social Studies for Kids: The Virginia House of Burgesses.

Photo of "**Interior of the Virginia House of Burgesses**"
by Frances Benjamin Johnston, Public Domain

Many settlements in New England practiced government through **town meetings**. Unlike in Virginia where people elected representatives to the House of Burgesses, town meetings were a form of direct democracy. All White men in a community participated in making decisions. You can learn more about town meetings in Topic 6.10 of this book.

The formation of different forms of colonial government was a step toward democratic self-government. ThoughtCo.'s **Colonial Governments of the Original 13 Colonies** offers a colony-by-colony overview of the beginnings of these governments.

## Who Voted in Early America

**Voting**, though not uniform in every colony, was done by about 10% of the population. Typically, only free white, male property owners 21 years of age or older could vote. Such individuals might be a member of a predominant religious group, or a Freeholder, meaning the person owned land worth a certain amount of money. Slaves, women, Jews, Catholics and men too poor to be freeholders could not vote (Who Voted in Early America? Constitutional Rights Foundation 1991).

In some places, women who owned property, free Blacks, and Native Americans could vote, but these were rare exceptions. New Jersey's first constitution in 1776 gave voting rights to "all inhabitants of this colony, of full age, who are worth fifty pounds … and have resided within the county … for twelve months" (as cited in National Park Service, 2018, para. 2). It is unclear how many women actually voted. In 1807, the New Jersey legislature passed a law stating no persons were to be allowed to vote except free white men who either owned property worth 50 pounds or were taxpayers.

Colonists generally did not vote for their governors, instead they were appointed by the English king. In Connecticut and Rhode Island, however, voters elected governors. Here is a list of American Colonial Governors.

## What If America Chose a King or Queen, not a President?

The American Revolution was a rebellion against rule by a king, inspired by the Enlightenment ideals of reason, liberty, and natural rights of mankind.

The Declaration of Independence stated: "But when a government continually violates the rights of the people, clearly and with the purpose of exercising absolute power over them, the people have a right and duty to throw off that government. That is exactly what has happened here in British America, and which compels us to throw off the government of Great Britain. The current King has continually violated our rights, obviously intending to exercise absolute power over us."

England had a long history of nobles challenging an all-powerful monarchy, beginning with the Magna Carta and the English Bill of Rights which set limits on the power of the King to act without the consent of Parliament. Nevertheless, rule by a monarch, a King or a Queen, has been a dominant form of government for centuries; here is a List of Rulers of Europe from the Metropolitan Museum of Art.

**Monarchy** rests on the laws of **primogeniture** where the eldest child in a family (and so on in a line of succession) inherits the parent's estate and title. There are famous monarchs in world history: Louis XIV, Peter the Great, and many women rulers including Hatshepsut, Nefertiti, Cleopatra, Elizabeth I, Catherine the Great, and Queen Victoria (see Great Women Rulers).

There are 29 monarchies ruling 40 countries in the world today, although many of the kings and queens have only ceremonial functions in constitutional democracies. Queen Elizabeth II, 94 years old in 2020, is the longest serving monarch, having begun her reign February 6, 1952. She is Queen of Great Britain, Northern Ireland, and 15 countries in the Commonwealth Realm. Other nations with monarchs include: Saudi Arabia, United Arab Emirates, Bhutan, Oman, Brunei, Cambodia, Luxembourg, Belgium, Swaziland, Sweden, Andorra, Qatar, Denmark, Jordan, Vatican City, Morocco, Lesotho, Netherlands, Bahrain, Japan, Spain, Thailand, Lichtenstein, Monaco, Malaysia, and Kuwait. Some of these monarchs have great power - with the King of Saudi Arabia being considered the most powerful absolute monarch in the world today.

But **monarchy is not democracy**, as Abraham Lincoln reminded the audience during his speech at Chicago, Illinois, July 10, 1858. The idea that the Declaration of Independence does not apply to Blacks, Lincoln said, is the "arguments that kings have made for enslaving the people in all ages of the world. You will find that all the arguments in favor of king-craft were of this class; they always bestrode the necks of the people, not that they wanted to do it, but because the people were better off for being ridden."

Lincoln continued, "let us discard all this quibbling about this man and the other man—this race and that race and the other race being inferior, and therefore they must be placed in an inferior position—discarding our standard that we have left us. Let us discard all these things, and unite as one people throughout this land, until we shall once more stand up declaring that all men are created equal."

## Media Literacy Connections: Media Coverage of the Royals

In early 2021, Oprah Winfrey's much-anticipated inteview with (Prince) Harry and Meghan Markle aired on television in Great Britain and the United States, creating a huge media event. Online and print media devoted extensive coverage to stories of palace intrigue and family conflict, including revelations about racism within the royal family. The interview followed Harry's and Meghan's break with the royal family in which they voluntarily gave up their royal duties and their His/Her Highness titles. In these activities, you will explore the media coverage of the Royals:

- **Activity 1: Analyze Media Coverage of Harry and Meghan's Interview with Oprah**
- **Activity 2: Analyze Movie Trailers About British Kings and Queens and American Presidents**

### Suggested Learning Activities

- **Create a Counterfactual United States History using Jamboard or Canva**
  - Create a counterfactual history Jamboard or Canva presentation imagining what government and society would be like in the United States today if the authors of the Constitution made the leader of the American government a King or Queen and not a President. **Counterfactual history** involves answering "what if" questions by imagining what might have happened differently if certain actions had occurred.
  - Topics to consider as you design your presentation:
    - Would the United States have a King or a Queen and a royal family? Would the White House be the home of the monarchy?
    - How much political power would the King or Queen have in relation to Congress and the Supreme Court? Would there be a Congress or Supreme Court?
    - What ceremonial roles would the monarchy perform in society?
    - How would the King or Queen use social media to share their views and policies with the nation?

- **Write a People's History**
  - Why were some women and African Americans allowed to vote in New Jersey for a period of time after the American Revolution?
  - Why were all women and African Americans then denied the right to vote?

- **Design a Promotional Flyer for a North American Colony**
  - **Royal colonies** were owned by the king.
  - **Proprietary colonies**, such as Pennsylvania, Maryland, and Delaware, were basically land grants from the British government.
  - **Self-governing colonies**, including Rhode Island and Connecticut, formed when the king granted a charter to a joint-stock company, and the company then set up its own government independent of the crown.

### Online Resources for Government and Voting in Colonial America

- Emergence of Colonial Governance offers a brief background on government in the 13 colonies.
- Voting in Colonial Virginia
- American Colonies for a comparative look at colonial governments in the colonies from teacher Greg Feldmeth, Polytechnic School, Pasadena, California.

## 2.UNCOVER: Lucy Terry Prince, Anne Hutchinson and Mary Dyer: Women's Roles in Colonial America

In history and social studies classes, most elementary and secondary school students learn little about the roles and struggles of women in early American society. Although mostly invisible in history textbooks, noted one historian, "fine ladies, servant girls, black slave women, middle class matrons, and native American women all contributed to the development of American life" (De Pauw, 1975, p. x). After all, **almost half of the colonial North America population were women**.

Women lived in a patriarchal society. They had no rights, they could not vote, and they could not live

on their own. Women had primary roles in child-rearing and maintaining households, but that picture is far from complete. "Women's work," noted Linda Grant De Pauw (1975, p. 3) consisted of 5 main areas of responsibility: "feeding the family; manufacturing the family's clothing and such household essentials as candles and soap; keeping the home, the family, and the family's clothing clean; serving as doctor, nurse and midwife. . .; and caring for children."

Women had central roles in every aspect of colonial life outside the home as well. White women supported the businesses of their husbands, and "it was quite common for a widow to carry on the business after her husband's death" (De Pauw, 1975, p. 26). Women on the island of Nantucket where men engaged in the whaling industry were away for years at a time assumed leadership roles both in family and religious settings. Several 19th century female activists including Lucretia Mott, Martha Coffin Wright, abolitionist Anna Gardner, and women's rights advocate Maria Mitchell "all trace their roots back to the Nantucket Quaker meeting of the eighteenth century" (Kovach, 2015, p. viii).

The Women's Museum of California has short summaries of several notable women in colonial America, including Anne Hutchinson (discussed below), Mary Chilton (first person off the Mayflower), Anne Bradstreet (first published American poet), Mary Dyer (Quaker martyr and discussed below) and Mary Rowlandson (writer).

**Lucy Terry Prince**

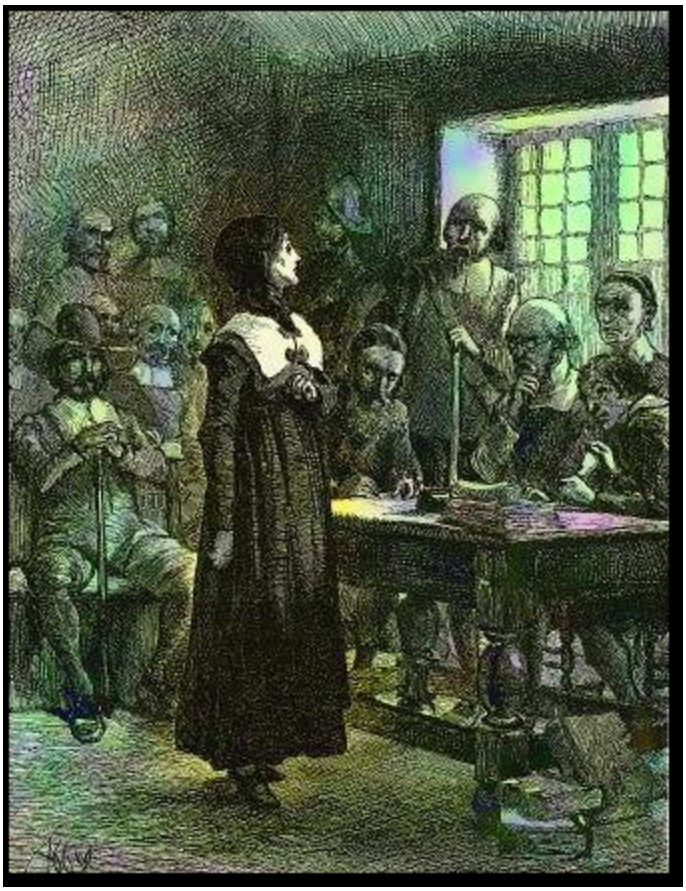
As an infant, Lucy Terry Prince was taken from her family in Africa and brought first to Rhode Island and then Massachusetts where she was sold in slavery. In 1746, while still an enslaved woman in Deerfield, Massachusetts, Lucy Terry Prince wrote the earliest known poem by a **Black writer** in North America. The poem, Bars Fight, described a bloody encounter between Native warriors and colonial settlers. It was sung or recited till published in 1855. It is the only piece of her poetry writing that survives today. A book about her poetry and here life is subtitled **Singer of History**.

But Lucy Terry Prince's story is about more than her writing. She subsquently married, gained her freedom, purchased land in Vermont with her husband, and raised six children, two of whom served in the American Revolution. In 1803, she successfully argued a case before the Vermont Supreme Court. She died in 1821 at age 97.

You can view a short video summary of her life here.

**Anne Hutchinson**

**Anne Hutchinson** was born in Alford, England in 1591. She emigrated to the Massachusetts Bay Colony in 1634 where she became a religious dissenter and advocate for women in challenging male authority. Through a series of meetings among women in her home, she openly questioned Puritan beliefs about salvation and religious law.



**Anne Hutchinson on Trial**
by Edwin Austin Abbey, Public Domain

In 1638, following a trial as a heretic, she was banished to Rhode Island on charges of blasphemy and sedition. She later moved to the colony of New Netherlands (now New York) and was killed during an Indian raid. Learn more from the National Women's History Museum's **Biography of Anne Hutchinson**.

Mary Dyer Statue Outside the Massachusetts State House, Boston, Massachusetts
Mary Dyer by Sylvia Shaw Judson | Public Domain

**Mary Dyer**

**Mary Dyer,** a friend of Anne Hutchinson, was also a religious dissenter, openly advocating the teachings of the Society of Friends or Quakers in opposition to the prevailing religious views of the rulers of the Massachusetts Bay Colony. Like Anne Hutchinson, Mary Dyer held that God spoke directly to individuals, a view that directly challenged the authority and power of the clergy. In 1656, the colony passed a law banishing Quakers from Massachusetts (a second law added that those who returned to the colony after being banished were to be put to death). Dyer, who returned to the colony in 1660 after being banished was executed after refusing to acknowledge the authority of the law (Bremer, 2012). A statue of Mary Dyer can be found in front of the Massachusetts state capitol in Boston.

The stories of Anne Hutchinson and Mary Dyer (along with that Roger Williams who was also banished from Massachusetts for his religious views) open a study of the role of **dissent** in American history and government. Hutchinson and Dyer's dissents were religious, but the principle of the dissent rests on the willingness of individuals to oppose laws and practices they believe are wrong. Political dissent has been powerful force for change in United States history, but it is often under taught in schools, especially when the dissenters were women. But the examples of the women's suffrage and women's rights movement, the roles of Harriet Tubman, Claudette Colvin, Sylvia Mendez in the struggle for civil rights, and the efforts of Mother Jones, Margaret Sanger, Helen Keller, Alice Paul, and Dolores Huerta - to name just a few - reveal the legacy of dissent that followed

from efforts of two colonial women who refused to accept the status quo in their society.

Looking at the United States today, what is your definition of dissent? There is more about dissent and protest in Topic 4/The Role of Political Protest of this book.

### Suggested Learning Activities

- **Create a Anne Hutchinson Biography Poster**
  - Ann Hutchinson and Courage: In the Face of Adversity, *Voices of History*, Bill of Rights Institute
  - Religious Dissent, The Huntington Library
  - Anne Hutchinson: Religious Dissident
- **Stage a Mock Trial**
  - The Trial of Anne Hutchinson (1637) using materials from the Famous Trials website
  - Trial and Interrogation of Anne Hutchinson from Swarthmore College
  - Reader's Theatre: The Trial of Anne Hutchinson, Huntington Library
  - The Trials of Mary Dyer (1659 & 1660), Famous Trials website
- **State Your View**
  - Why is dissent important?
  - Do people in the United States have the right to dissent?
- **Design Your Plan for Dissent**
  - Would words or actions be most important?
  - Would you speak out in public, march in protest, share your thoughts in writing or songs or videos, change your hairstyle or the way you dress, or take some other actions?

### Online Resources for Anne Hutchinson and Women's Roles in Colonial America

- Anne Hutchinson from the Elizabeth A. Sackler Center for Feminist Art, Brooklyn Museum
- PRIMARY SOURCE: Gender and Opportunity in Colonial America, California State University Long Beach
- Early Colonial Gender Roles, Teaching LGBTQ History
- Religious Dissent, Huntington Library
- Dissent and Democracy in Modern American History, The Newberry

## 3.ENGAGE:  Should 16-Year-Olds or 17-Year-Olds Be Allowed to Vote?

Passed and ratified in 1971, the 26th Amendment to the Constitution gives 18-year-olds the right to vote in state and federal elections. Many people now support lowering the voting age to 16 or 17 for state and local elections or, in some cases, just local elections. Takoma Park, Maryland was the first city to lower the voting age to 16 in local elections in 2013. In 2020, San Francisco narrowly passed Proposition G, becoming the first major city to extend the voting age to 16 for local elections and ballot measures.

Image by amberzen from Pixabay

A lower voting age is seen as a way to encourage greater participation by young people in political and civic matters. Opponents of the idea cite the immaturity of youth as a drawback to informed decision-making as voters.

A number of states allow 16-year-olds or 17-year-olds to vote in congressional or presidential primaries. Around the world, 16-year-olds can vote in Austria, Brazil, Cuba, Nicaragua, the islands of Jersey and Guernsey and the Isle of Man; 17-year-olds can vote in Indonesia, North Korea, the Seychelles, and Sudan the Timor-Leste.

Massachusetts Congresswoman Ayanna Pressley has introduced legislation allowing youth as young as 16-years-old to vote for members of Congress and the President.

The Census Bureau reported that there were 42 million adolescents between 10 and 19 in the U.S. in 2016, a number that is projected to grow to nearly 44 million by 2050. How might the nation's political dynamics change if going forward 16-year-olds and/or 17-year-olds could vote?

### Suggested Learning Activities

- **Dialog and Debate:** Should the voting age be lowered in the U.S.?
    - What are the arguments in favor of, and against, lowering the voting age to 16 or 17?
    - Will a lower voting age create greater political interest and civic involvement among young people?
    - Would you support lowering the age requirement for being elected as a member of Congress, a state office, or President?

**Resources**

- Lower the Voting Age for Local Elections, FairVote
- Why Is the Voting Age 18? CBS8, San Diego
- Should 18-Year-Olds be Allowed to Vote? PBS Newshour

## Standard 4 Conclusion

**Investigate** explored the first steps of self-government by European colonists that included important founding documents (The Mayflower Compact), political institutions (colonial legislative assemblies), and decidedly undemocratic practices (only men could vote and slavery was legal). **Uncover** focused on Anne Hutchinson, a religious dissenter who was banished from the Massachusetts Bay Colony for questioning the authority of the Puritans. **Engage** asked should 16-year-olds and 17 year-olds be allowed to vote in local and state elections?

1.5

# Native American Influences on American Government

## Standard 1.5:  Native American Influences on American Government

*Analyze the evidence for arguments that the principles of the system of government of the United States were influenced by the governments of Native Peoples.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T1.5]**

*As native populations migrated and settled across the vast expanse of North America over time, they developed distinct and increasingly complex societies by adapting to and transforming their diverse environments.* **[AP U.S. History Key Concept 1.1]**

*The American Revolution's democratic and republican ideals inspired new experiments with different forms of government.* **[AP U.S. History Key Concept 3.2]**

## FOCUS QUESTION: Did any Native American Group Influence the Men who Drafted the United States Governing Documents? (TeachingHistory.org., 2018)

"**Massachusetts Bay Colony seal granted by King Charles I in 1629**" | Public Domain
The seal featured an Indian holding an arrow pointed down in a gesture of peace, and the words "Come over and help us," emphasizing the missionary and commercial intentions of the original colonists

The First Americans had lived in North America for 50,000 years before their initial encounters with European explorers and colonists. These indigenous peoples adapted cultures and lifestyles to the geographic and environmental conditions where they lived. You can read a brief Overview of the First Americans from Digital History.

The achievements of First American peoples are impressive, but not well-known. Just east of present-day St. Louis, Missouri, the pre-contact First American city of **Cahokia** had a population of more than 10,000, with at least 20,000 to 30,000 more in outlying towns and farming settlements that spread for fifty miles in every direction. Its Grand Plaza was the size of 35 football fields, the largest public space ever created north of Mexico. At its center was a packed clay pyramid that reached 100 feet high. Cahokia is now the largest archaeological site in the United States. Back to the City of the Sun: An Augmented Reality Project offers more ways to learn about the Cahokia Mounds.

**Etzanoa** was located in modern-day Kansas, south of Wichita, near the Oklahoma border (learn more: Archaelogists Explore a Rural Field in Kansas, and a Lost City Emerges). There is more information on these native settlements on the *resourcesforhistoryteachers* wiki page Cahokia and Etzanoa, Pre-Contact Native American Cities.

Population figures for how many First Americans lived in North America in 1492 vary widely. Teaching Tolerance puts the figure at 500 tribes totaling about 22 million people. Shortly after the arrival of Europeans, disease and violence took the lives of an enormous number of indigenous people. Twenty million, 95% of the indigenous population, died - many from the smallpox infection to which natives had no immunity. Today, Native Americans number just over 2 million or 1% of the U. S. population. Nearly 4 out of 5 (78%) live off-reservations and 72% live in cities or suburbs (*The*

*Guardian*, September 4, 2017).

The relationship between Native peoples and European settlers was complex, contentious, and sometimes collaborative (Calloway, 2018). Tribes and settlers fought over access to land and resources, but also created military alliances and conducted trade. The website Raid on Deerfield: The Many Stories of 1704 shows the multiple dimensions of native/settler contacts.

Today, Native Americans still live with a legacy of inadequate resources and services and continuing social and economic discrimination. In its "Broken Promises" report, the U.S.Commission of Civil Rights (2018) recounted the history as follows:

> "In exchange for the surrender and reduction of tribal lands and removal and resettlement of approximately one-fifth of Native American tribes from their original lands, the United States signed 375 treaties, passed laws, and instituted policies that shape and define the special government-to-government relationship between federal and tribal governments. Yet the U.S. government forced many Native Americans to give up their culture and, throughout the history of this relationship, has not provided adequate assistance to support Native American interconnected infrastructure, self-governance, housing, education, health, and economic development needs" (para. 1).

How did native peoples influence the writers of the U.S. Constitution, and in so doing, shape the governmental institutions of the new republic? In exploring this question, the modules for this topic examine Native influences on government against a broader background of native/settler relations and conflicts.

For background, read Native American Governments in Today's Curriculum, an older article that offers an overview of governmental structures of the League of the Iroquois, the Muscogee Nation, the Lakota Nation, and the Pueblo peoples.

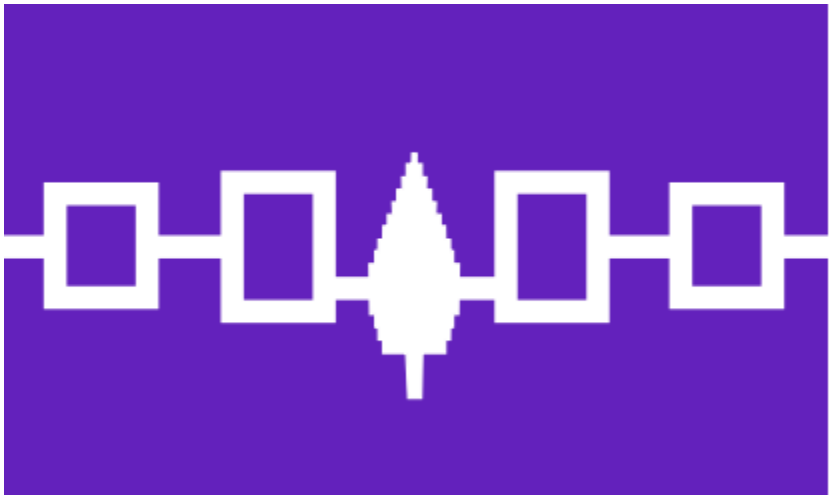
### Modules for this Standard Include:

1. INVESTIGATE: The Iroquois Confederacy and the Great Law of Peace
    - MEDIA LITERACY CONNECTIONS: Representation of Native Americans on Film and in Local History
2. UNCOVER: The Peskeompskut-Wissatinnewag Massacre OR the Battle of Great Falls
3. ENGAGE: How to Evaluate a Person’s Place in History: Jeffrey Amherst and the Case of the Smallpox Blankets

## 1.INVESTIGATE: The Iroquois Confederacy and the Great Law of Peace

**The Iroquois Confederacy** refers to a group of indigenous tribes living in northeastern North America that had a participatory democracy government with executive, legislative, and judicial branches. **The Great Law of Peace** was the constitution of the Iroquois Confederacy. Here is the

text of The Constitution of the Iroquois Confederacy and its 117 articles.



"Flag of the Iroquois Confederacy",
Public Domain

The framework of government in the Iroquois Confederacy is said to have inspired Thomas Jefferson, George Washington, Benjamin Franklin and other founders as they wrote the Constitution. The founders adopted the Iroquois nation's symbol, the bald eagle, as the new nation's national symbol.

Some historians credit the Iroquois chief **Canasatego** with influencing Benjamin Franklin's thinking about government (Franklin included references to the Iroquois Confederacy in his writing). Canasatego shared how the Great Law of Peace, the Iroquois Confederacy's unwritten constitution, included rules of democratic self-government including the rights and responsibilities of each member tribe, and in so doing, stressed the importance of a unified, representative government. Other historians are unsure of these connections, citing the lack of definitive historical evidence. Iroquois and the Founding Fathers from TeachingHistory.org presents both sides of this historical debate.

You can learn more at Iroquois Democracy & the U.S. Constitution, a website with learning plans from Portland State University.

In 1988, the United States Senate passed a resolution acknowledging the contributions of the Iroquois Confederacy (Text of Senate Resolution on the Contributions of the Iroquois Confederacy). However, none of the constitutions of the 13 colonies included First Americans' rights and Native Americans did not gain citizenship until 1924.

In addition to influencing the founders, feminist scholar Sally Roesch Wagner (2001) contended that the social and political organization of indigenous societies impacted the thinking of early women suffragists including Lucy Stone, Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton. In Haudenosaunee (Iroquois) society, women were included in tribal leadership, could hold political office, controlled property, had spiritual authority within the community, and children belonged to the mother's clan. The women's rights advocates who wrote the Declaration of Sentiments were inspired by native women to argue for a more co-equal status for women in American society. You can access an overview of this idea from The Impact of Haudenosaunee Culture on the Early Suffragettes.

### Suggested Learning Activities

- **Design a Video**
  - Explore the Native American Influences in U.S. History and Culture Quiz, from *Teaching Tolerance*
  - Then, create a social media video that highlights the 3-5 most surprising things you learned.
- **State Your View:** How did Native American Government Shape the U.S. Constitution?
  - How the Iroquois Great Law of Peace Shaped U.S. Democracy, Native Voices, PBS.
  - Iroquois Constitution:  A Forerunner to Colonists' Democratic Principles
- **Analyze a Primary Source**
  - 1994 Constitution of the Wampanoag tribe of Gay Head (Martha's Vineyard, Massachusetts)
    - What parallels to the United States Constitution do you notice in this document?
- **Create a Sketchnote:** In what ways have Native Americans influenced life in the United States?
  - Native American Contributions from United States Department of Agriculture
  - Native American Contributions from Scholastic
  - Iroquois and the Founding Fathers from TeachingHistory.org.
  - Native American Rights Movement, *resourcesforhistoryteachers* wiki page

### Media Literacy Connections: Representation of Native Americans on Film and in Local History

Most students learn little about Native peoples in schools. The indigenous education organization IllumiNative reports that most (87%) state level history standards do not address Native history past 1900. Much of what students do learn about Native history comes from the media. These activities ask you to critically consider how Native peoples have been represented in films and how those representations have shaped people's attitudes:

- **Activity 1: Analyze how Native Americans are Portrayed in Movies**
- **Activity 2: Design a Film or TV show About Native Americans' Influence on the U.S. Government**
- **Activity 3: Research & Redesign the First American History of the Place Where You Live Today**

## 2.UNCOVER: The Peskeompskut-Wissatinnewag Massacre or Battle of Great Falls

**Peskeomskut** is the name for the waterfalls on the Connecticut River between the communities of Turners Falls and Gill, Massachusetts. The Peskeomskut Massacre or the Great Falls Fight was a pivotal event in King Philip's War that unfolded when a colonial militia led a pre-dawn surprise attack of an Indian fishing village on the shores of the river on May 16, 1676. An interactive photograph and summary of the scene entitled **Assault on Peskeompskut** is available from the Memorial Hall

Museum, Deerfield, Massachusetts.

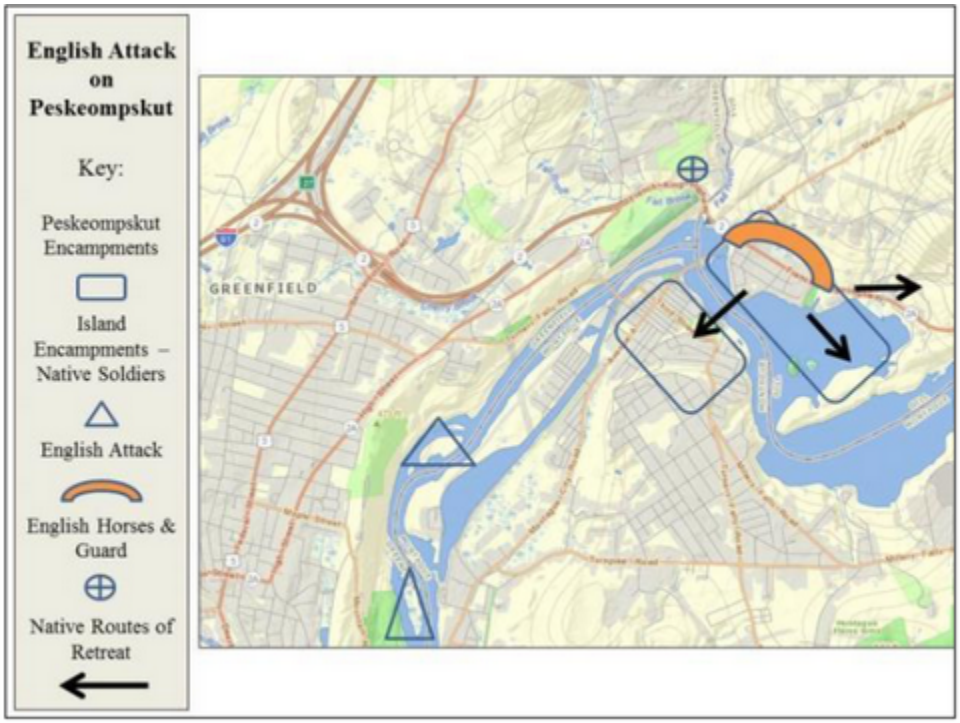



**Figure 17** *English Attack on Peskeompskut Encampment.*

Figure 17: Technical Report - Battle of Great Falls / Wissatinnewag-Peskeompskut (May 19, 1676), U. S. Department of the Interior National Park Service American Battlefield Protection Program
https://edtechbooks.org/-wKzH

Different writers have described the event differently, as a massacre or a battle. Regardless of how it is described, it is clear that hundreds of English soldiers and native people were involved and that many women and children were killed in the raid on the village. In 2018, the town of Montague, Massachusetts received a grant from the National Park Service to survey the battlefield and apply for recognition in the National Register of Historic Places. But what really happened on that day?

## Suggested Learning Activities

- **Analyze Two Competing Histories and Then Write Your Own History**
  - Technical Report: Battle of Great Falls/Wissantinnewag-Peskeompskut, American Battlefield Protection Program, National Park Service (February 2016)
  - Remembering & Reconnecting: Nipmucs and the Massacre at Great Falls, Chaubunagungamuug Nipmuck Historic Preservation Office (October 2015)

## Online Resources for the Peskeompskut-Wissatinnewag Massacre

- Our Beloved Kin: Remapping a New History of King Philip's War website by Lisa Brooks
- Explore *resourcesforhistoryteachers* wiki page for English Settlers and Native Peoples
- Native Land Map, an interactive exploration of native peoples in the Americas

# 3.ENGAGE: How to Evaluate a Person's Place in History? The Case of Jeffrey Amherst and the Smallpox Blankets

**Jeffrey Amherst** was a British army general during the French and Indian War and then royal governor of Virginia (although he refused to live there) in the decades before the American Revolution. The Town of Amherst, Massachusetts, founded in 1759, is named after him. Amherst College, founded in 1821, is named after the town. There are also towns named Amherst in Wisconsin, Virginia, Texas, Tennessee, South Dakota, Ohio, North Carolina, New York, New Hampshire, Nebraska, Montana, Minnesota, Maine and Colorado.

**Portrait of Jeffrey Amherst**
"Amherst" | Public Domain

Jeffrey Amherst is a very controversial historical figure. Throughout his life, he displayed overt hatred and racism toward native people. Historians charge him with suggesting—or actually providing—smallpox-infected blankets to American Indians in the Ohio Valley of North America. In a 1763 letter he wrote, "You will do well to try to inoculate the Indians by means of blankets, as well as to try every other method that can serve to extirpate this execrable race" (quoted in Berg, 2019).

In 2016, Amherst College dropped "Lord Jeff" as its athletic team and school mascot. More recently, there have been calls from citizens to rename the town of Amherst itself. The case of Jeffrey Amherst raises questions about how to evaluate the reputations of famous people in history, especially those

who engaged in undemocratic and discriminatory actions toward other people.

## Suggested Learning Activities

- **State Your View**: How should Jeffrey Amherst be evaluated historically?
    - Is there sufficient evidence to condemn him as an advocate for biological warfare?
    - Should towns named Amherst - including Amherst, Massachusetts - change their names based on historical evidence of his actions?
    - In what ways does the case of Jeffrey Amherst relate to current debates over Native American mascots and Confederate monuments from the Civil War?

- **Propose an Educational Policy**: How can Native Americans be fairly represented in school mascots or names?
    - These Massachusetts Schools Still Have Native American-themed Nicknames, Mascots, and Logos. MassLive (February 16, 2017)
    - 2,128 Native American Mascots People Aren't Talking About from FiveThirtyEight, September 2014.
    - Timeline - A Century of Racist Sports Team Names, Mother Jones
    - UnLearning Sports Mascots from FiveColleges in Massachusetts.
    - Native Americans Blast Redskins Gambit to Defuse Name Controversy with Financial Contributions, March 24, 2014.

- **Design a First American People's History Poster**
    - Present the history of one of the following events from an indigenous First Americans' perspective:
        - King Philip's War
        - The Louisiana Purchase
        - The Trail of Tears and the Indian Removal Policy
        - The California and Alaska Gold Rush
        - The Transcontinental Railroad
        - DAPL Standing Rock Sioux Uprising

## Online Resources for Teaching First American/Native American History

- Lord Jeffrey Amherst and the Smallpox Blankets, *resourcesforhistoryteachers* wiki
- Becoming Visible:  A Landscape Analysis of State Efforts to Provide Native American Education for All, National Congress of American Indians (September 2019)
    - 87% of state history standards do not mention Native American history after 1900
    - 27 states make no mention of a single Native American in their K-12 curriculum
- Montana State Constitution Article X and Indian Education For All, Montana Office of Public Instruction
    - Montana's 1972 constitutional amendment requires teachers to integrate information about Native American cultures and history in all subjects and grades
- American Indian Perspectives on Thanksgiving, National Museum of the American Indian
- The Other Side of Plymouth Rock: River Stories 2020, Nolumbeka Project
- American Indians in Children's Literature, Blog by Debbie Reese of Nambé Pueblo
- Maps:
    - Native Land Digital Map - Whose Land Do You Live On?
    - Tribal Nations Map - Pre-contact homelands of hundreds of tribal nations in Canada and

the lower 48 states of the United States
- Native Reservations Today Map

## Conclusion for Standard 5

Standard 5's **INVESTIGATE** examined how the governmental practices of Native Americans (in particular, The Iroquois Confederacy) may have influenced the thinking of the founders of the United States system of government. **UNCOVER** presented the different historical accounts of what is known as the Peskeompskut-Wissatinnewag Massacre or the Battle of Great Falls. **ENGAGE** used the case of Jeffrey Amherst and the Smallpox Blankets to ask how people today might assess the reputations of historical figures.

Topic 2

# The Development of the United States Government

Image by Angelique Johnson from Pixabay

## Snapshot of Topic 2

### Supporting Question

How did the framers of the Constitution attempt to address issues of power and freedom in the design of a new political system?

### Massachusetts Standards [8.T2.1-5]

1. The Revolutionary Era and the Declaration of Independence
2. The Articles of Confederation
3. The Constitutional Convention
4. Debates between Federalists and Anti-Federalists
5. The Articles of the Constitution and the Bill of Rights

## Advanced Placement Standards for U.S. Government and U.S. History

Modules in this Topic can also be used to address the following Advanced Placement (AP) Standards:

- AP U.S. Government and Politics Unit 1.4: Challenges of the Articles of Confederation
- AP U.S. Government and Politics Unit 1.5: Ratification of the U.S. Constitution
- AP U.S. History:  Period 3: 1754 - 1800

## Topic 2: The Development of the United States Government

Topic 2 examines the development of the United States government during the time period of the American Revolution. It focuses on the founding documents of our democracy—the **Declaration of Independence**, the **Articles of Confederation**, the **Constitution**, and the **Bill of Rights**—as well as the **contentious political debates** that surrounded the meaning of those texts. The issues raised in those debates continue to be part of our lives today, demonstrated by the struggles of people of color, women, and LGBTQIA individuals for equal rights as well as efforts by people and courts to balance states rights and federal power in the pursuit of social and economic policies.

The writing of a constitution for a democratic form of government, as historian Linda Colley (2021) reminds us, was a momentously revolutionary development in global history. For most of human history, rulers (kings, emperors, warlords) ruled without any written limits on their powers. The American Revolution, the ideals set forth in the Declaration of Independence, and framework of government established at the Constitutional Convention set forth a era of constitution-writing across the globe. Three forces, in Colley's view, propelled the process: 1) the Gun where as led to the breakdown of existing regimes; 2) the Ship which made possible he sharing of democratic ideas across the world; and 3) the Pen which along with a rise in literacy, enabled writers to share new ways of thinking with larger and larger numbers of people.

2.1

# The Revolutionary Era and the Declaration of Independence

## Standard 2.1: The Revolutionary Era and the Declaration of Independence

*Apply knowledge of the American Revolutionary period to determine the experiences and events that led the colonists to declare independence; explain key ideas about equality, representative government, limited government, rule of law, natural rights, common good, and the purpose of government in the Declaration of Independence.* (Massachusetts Curriculum Framework for History and Social Science) **[8.T2.1]**

*British attempts to assert tighter control over its North American colonies and the colonial resolve to pursue self-government led to a colonial independence movement and the Revolutionary War.* (AP U.S. History Key Concept) **[3.1]**

## FOCUS QUESTION: What Key Ideas are the Foundations of United States Government?

"Declaration of Independence" by John Trumbull | Public Domain

Drafted by Thomas Jefferson, edited by Benjamin Franklin and John Adams, and adopted by the Continental Congress on July 4, 1776, the **Declaration of Independence** consists of 1,320 of the most famous words and phrases in history:

- “When in the course of human events”
- “We hold these truths to be self-evident”
- “All men are created equal”
- “Life, liberty and the pursuit of happiness”
- “The consent of the governed”

The Declaration asserted that all men have “inalienable rights” that had been violated by a “long train of abuses and usurpations” committed by the king and government of England. Listing the laws and acts that the colonists felt were intolerable, the Declaration stated in no uncertain terms that **people had a right to cut ties with a government that they believe is unjust**.

A statement of principles and protests, the Declaration did not have the force of law. It is the United States Constitution that “establishes the shape of government, and the limits and boundaries of the freedom it protects. Still the Declaration of Independence remains the outstanding example of the spirit, as opposed to the letter, of U.S. law” (Teaching American History Professional Development Project, nd., p. 1).

The signing of the Declaration has been immoralized by John Trumbull's famous painting (shown below). But as journalist Olivia B. Waxman has noted in *Time* magazine, "This Painting is Probably How You Imagine the Original Fourth of July. Here's What Wrong with It."

**John Trumbull's Painting is found on the back of the two dollar bill**
"USTwoDollarBillBack" | Public Domain

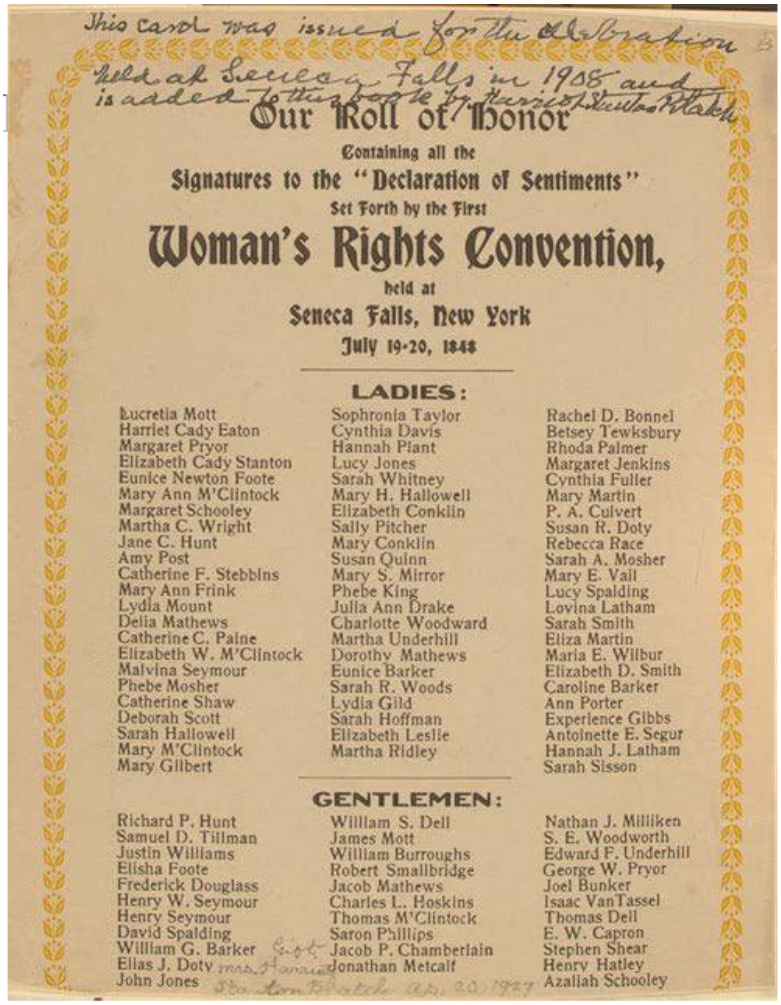
How did the Declaration of Independence **shape Americans' thinking about freedom, liberty, justice, and human rights for all**? The modules for this topic explore that question with an emphasis on the rights of women, African Americans, workers and people of the world.

### Modules for this Standard Include:

1. INVESTIGATE: The Seneca Falls Convention and the Declaration of Sentiments (1848)
2. UNCOVER: Eleanor Roosevelt and the Universal Declaration of Human Rights
3. ENGAGE: What Do Other Declarations of Independence Declare?
   MEDIA LITERACY CONNECTIONS: Promoting a Declaration of Independence on Social Media

## 1. INVESTIGATE: The Seneca Falls Convention and the Declaration of Sentiments (1848)

The **Seneca Falls Convention** was organized in western New York in 1848 by Elizabeth Cady Stanton, Lucretia Mott, and a collection of Mott's fellow Quakers.



This card was issued for the celebration held at Seneca Falls in 1908 and is added to this book by Harriet Stanton Blatch

# Our Roll of Honor

Containing all the

Signatures to the "Declaration of Sentiments"

Set Forth by the First

## Woman's Rights Convention,

held at

Seneca Falls, New York

July 19-20, 1848

### LADIES:

Lucretia Mott
Harriet Cady Eaton
Margaret Pryor
Elizabeth Cady Stanton
Eunice Newton Foote
Mary Ann M'Clintock
Margaret Schooley
Martha C. Wright
Jane C. Hunt
Amy Post
Catherine F. Stebbins
Mary Ann Frink
Lydia Mount
Delia Mathews
Catherine C. Paine
Elizabeth W. M'Clintock
Malvina Seymour
Phebe Mosher
Catherine Shaw
Deborah Scott
Sarah Hallowell
Mary M'Clintock
Mary Gilbert

Sophronia Taylor
Cynthia Davis
Hannah Plant
Lucy Jones
Sarah Whitney
Mary H. Hallowell
Elizabeth Conklin
Sally Pitcher
Mary Conklin
Susan Quinn
Mary S. Mirror
Phebe King
Julia Ann Drake
Charlotte Woodward
Martha Underhill
Dorothy Mathews
Eunice Barker
Sarah R. Woods
Lydia Gild
Sarah Hoffman
Elizabeth Leslie
Martha Ridley

Rachel D. Bonnel
Betsey Tewksbury
Rhoda Palmer
Margaret Jenkins
Cynthia Fuller
Mary Martin
P. A. Culvert
Susan R. Doty
Rebecca Race
Sarah A. Mosher
Mary E. Vail
Lucy Spalding
Lovina Latham
Sarah Smith
Eliza Martin
Maria E. Wilbur
Elizabeth D. Smith
Caroline Barker
Ann Porter
Experience Gibbs
Antoinette E. Segur
Hannah J. Latham
Sarah Sisson

### GENTLEMEN:

Richard P. Hunt
Samuel D. Tillman
Justin Williams
Elisha Foote
Frederick Douglass
Henry W. Seymour
Henry Seymour
David Spalding
William G. Barker
Elias J. Doty
John Jones

William S. Dell
James Mott
William Burroughs
Robert Smallbridge
Jacob Mathews
Charles L. Hoskins
Thomas M'Clintock
Saron Phillips
Jacob P. Chamberlain
Jonathan Metcalf

Nathan J. Milliken
S. E. Woodworth
Edward F. Underhill
George W. Pryor
Joel Bunker
Isaac VanTassel
Thomas Dell
E. W. Capron
Stephen Shear
Henry Hatley
Azaliah Schooley

"List of Signatures of the Declaration of Sentiments" by Mcvy is licensed under CC BY-SA 4.0

The Convention lasted six days and was attended by 300 people. On the morning of July 19, 1848, Elizabeth Cady Stanton read aloud what would become one of the most important documents in United States history, the **Declaration of Sentiments and Resolutions**.

**"Engraving of Elizabeth Cady Stanton" (created before 1869)** by Henry Bryan Hall, Jr. | Public Domain

Modeled after the Declaration of Independence, the Declaration of Sentiments contained a **list of the grievances and inequalities caused by men**, which paralleled those caused by the King of England. It included a list of demands for equality for women in the home, at work, and in education, as well as a call for women's suffrage (the right to vote in political elections). Frederick Douglass attended and spoke at the convention, supporting suffrage. The resulting Declaration of Sentiments was signed by 100 people.

The Declaration of Sentiments provides teachers and students with opportunities to compare and contrast the issues that led the colonists to declare independence from England with the events and issues that led women to declare their rights as equal members of society. The Timeline of Women's Rights in Early America (National Women's History Museum) offers an overview of the status of women in early America.

Teachers from different subject fields can integrate the Declaration of Sentiments in curriculum and instruction (submitted by Sharon Edwards):

- **History teachers** — This is as important a document as the one it was modeled on and ought

to be taught in the time frame of the teaching the Declaration of Independence, for it is a Declaration of Independence— a voice of resistance to what is wrong and a demand for equality. Also, consider exploring the role of Frederick Douglass and other male advocates for change who took the women seriously and supported their goals and desires.

- **English teachers** — Read and record the Declaration of Sentiments in kid-friendly vocabulary so the language is accessible to students whose level and knowledge of English need this material translated into more understandable terms. Women as voters, is a compelling story. In the lives of students there will be issues parallel to women's rights that occasion disagreement and may in 100 years be seen the same way as wrongheaded thinking. Maybe that issue is students having no voice in school policies, schedules, instructional tracks kids are assigned to, disciplinary procedures, or length of the school day and school year. At some future point these exclusions will seem unwarranted and as ridiculous as the view of women was in the mid 1800s.
- **Math teachers** - The long history of change of heart and mind and thinking about the changes to society that might have come about with much sooner adoptions of what we consider to be unquestionable rights— the opposite of what women had then. Time, resistance, inertia, propulsion, energy transfer (yes, I recognize that these are now describing physics are quantifiable and the same forces are affecting students' lives now as they wish they had voices in making changes to schools and the way learning happens, and are told always, no, you are not capable of doing the things you want to do because you are too young). Math words are everywhere: change— implying more than of some things and less than of others— not capable, too young, not reliable or trustworthy.
- **All teachers** - Consider who you are and why. Those historical doers set the path. Now, we could be history setting doers by rethinking the ways learning happens, the big ideas we feature in the content and how much we teach about equity and students' rights. In math and science, are you featuring the contributions of women and immigrants with the curriculum and concepts? In English and history are you connecting these histories to students' lives and asking for their writing of their ideas, positions, and platforms for change?

### Suggested Learning Activities

- **Compare and Contrast the Declarations**
  - Read the Declaration of Independence and Declaration of Sentiments side-by-side.
    - What similarities do you find?
    - What differences do you find?
    - What has been the lasting impact of each Declaration?
    - What events and issues influenced the writing of each Declaration?

- **Create a Poster**
  - Use the following resources to define what rights did women had and not have in early America:
    - Women's Rights in the Early Republic
    - Women and the Law
      - **"Coverture** stipulated that a married woman did not have a separate legal existence from her husband.
      - **Right of dower** meant women had a right to property they brought into the marriage as well as to life usage of one-third of their husbands' estate" (President and Fellows of Harvard College, 2010, para. 1).
    - The Legal Status of Women, 1776-1830, Gilder Lehrman Institute of American History

- **Analyze Primary Sources**
  - Women's Rights: Primary Sources and Teaching Activities, National Archives DocsTeach

#### Online Resources for the Declaration of Sentiments and Women's Rights in Early America

- Seneca Falls Convention, Learning Plan, National Women's History Museum
- Seneca Falls Declaration, Learning Plan, Teaching American History Project, Windham (Connecticut) Public Schools
- From the Declaration of Independence to the Declaration of Sentiments, National Women's History Museum
- Suffering for Suffrage, Learning Plan
- She Votes! Podcast series hosted by journalists Ellen Goodman & Lynn Sherr released in 2020 for the 100 annivesary of the 19th Amendment

## 2.UNCOVER: Eleanor Roosevelt and the Universal Declaration of Human Rights

**Eleanor Roosevelt** was the wife of President Franklin D. Roosevelt and one of the most influential first ladies and women leaders in United States history.

A political activist throughtout her life, Eleanor Roosevelt worked for women's rights and the end of discrimination and poverty in the nation and the world. She was a diplomat, active internationally after World War II in promoting peace and freedom for all people. She was a prolific writer, authoring a six-days-a-week newspaper column titled *My Day* that ran from December 30, 1935 to September 26, 1962. At its height, the *My Day* column appeared in 90 newspapers nationwide with a readership of over four million people. Learn more about her expansive political career: **Eleanor**

**Roosevelt, First Lady and Citizen Activist**.

Eleanor Roosevelt has been called the “First Lady of the World." One of her most important achievements was inspiring the writing of the **Universal Declaration of Human Rights**.

Eleanor Roosevelt holding poster of the Universal Declaration of Human Rights (in English), Lake Success, New York. November 1949. FDR Presidential Library & Museum 64-165. CC BY 2.0

Adopted by the United Nations in 1948, the Universal Declaration of Human Rights consists of **30 articles listing the basic rights that every person anywhere on Earth should have**. The Universal Declaration was a direct response to the horrors of atrocities of World War II. The opening to its Preamble reads: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" (United Nations).

As summarized in *National Geographic* Magazine (2008), the Declaration stated:

- All human beings are born free (Article 1).
- No one shall be subjected to torture or to cruel, inhuman or degrading punishment (Article 5).
- No one shall be held in slavery or servitude (Article 4).
- Everyone has the right to rest and leisure (Article 24).

- Everyone has the right to freedom of thought, conscience and religion (Article 18).
- Motherhood and childhood are entitled to special care and assistance (Article 25.2).
- Everyone has the right to education (Article 26.1).
- Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits (Article 27.1).

Watch on YouTube https://edtechbooks.org/-qyYi

The following wiki page offers more background on **The Creation of the United Nations and the Universal Declaration of Human Rights**.

## Suggested Learning Activities

- **Create a Human Rights Mosaic**
  - Design a mosaic image for one or more of the rights in the Universal Declaration of Human Rights.

*Amherst Middle School teachers Kat Sherrick and Irene LaRoche created this lesson for students. For examples of student work, visit **Year 4 2017-2018 Human Rights Art Project Presentation for Methods.**

## Online Resources for Eleanor Roosevelt and the Declaration of Human Rights

- Eleanor Roosevelt and the Universal Declaration of Human Rights: A Lesson Plan for Middle and Upper Grades
- Universal Declaration of Human Rights from Ken Burns in the Classroom, PBS LearningMedia
- Do You Know Your Rights? Learning Interactive from Amnesty International

# 3.ENGAGE: What Do Other Declarations of Independence Declare?

The Declaration that was adopted on July 4, 1776 was not the first declaration of independence in the colonies (Worcester, Massachusetts adopted **America's First Declaration of Independence** on October 4, 1774) nor was it the only declaration of rights and independence in United States and world history.

Other declarations in United States History and world include:

- Texas Declaration of Independence (1836)
- Declaration of Sentiments (1848)
- A Declaration of Liberty by the Representatives of the Slave Population of the United States of America (1858)
- Farmers Declaration of Independence (1873)
- United Steelworkers Declaration of Independence (1936)
- Declaration of Independence of the Democratic Republic of Vietnam (1945)
- Universal Declaration of Human Rights (1948)
- Convention on the Rights of the Child (1959)
- A Declaration of Independence of Cyberspace (1996)
- United Nations Declaration on the Rights of Indigenous Peoples (2007)

There are famous statements of independence by individual writers, including:

- Dorothea Dix Memorial to the Massachusetts Legislature
- Frederick Douglass "The Meaning of July 4th for the Negro" speech
- "I Have a Dream Speech, Dr. Martin Luther King, Jr.
- Fourth of July Address at Independence Hall, John F. Kennedy

## Media Literacy Connections: Promoting a Declaration of Independence on Social Media

Throughout U.S. history, oppressed and disenfranchised groups (women, African Americans, farmers, workers, indigenous peoples, and more) have set forth their declarations of independence. Modelled after the original Declaration of Independence written by Thomas Jefferson in 1776, these documents set forth their visions for achieving full rights, freedoms, and liberties as members of American democracy. Imagine that these groups had access to modern social media platforms. How would they have utilized social media to express their ideas and gain support for their goals?

- **Activity 1: Design a Social Media Campaign for a Declaration of Independence**
- **Activity 2: Design a Modern-Day Declaration of Independence**

### Suggested Learning Activities

- **Make a Declaration or Statement of Independence Jamboard**
    - Choose one of the Declarations of Independence listed about and display in a jamboard?
        - What is the document about in kid-friendly language?
        - Who wrote the document?
        - Why was it written?
        - Why is it important?
        - What image or images convey the meaning of the document?
- **Compare and Contrast Declarations of Independence**
    - Using the resources listed above, what are individuals and groups declaring about independence and freedom in their documents and speeches?
    - How are they alike? How do they differ?
    - Is a Declaration an effective way to persuade people to support a cause or a movement?
- **Analyze a Work of Art**
    - Use the following learning plan: Memoralizing Independence: John Trumbull's *The Declaration of Independence,* Wadsworth Atheneum Museum of Art
    - How does the artist use setting, image and detail to communicate meaning to viewers?

### Online Resources for other Colonial Era Declarations of Independence

- Text of the Declaration of Independence (1776)
- Text of the British Reply to the Declaration of Independence(1776)
- Virginia Declaration of Rights (1776)
- Malden, Massachusetts Declaration of Independence (May 27, 1776)
- Vermont Declaration of Independence (1777)

## Standard 2.1 Conclusion

The principles of the Declaration of Independence, declared Frederick Douglass in his 1852 Fourth of July address, are "saving principles" and people must be "true to them on all occasions, in all places, against all foes, and at whatever cost." **INVESTIGATE** discussed efforts by women to assert their rights and freedoms through the Seneca Falls Convention's Declaration of Sentiments. **UNCOVER** explored Eleanor Roosevelt and the writing of Universal Declaration of Human Rights. **ENGAGE** asked who wrote other declarations of independence in U.S. history and what those declarations declare.

# 2.2

# The Articles of Confederation

## Standard 2.2: The Articles of Confederation

*Analyze the weaknesses of the national government under the Articles of Confederation; and describe crucial events (e.g., Shays' Rebellion) leading to the Constitutional Convention.* (Massachusetts Curriculum Framework for History and Social Science) **[8.T2.2]**

## FOCUS QUESTION: How Did the Articles of Confederation Seek to Balance the Powers of Federal and State Government?

1977 13-cent U.S. Postage stamp commemorating the Articles of Confederation bicentennial; the draft was completed on November 15, 1777 | Public Domain

Initially proposed in 1777 but not finally ratified until 1781, the **The Articles of Confederation and Perpetual Union** were the nation's first constitution and established its first central government. **John Dickinson**, Pennsylvania delegate to the Continental Congress, wrote the first draft, using the phrase "United States of America" possibly for the first time (Lepore, 2018, p. 97).

Prior to the Articles, each of the 13 colonies functioned as its own independent government. The colonies lacked a structure through which to work together toward common goals. The **Articles**

**created a central government**—albeit a weak one—to oversee the conduct of the Revolutionary War and to conduct foreign diplomacy on behalf of the new nation. Historian Jill Lepore (2018) called the Articles "**more like a peace treaty**, establishing a defensive alliance among the sovereign states, than a consitution" (pp. 97-88). Here is the text of the Articles.

The Articles of Confederation brought forth **contentious issues over the power of the federal government versus the autonomy and independence of the states**. "Efforts to revise the Articles proved fruitless," noted Jill Lepore (2018), "even though the Continental Congress had no standing to resolve disputes between the states nor any authority to set standards or regulate trade" (p. 114). Those tensions—coupled with Shays' Rebellion in Massachusetts—proved too great for the confederation government and the **Articles ended** when the Constitutional Convention was convened in 1787.

How should the United States achieve a balance between federal versus state power? That question, raised by the Articles, was never fully addressed by the Constitution and it has remained ever-present throughout U.S. history, including the Civil War over slavery, Franklin Roosevelt's responses to Great Depression and the New Deal, and 20th century efforts by southern states to resist integration of African Americans during the Civil Rights Movement.

In 2020, the COVID-19 pandemic again pitted states against the federal government over the allocation of medical supplies, the implementation of testing and contact tracing, decisions about when to re-open businesses and schools, and the administration of financial relief legislation.

The modules for this topic explore the tensions between federal and state power in the 18th century with Shays' Rebellion and in the 21st century with the regulation of self-driving automobiles.

### Modules for this Standard Include:

1. INVESTIGATE:  Government Under the Articles of Confederation
2. UNCOVER: Shays' Rebellion and the Coming of the Constitution
3. ENGAGE: How Much Power Should the Federal Government Have in the 21st Century?  The Case of Self-Driving Cars
    MEDIA LITERACY CONNECTIONS: Marketing and Regulating Self-Driving Cars

# 1.INVESTIGATE: Government Under the Articles of Confederation

John Hanson, a merchant and public official from Maryland, was the first "President of the United States in Congress Assembled" under the Articles of Confederation. The position of President of Congress was largely ceremonial; there was no executive branch of government like there is today. Hanson served one year, issued the first Thanksgiving proclamation, was followed by seven other men, each serving one year terms. There is a statue of John Hanson in the U.S. Capitol Building (see the Architect of the Capital website).

Congress, under the Articles of Confederation, was **relatively powerless**. It could pass laws, but not enforce them. It could not raise troops for war. It did not have the power to tax, but it could raise money from the states (Digital History, 2019).

Members of Congress represented states, not people, and each state had one vote. Since any state could veto any proposed legislation, it was difficult to get anything done at a national level. The following wiki pages offer more information about the Articles and their failures as a framework for government:

- **Articles of Confederation**
- **Failure of the Articles of Confederation**

One major accomplishment of the national government under the Articles was the **Northwest Ordinance of 1787** that stated all new territory in the west would be admitted as equal states when they had an elected legislature and a constitution with a Bill of Rights. The Northwest Ordinance also outlawed slavery in new Northwest Territory and guaranteed tribal land rights to Indian people (The Northwest Ordinance Guarantees Tribal Land Rights).

### Suggested Learning Activities

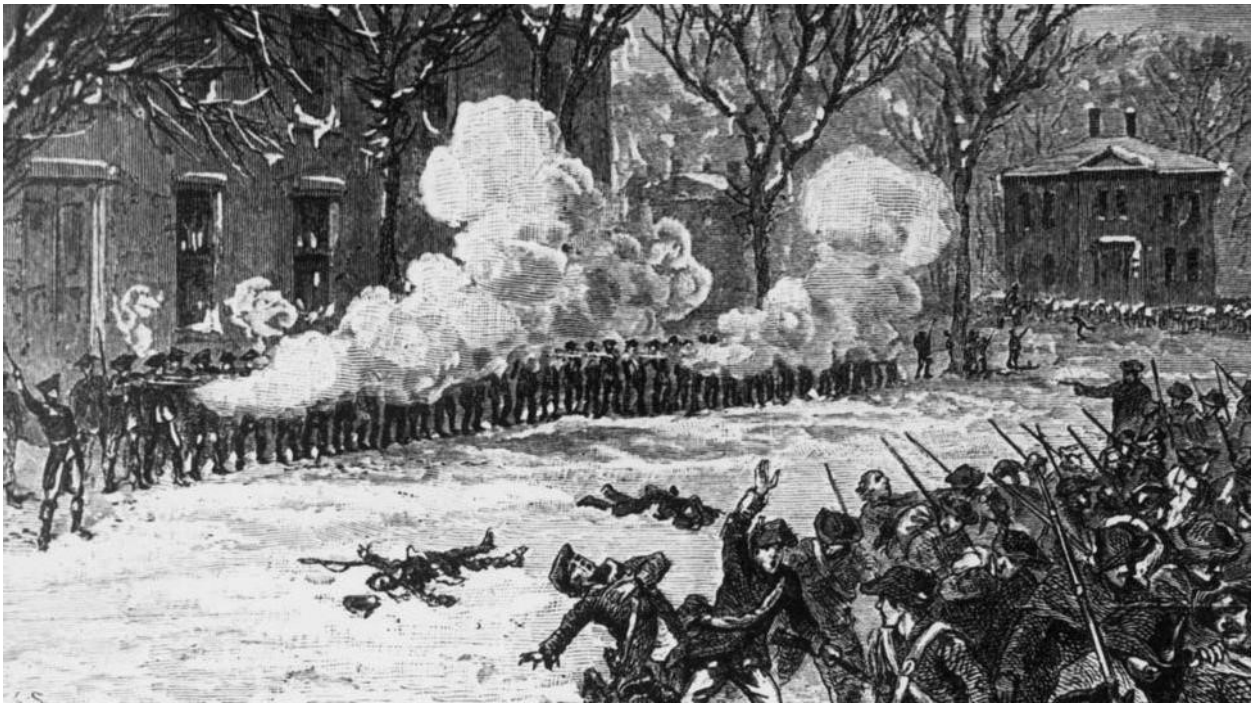
- **Explain Your View**
    - Using historical evidence, explain the major reasons why the Articles failed to create an effective national government.

### Online Resources for the Articles of Confederation

- Articles of Confederation, 1777-1781 from the Office of the Historian, U.S. Department of State provides an overview of the creation of the Articles of Confederation.
- Timeline of events preceding the Articles and leading up to the Constitutional Convention.
- New Hampshire adopted the nation's first constitution in 1776.
- The Northwest Ordinance

## 2.UNCOVER: Shays' Rebellion and the Coming of the Constitution

**Shays' Rebellion** was an armed uprising against the government of Massachusetts by farmers in the western part of the state. It lasted from August 1786 to June 1787.



**Shays' Protestors are Repulsed from the Armory at Springfield, Massachusetts**
"Shay's Rebellion" by Shockabrah is licensed under CC BY-SA 4.0

Daniel Shays, a Revolutionary War veteran, was the leader of the rebellion. Shays and his followers, facing heavy debt and high taxes, decided to protest the state government and local courts that were auctioning off their homes and land for nonpayment of taxes.

In January 1787, Shays led a group into a confrontation with the state militia at the Springfield, Massachusetts Armory. Shots were fired, four protestors were killed and the rebellion was effectively ended. Listen to a **Podcast** on Shays' Rebellion from "Ben Franklin's World: A Podcast About Early American History."

The impact of Shays' Rebellion was profound, illustrating to many that the national government under the Articles of Confederation could not manage finances or effectively enforce laws.

Political leaders worried that more instability and uprisings would follow. Future president George Washington wrote a letter warning of "anarchy and confusion" unless governments can enforce their laws. Historians agree that the alarm over Shays' Rebellion led to the convening of the Constitutional Convention and the writing of the Constitution.

### Suggested Learning Activities

- **Analyze Primary Sources**
  - Abigail Adams letter on Shays' Rebellion
  - Shays' Rebellion: A Massachusetts Farmer's Account from the Constitutional Rights Foundation
- **Create a Graphic of Shays' Rebellion**
  - Use Shays' Rebellion and the Making of a Nation, a website from Springfield Technical Community College as a source of information for your graphic presentation

### Online Resources for Shays' Rebellion

- Shays' Rebellion, U.S. History.org
- How Did the Leaders of the American Revolution View Shays' Rebellion, Learning Plan, University of Maryland, Baltimore County
- After Shays' Rebellion, Learning Plan from America in Class, National Humanities Center

## 3. ENGAGE: How Much Power Should the Federal Government Have in the 21st Century? The Case of Self-Driving Cars

The Articles of Confederation's debates over the powers of state and federal government remain with us today in the 21st century. One example is the case of self-driving cars: **Should the federal or state government have the power to regulate the testing and use of these vehicles on streets, roads, and highways?**

"Picturization of self driving car from drivers perspective, active breaking and obstacle reconnaissance"
by Eschenzweig is licensed under CC BY-SA 4.0

**Self-driving cars** (also known as "driverless cars" or "autonomous vehicles") are automobiles where human drivers do not have to operate the vehicle. In design, self-driving cars use laser beams, radar, high-powered cameras and sonar to map their surroundings and then make predictive calculations to perform the necessary driving maneuvers - accelerate, slow down, brake, stop and so on - all without human intervention or control (Self-Driving Cars Explained). According to BusinessWire, 20.8 million autonomous vehicles will be in operation in the United States by 2030.

Vehicles with different amounts of autonomy are currently being tested and sold - automatic acceleration and speed controls, braking, steering, lane switch prevention - the technology exists for cars to function in most driving situations with humans on alert to take over when prompted to do so. In this fast-developing field, **what level of government has the authority and responsibility to regulate self-driving vehicles**? At the moment, declared *Wired* Magazine, no one is regulating self-driving cars.

The question of regulation took on renewed importance in 2018 when a self-driving Uber test vehicle struck and killed a woman pedestrian in Arizona. While the National Transportation Safety Board is the federal agency overseeing motor vehicle safety, the testing of self-driving cars is seen as a responsibility of state governments. Arizona is leading the way in promoting the development of autonomous vehicles.

There are many competing interests in the development of self-driving cars. Auto manufacturers want less government regulation in order to compete against Chinese companies in a global market for autonomous vehicles. Safety advocates want more government oversight so unproven technology does not result in accidents and deaths. Some states want to pass their own laws while others would prefer the federal government set a standard that everyone must follow. One trucking company actually urged the Trump Administration to build federal highways just for driverless trucks (We Still Can't Agree How to Regulate Self-Driving Cars).

## Media Literacy Connections: Marketing and Regulating Self-Driving Cars

The following activity is drawn from debates over the role of the federal government versus state government that have existed since the Articles of Confederation and the writing of the U.S. Constitution. The activity asks you to investigate how auto manufacturers are marketing cars **and** what local, state, and national governments should be doing to create safer driving for everyone.

- **Activity: Who Should Regulate Self-Driving Cars?**

### Suggested Learning Activities

- **Analyze a Video**
  - Safety Assurance for Self-Driving Vehicles from University of Toronto
  - What can self-driving vehicles do, and not do, safely on roads and highways?
- **Record a Public Policy Statement or Video About Self-Driving Vehicles**
  - What rules should federal and state governments adopt to regulate the development and use of self-driving cars?
- **Express Your View**: How are the debates over the Articles of Confederation continuing to affect your life and the lives of people in your community today?

### Online Resources for Self-Driving Cars

- Autonomous Vehicles State Bill Tracking Database, National Conference of State Legislatures
- Science of Innovation: Self-Driving Cars, NBC NewsLearn

## Standard 2.2 Conclusion

The Articles of Confederation where the nation's first central government. **INVESTIGATE** examined how the government functioned under the Articles, including the continuing issues of state versus federal power and authority. **UNCOVER** explored the role of Shays' Rebellion in the writing of the new Constitution. **ENGAGE** used the example of modern-day self-driving cars to explore the power of the federal government in the 21st century.

# 2.3

# The Constitutional Convention

## Standard 2.3:  The Constitutional Convention

*Identify the various leaders of the Constitutional Convention and analyze the major issues (e.g., distribution of political power, rights of individuals, representation and rights of states, slavery) they debated and how the issues were resolved* (Massachusetts Curriculum Framework for History and Social Science) **[8.T2.3]**

## FOCUS QUESTION: What Were the Major Compromises at the Constitutional Convention and how Have They Impacted American Life and Government?

**Mural of the Constitutional Convention at the United States Capitol**
"The Constitutional Convention, 1787" | Public Domain

On May 25, 1787, 55 delegates from every state except Rhode Island arrived at the Pennsylvania State House in Philadelphia to begin the **Constitutional Convention**. Ranging in age from 26 (New Jersey's Jonathan Dayton) to 81 (Pennsylvania's Benjamin Franklin), the delegates met from May to September and debated the structure of the new government, representation in Congress, the rights of individuals, and the issue of slavery and its future. The compromises they made have continued to dramatically impact the nation's history to the present day.

Once the meeting began, George Washington was elected President of the Convention. Although the attendees were sworn to secrecy, James Madison, the future 4th President, kept notes of nearly every day's proceedings and other delegates kept notes as well. Based on that recorded history, historians and everyday citizens have the opportunity to explore the history-shaping developments of the Constitutional Convention and its key compromises: The Great Compromise; the Three-Fifths Compromise; the Commerce Compromise; the Slave Trade Compromise; and the Electoral College Compromise.

The men who wrote in the Constitution's Preamble that "we the people" seek to "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty" did so in a country that allowed and profited from African slavery. It was **a contradiction between ideals and realities** that America lives with to this day.

In his doctoral dissertation about the African Slave Trade written more than 125 years ago, **W.E.B. DuBois** (1896) framed the contradiction thusly: "It was the plain duty of the colonies to crush the trade and the system in its infancy: They preferred to enrich themselves on its profits." Du Bois continued: "It was the plain duty of a revolution based on 'Liberty' to take steps toward the abolition of slavey: It preferred promises to straightforward action" (p. 152).

How did slavery and the status of enslaved Blacks impact key compromises about the framework of U.S. government and what has been the lasting impact of those decisions? The modules for this topic explore that question.

### Modules for this Standard Include:

1. INVESTIGATE: The Great Compromise - The Virginia and New Jersey Plans
2. UNCOVER: Thomas Jefferson's Draft Constitution (1776) and Thurgood Marshall's Bicentennial Speech (1987)
3. ENGAGE: Did the Three-Fifths Compromise Make the Constitution a Pro-Slavery Document?
    - MEDIA LITERACY CONNECTIONS: Analyzing Media Stereotypes Toward African Americans

## 1.INVESTIGATE: The Great Compromise - The Virginia and New Jersey Plans

At the outset of the Constitutional Convention, delegates were divided over how much power should be given to each state in the new government.

The **Virginia Plan**, also named the "Large-State Plan," called for a two-house, bicameral legislature (law-making body), a chief executive (the president), and a court system.

The **New Jersey Plan,** also named the "Small-State Plan," called for a one-house or "unicameral" legislature where representation would be equal for all of the states. Under that plan, each state would get one elected official and one vote.

"Assembly Room, Independence Hall, Aug 2019"
by Mys 721tx is licensed under CC BY-SA 3.0

Delegates from the larger states tended to support the Virginia Plan because it would give them more power if representation was based on population, while smaller state representatives supported the New Jersey Plan because it would give them more power if representation was uniform across all states.

The **Great Compromise** created two houses of the national legislature: a House of Representatives whose membership was based on population and a Senate where each state had two voting members. There is more information about this compromise at a *resourcesforhistoryteachers* wiki page **Constitutional Convention and the Founders**.

## Suggested Learning Activities

- **Role Play the Constitutional Convention**
  - Conduct one of two **Constitution Role Plays**: Whose “More Perfect Union”? and "The Constitutional Convention: Who Really Won?" (registration required from Zinn Education Project)

## Online Resources for the Constitutional Convention

- The Constitutional Convention: Lesson Plan for Act II (Virginia and New Jersey Plans), Teaching American History, Ashland University
- Analyzing the Great Compromise, 1787, Gilder Lehrman Institute of American History (log-in required)
- The New Jersey Plan, classroom learning activities
- Why Is John Adams Standing on Thomas Jefferson's Foot? A visual analysis of John Trumball's famous presentation of the Declaration of Independence to the Second Continental Congress.

# 2.UNCOVER: Thomas Jefferson's Draft Constitution (1776) and Thurgood Marshall's Bicentennial Speech (1987)

Two documents—one by **Thomas Jefferson**, the other by **Thurgood Marshall**—written some 200 years apart, demonstrate the complicated connections between slavery and the Constitution.

Thomas Jefferson was a major slave owner; at any given time some 130 people were enslaved at his Monticello plantation (Slavery FAQs - Property from *Thomas Jefferson's Monticello* website). However, in his **Draft Constitution for Virginia** of 1776 (never debated and now largely forgotten) Jefferson called for ending slavery, specific rights for native peoples, outlawing most capital punishment, eliminating any standing army, and not allowing politicians to run for reelection.

More than 200 years later, on May 6, 1987, **Thurgood Marshall**, grandson of a slave, attorney in the *Brown v. Board of Education* school desegregation case and first African American Supreme Court Justice gave what has become known as the "**Bicentennial Speech**" to a patent and trademark law group meeting in Hawaii. Marshall stated that the Constitution was "defective from the start."

**"Thurgood Marshall, 1967"**
by Okamoto, Yoichi R. | Public Domain

While the founders avoided using the term in the text of the document, the Constitution, in Marshall's mind, provided important protections to slavery (notably the Three-Fifths clause) that have undermined and contradicted American ideals since its signing. Here is the full Text of Remarks of Thurgood Marshall at the Annual Seminar of the San Francisco Patent and Trademark Law Association.

### Suggested Learning Activities

- **State Your View**
  - Do you agree or disagree with Thurgood Marshall's conclusion that the Constitution was "defective from the start"?
  - Why was Thomas Jefferson's draft Constitution not adopted?

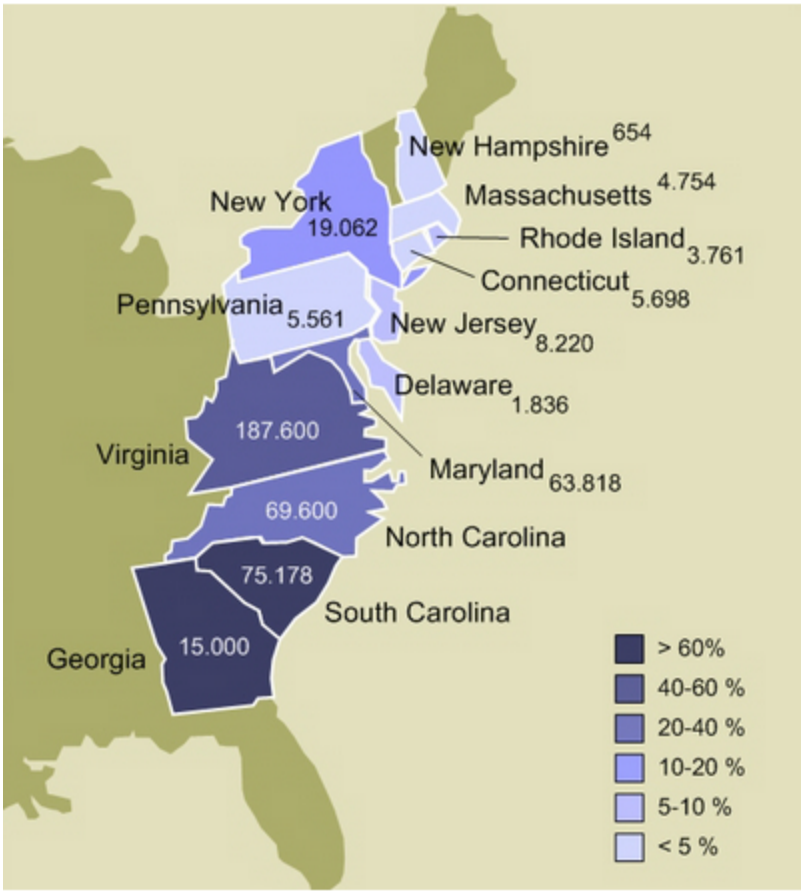
## 3.ENGAGE: Did the Three-Fifths Compromise Make the Constitution a Pro-Slavery Document?

African slavery, the slave trade, the economics of plantation agriculture, and the morality of human bondage in a nation where the Declaration of Independence had declared "all men are created equal" produced contentious debates at the Constitutional Convention.

Slavery of Africans had existed since the beginnings of European colonization. Although the first Africans arrived at the Jamestown colony in 1619, it is estimated that beginning in the early 1500s, more than 500,000 Africans had been brought to the Americas against their will. In total, concluded Henry Louis Gates, 12.5 million Africans were sent to the New World, however, only 10.7 million survived the Middle Passage.

Massachusetts was the first slave-holding colony in America—its colonial governor, John Winthrop, helped write the first law **legalizing slavery in North America in 1641**. Massachusetts abolished slavery in 1783 and declared the slave trade illegal in 1788 (The Case for Ending Slavery, Massachusetts Historical Society).

By 1787, **18% of the population of the United States were slaves**; in Virginia nearly 40% of the population was enslaved. In other states, slavery was in decline—Vermont was the first of the original colonies to abolish slavery in 1777; Pennsylvania in 1780.




"Slavery in the 13 colonies" by Stilfehler is licensed under CC BY-SA 3.0

At the Constitutional Convention, delegates debated **whether slaves should be counted as part of the population in determining representation in Congress**. Disagreement over this question led to bitter tensions among delegates. The southern slave-holding states wanted slaves counted to gain more representatives in Congress; the northern non-slave states disagreed.

In the **Three-Fifths Compromise**, it was agreed that slaves would be counted as three-fifths of a person for Congressional representation and taxes. While some delegates favored abolition of slavery, no one at the Convention proposed that African Americans should be granted citizenship.

The Three-Fifths Compromise gave states in the South, in the words of historian Garry Wills, a "slave power" whereby they received one-third more seats in the House of Representatives than if only the free population was counted. Wills concluded that "right up to the Civil War, the management of **the government was disproportionately controlled by the South**" (Wills, 2003, p. 6). A White Southerner from Virginia was President for 32 of the nation's first 36 years (Washington, Jefferson, Madison, and Monroe).

### Media Literacy Connections: Analyzing Media Stereotypes Toward Black Americans

Powerful, persistent, and pervasive White racism toward Black Americans - built into the structures of American government at the Constitutional Convention - has been perpetuated throughout history by negative media stereotypes.

Emory University professor Nathan McCall tracked the development of this imagery from the founding of the U.S. to the Presidency of Barack Obama.

The following activities ask you to analyze media representation of Black and African Americans to uncover stereotypes and, in response, design media that affirm and celebrate Black lives and culture.

- **Activity 1: Uncover Media Stereotypes Toward Black and African Americans**
- **Activity 2: Anaylze Social Media Content Creators' Videos**
- **Activity 3: Curate a Collection of Images of Black Lives and Culture**

### Suggested Learning Activities

- **Analyze the Evidence**
  - How did the Three-Fifths Compromise Impact the Electoral College and Who Was Elected President from 1800 to the 1850s?
  - Election Results, 1789 to 2016, The American Presidency Project
  - The Union Wasn't Worth the Three-Fifths Compromise on Slavery
- **State Your View**
  - Was the Constitution a Pro-Slavery Document?
  - The Constitution and Slavery.

### Online Resources on the Three-Fifths Compromise

- History of the Three-Fifths Compromise
- Massachusetts Anti-Federalists Oppose the Three-Fifths Compromise
- A Compact for the Good of America? Slavery and the Three-Fifths Compromise, African American Intellectual History Society
- Lesson plan on the Constitutional Convention, focusing on the issue of slavery

## Standard 2.3 Conclusion

The basic structure of American government was assembled through the debates and compromises of the Constitutional Convention of 1787. **INVESTIGATE** examined the "Great Compromise" that created the national legislature with a Senate and a House of Representatives. **UNCOVER** explored the visions of equality and justice in Thomas Jefferson's Draft Constitution (1776) and Thurgood Marshall's Bicentennial Speech (1987). **ENGAGE** asked whether the "Three-Fifths Compromise" made the Constitution a pro-slavery document.

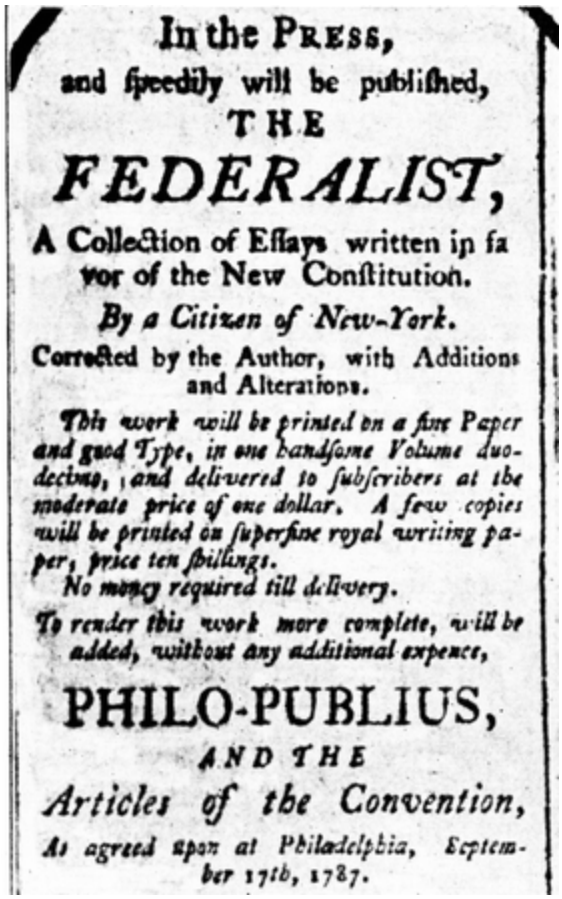
2.4

# Debates between Federalists and Anti-Federalists

## Standard 2.4:  Debates between Federalists and Anti-Federalists

*Compare and contrast key ideas debated between the Federalists and Anti-Federalists over ratification of the Constitution (e.g., federalism, factions, checks and balances, independent judiciary, republicanism, limited government).* (Massachusetts Curriculum Framework for History and Social Science) **[8.T2.4]**

## FOCUS QUESTION: What Were the Key Points of Debate Between Federalists and Anti-Federalists?



In the PRESS,
and ſpeedily will be publiſhed,
THE
FEDERALIST,
A Collection of Eſſays written in fa vor of the New Conſtitution.
By a Citizen of New-York.
Corrected by the Author, with Additions and Alterations.
This work will be printed on a fine Paper and good Type, in one handſome Volume duodecimo, and delivered to ſubſcribers at the moderate price of one dollar. A few copies will be printed on ſuperfine royal writing paper, price ten ſhillings.
No money required till delivery.
To render this work more complete, will be added, without any additional expence,
PHILO-PUBLIUS,
AND THE
Articles of the Convention,
As agreed upon at Philadelphia, September 17th, 1787.

"An Advertisement for the Federalist" | Public Domain

To replace the government that was operating under The Articles of Confederation, the Constitution was proposed, created, and sent to the states for ratification on September 17, 1787. To become law, the new Constitution had to be **ratified** (meaning approved) by 9 of 13 states (as required by Article VII).

State legislatures were directed to call ratification conventions to debate and then approve or reject the new framework for the national government. Despite unhappiness over the Articles of Confederation, there was significant opposition to the new Constitution and its approval was very much in doubt in many states.

The debate over the ratification of the **U.S. Constitution** is known for the sharp divide it created among people in the newly independent states.

Two groups, **the Federalists and the Anti-Federalists**, emerged with the Federalists arguing for ratification and the Anti-Federalists arguing against the ratification. Federalist supporters of the Constitution included James Madison, Alexander Hamiton, and John Jay, the authors of the Federalist Papers. Anti-Federalist opponents included George Clinton, Patrick Henry, and James Monroe (the future 5th President).

The **new Constitution was finally approved on June 21, 1788** when New Hamsphire became the 9th state to ratify (The Day the Constitution Was Ratified).

What were the main disagreements between Federalists and Anti-Federalists? The modules for this topic outline the two sides, the role of women in the debates, and how those disagreements are still impacting our lives and our politics today.

### Modules for this Standard Include:


1. INVESTIGATE: The Federalist-Anti-Federalist Debates
    - MEDIA LITERACY CONNECTIONS: Political Debates Through Songs from the musical *Hamilton*
2. UNCOVER: Abigail Adams, Mercy Otis Warren, and the Political Roles of Women
3. ENGAGE: Who Should Have Primary Responsibility for Environmental Policies?


# 1.INVESTIGATE: The Federalist-Anti-Federalist Debates

The **Federalists** believed that the Constitution would create a needed change in the structure of government. In their view, the Articles had created disarray through a system where state governments competed with one another for power and control. Federalists hoped the Constitution would establish a **strong central government** that could enforce laws of states, get things done, and maintain the union. It would create **stability and the promise of growth as a unified nation**. Key examples of the views of Federalists can be found in **Federalist Paper Number 10** and **Federalist Papers Numbers 1, 9, 39, 51, and 78**.

The **Anti-Federalists** feared the Constitution would create a central government that would act like a monarchy with **little protection for civil liberties**. Anti-Federalists favored power for state governments where public debate and citizen awareness had opportunities to influence and direct state and national policies. Important primary sources for Anti-Federalists include **The Federal Farmer I**, **Brutus I,** and the **Speech of Patrick Henry** (June 5, 1788).

The divide was intense and in most states, ratification of the new Constitution just barely happened. The Massachusetts vote, held on February 6, 1788, was 187 for ratification; 168 against.

You can learn more at our wiki page, **Federalists and Anti-Federalists**.

### Media Literacy Connections: Political Debates Through Songs from the Musical *Hamilton*

*Hamilton: An American Musical* written by Lin-Manuel Miranda tells the story of Alexander Hamilton and the founding of the United States using hip hop, R&B, pop, and soul music as well as Broadway-style show tunes. It opened in February 2015 and won the 2016 Pulitzer Prize for Drama as well as numerous Tony Awards that same year.

Lin-Manuel Miranda described the musical as about "America then, as told by America now" (*The Atlantic*, September 29, 2015, para. 2).

Explore how *Hamilton* portrays history and then write your own *Hamilton*-style lyrics in the following activities:

- **Activity 1: Analyze the Lyrics from *Hamilton***
- **Activity 2: Write Your Own Hamilton-Style Lyrics**

### Suggested Learning Activities

- **Argue a Federalist and an Anti-Federalist Position**
  - Minimum Wage Laws
  - Early Voting Days and Times
  - Motorcycle Helmet Laws and Traffic Speed Limits
  - Environmental Protections and Air Quality
  - Should States or the Federal Government Have Primary Authority to Make Decisions about the Following Policies:

### Online Resources on Federalists and Anti-Federalists

- Multimedia video and lesson plan on the Constitutional Convention from Khan Academy
- The Question of States' Rights:  The Constitution and American Federalism, Exploring Constitutional Conflicts

## 2.UNCOVER: Abigail Adams, Mercy Otis Warren, and the Political Roles of Women

While men did the writing of the Constitution, the voices of women were heard in the debates over ratification and the rights of citizens.

**Abigail Adams** was an advocate for women's rights, supporter of education for women, and active opponent of slavery. She was also the wife of future President John Adams and mother of President John Quicy Adams. Her **"Remember the Ladies" letter to husband John Adams** is a famous document from the time.

You can read more of her writing at **About the Correspondence Between John & Abigail Adams**, from the Massachusetts Historical Society.

"Abigail Adams 'Remember the Ladies' Coin" | Public Domain

**Mercy Otis Warren**, from Barnstable and Plymouth Massachusetts, was a poet, playwright, and essayist whose writing was strongly political - a dramatic departure from how women were supposed to behave at the time.

**"Portrait of Mercy Otis Warren"**
by John Singleton Copley | Public Domain

Mercy Otis Warren has been described as “the leading female intellectual of the Revolution and early republic” (Michals, 2015, para. 1; National Women's History Museum). Warren was both an outspoken supporter of the American Revolution and a strong Anti-Federalist opponent of the Constitution. Like other anti-federalists, her opposition to the new government ranged from the "lack of a bill of rights guaranteeing freedom of the press and the rights of individuals, to the indirect, antidemocratic method for electing the president" (Brown & Tager, 2000, p. 108).

Mercy Otis Warren wrote many political pieces under the pseudonym **‘A Columbian Patriot'** in support of the Anti-Federalist ideals. Explore her writing at: "Observations on the new Constitution, and on the foederal and state conventions. By a Columbian patriot. ; Sic transit gloria Americana."

### Suggested Learning Activities

- **Analyze a Video**
  - Watch the video: The Founding Mothers of the United States: An Overview in which journalist Cokie Roberts and author Walter Isaacson discuss the life and times of Martha Washington, Deborah Franklin, and Mercy Otis Warren.
  - What roles did these women play in the beginning of the United States?
- **Construct a Timeline**
  - Using Milestones for Women in Politics website as a starting point, build a timeline of women's political roles in the United States (using Timeline JS, Tiki Toki, or another interactive timeline builder).

### Online Resources for the Political Roles of Women in the Early United States

- About Mercy Otis
  - Mercy Otis Warren, New World Encyclopedia
  - Mercy Otis Marries James Warren, November 14, 1754
- 5 Ways Women Influenced Politics Before They Got the Vote, National Museum of American History
  - Persuading male voters
  - Crusades against slavery and alcohol
  - Compelling narratives
  - Political organizing
  - Transforming everyday objects into political vehicles
- Did the American Revolution Change the Role of Women in Society? *History in Dispute* (Vol. 12)
- Founding Mothers: Women's Roles in American Independence.

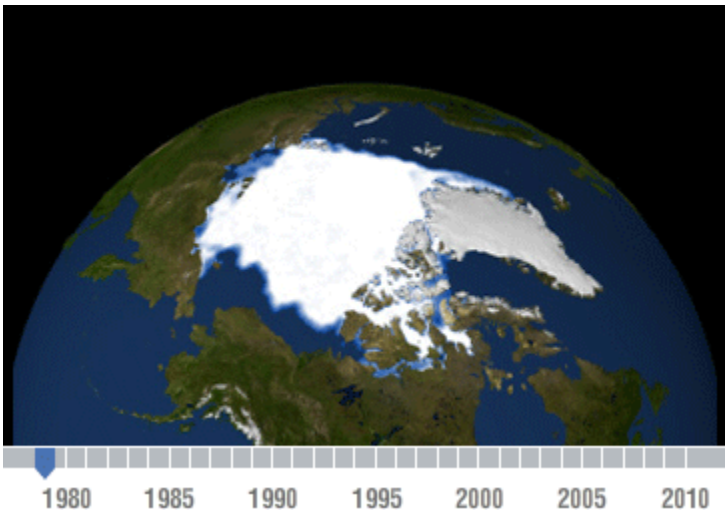
## 3. Engage: Who Should Have Primary Responsibility for Environmental Policies?

In fulfilling a 2016 campaign pledge to create more business- and industry-friendly policies (especially for fossil-fuel and nuclear-power companies), the Presidential Administration of Donald Trump has dramatically altered the environmental policies of the federal government.

The Department of the Interior and other federal branch agencies have loosened or eliminated rules and regulations put in place by previous Presidents, rolling back offshore drilling safety regulations, greenlighting oil and gas pipeline projects, granting energy companies access to wildlife habitats, permitting increased logging of federal forests, and easing restrictions on greenhouse gas emissions from coal power plants, among other changes (A Running List of How President Trump is Changing Environmental Policy, *National Geographic*, 2017; updated 2019; Trump v. Earth, National Resources Defense Council, 2020).

Deregulation policies included replacing the Clean Power Plan, revising and weakening the Endangered Species Act, Coal Ash Rule, the Mercury and Air Toxic Standards, and reversing bans on the use of pesticides in farming (The Trump Administration's Major Environmental Deregulations, Brookings, December 15, 2020). You can follow changes in environmental rules and policies with a

Climate Deregulation Tracker from the Sabin Center for Climate Change at Columbia University School of Law.




"Declining Arctic Sea Ice, 1979-2010"
Public Domain

The Trump Administration's environmental policies have placed the federal government in **direct and contentious opposition to numerous state governments.** That state governments have a central role in environmental policy has been established in court, namely **Massachusetts v. EPA** (2006), a landmark climate change case where the Supreme Court ruled that a state government had the authority under the Clean Air Act to regulate auto emissions. That decision was written by Justice John Paul Stevens who wrote a number of significiant environmental decisions during his time on the Court; he died in 2019 at the age of 99.

Trump policies have led to direct conflicts with states, notably California which has enacted stricter environmental protection laws than most of the rest of the states in the country (California sues Trump again for revoking state's authority to limit auto emissions). Here is the latest example of the historic tension in American politics between states' rights and federal power—a tension that goes all the way back to the Articles of Confederation.

The federal government's first major role in setting environment policy was establishing Yellowstone National Park in 1872 (the world's first national park). However, it did so on lands that native tribes consider sacred, adding another source of dispute between American Indians and the U.S. government (**Yellowstone National Park Created on Sacred Land**).

The National Park Service was created in 1916. Following the publication of Rachel Carson's seminal book *Silent Spring* (1962), Congress passed the **Clean Air Acts** of 1963, 1970 and 1990 along with the Clean Water Act in 1972. There is more historical background and information at a *resourcesforhistoryteachers* wiki page, The Clean Air Act. Following the first Earth Day (1970), the Environmental Protection Agency (EPA) was established in 1970. As President, Barack Obama took numerous steps to extend environmental protections (Mother Nature Network, 2016).

**Earth From Space, 2010**
"Earth Day - Earth from Space" by TheOriginalSoni is licensed under CC BY-SA 3.0

## Suggested Learning Activities

- **Design a Sustainability Ambassador Role for You and/or Others**
  - Propose this role for yourself, another student, or group of students as a school, classroom, or family sustainability ambassador.
  - What steps could that person(s) take to improve air and water quality, food safety, waste reduction, and other environmental and climate justice concerns.
  - Design a poster or short video explaining the role and its goals.
- **Write a Public Policy Brief**
  - What are the limits of states' rights and federal power in matters related to the environment?
  - Can states block federal directives?
  - Can the federal government ignore state laws?
  - Should state governments or the federal government have primary responsibility for modern-day environmental policy?
- **Learn Online: Preventing Natural Disasters**
  - Play Stop Disasters, a group of digital games from the United Nations Office for Disaster Risk Reduction where players must try to avert natural disasters - tsunamis, wildfires, hurricanes, earthquakes and floods - from happening.
    - How successful were you in preventing a disaster?
    - What did you learn about environmental policy choices from playing one of these games?

## Online Resources for States Rights vs. Federal Power in Modern-Day Environmental Politics

- Toxic 100 Names Top Climate, Air and Water Polluters, Political Economy Institute, University

of Massachusetts Amherst, July 29, 2019
- How the U.S. Protects the Environment, from Nixon to Trump, The Atlantic (March 29, 2017)
- In Trump Era, Democrats and Republicans Switch Sides on States' Rights, Reuters (January 26, 2017)
- The States Resist Trump's Environmental Agenda, Earth Institute, Columbia University (May 7, 2018)
- Environmental Laws Timeline Activity, American Bar Association
- Take a Poll, Debate the Issue:  Environmental Policy, PBS Newshour (May 31, 2016)
- Is the "Right to Clean Water" Fake News? An Inquiry in Media Literacy and Human Rights, *Social Studies and the Young Learner* (2020)

## Standard 2.4 Conclusion

During the writing of the Constitution, Federalists and Anti-Federalists offered sharply diverging visions for the roles of state and federal government, differences which have continued in American politics to the present day. I**NVESTIGATE** outlined the main points of the Federalist-Anti-Federalist debates. **UNCOVER** examined the political roles of women through the actions of Abigail Adams and Mercy Otis Warren. **ENGAGE** placed the debates between Federalists and Anti-Federalists in a modern-day context by asking what level of government should have primary responsibilty for environmental policies?

2.5

# Articles of the Constitution and the Bill of Rights

## Standard 2.5:  Articles of the Constitution and the Bill of Rights

*Summarize the Preamble and each Article in the Constitution, and the Rights Enumerated in the Bill of Rights; explain the reasons for the addition of the Bill of Rights to the Constitution in 1791.*(Massachusetts Curriculum Framework for History and Social Science) **[8.T2.5]**

## FOCUS QUESTION: What are the Articles of the Constitution and What Rights are in the Bill of Rights?

"Scene at the Signing of the Constitution of the United States"
by Howard Chandler Christy | Public Domain

The **Constitution** establishes the legal and structural framework of the United States government. Written in secret, behind closed doors guarded by sentries, during the Constitutional Convention in Philadelphia in 1787, it is the oldest and shortest of all the world's national constitutions. It was originally 4,543 words, including signatures; now with its 27 amendments, it is 7,591 words in length (Constitution of the United States: Fascinating Facts about the U.S. Constitution).

The Constitution set forth the following primary ideas about government (Six Big Ideas in the Constitution):

- **Limited government**
- **Republicanism**
- **Separation of Powers**
- **Checks and Balances**
- **Popular Sovereignty**
- **Federalism**

By 1777, **ten states had drafted and adopted their own constitutions**. These constitutions stressed the **rights of individuals** including freedom of religion, a lack of property requirements to vote, and power of government derived from the people. Concerns over the power of the new government and the desire to ensure and protect the rights of individuals led to the inclusion of the Bill of Rights, the Constitution's first 10 amendments.

**Constitution Day and Citizenship Day**, on September 17, commemorate the signing of the Constitution on September 17, 1787, and to "recognize all who, by coming of age or by naturalization, have become citizens" (Library of Congress; 36 USC 106: Constitution Day and Citizenship Day).

How did African Americans and other people of color seek to acquire the rights guaranteed to all citizens by the Constitution? This topic's modules explore this question by examining the articles of the Constitution and the text of the Bill of Rights, the impact of W.E.B. Du Bois and the NAACP, and considering what might be the nation's most influential multicultural documents.

### Modules for this Standard Include:

1. INVESTIGATE: The Articles of the Constitution and the Many Bills of Rights in United States History
    - MEDIA LITERACY CONNECTIONS: Tweeting the Bill of Rights
2. UNCOVER: W.E.B. DuBois, the Niagara Movement and the History of the NAACP
3. ENGAGE: What Are the Most Influential Documents in America's Multicultural History

## 1.INVESTIGATE: The Articles of the Constitution and the Many Bills of Rights in United States History

The Constitution of the United States has a Preamble and seven articles:

- Preamble
- Article I: Legislative Branch

- Article II: Executive Branch
- Article III: Judicial Branch
- Article IV: States, Citizenship, New States
- Article V: Amendments
- Article VI: Debts, Supremacy, Oaths, Religious Tests
- Article VII: Ratification

The **Interactive Constitution** website from the National Constitution Center has videos, podcasts, and blog posts for exploring and understanding every major clause and amendment.

Constitute: The World's Constitutions to Read, Search and Compareincludes 202 national constitutions worldwide

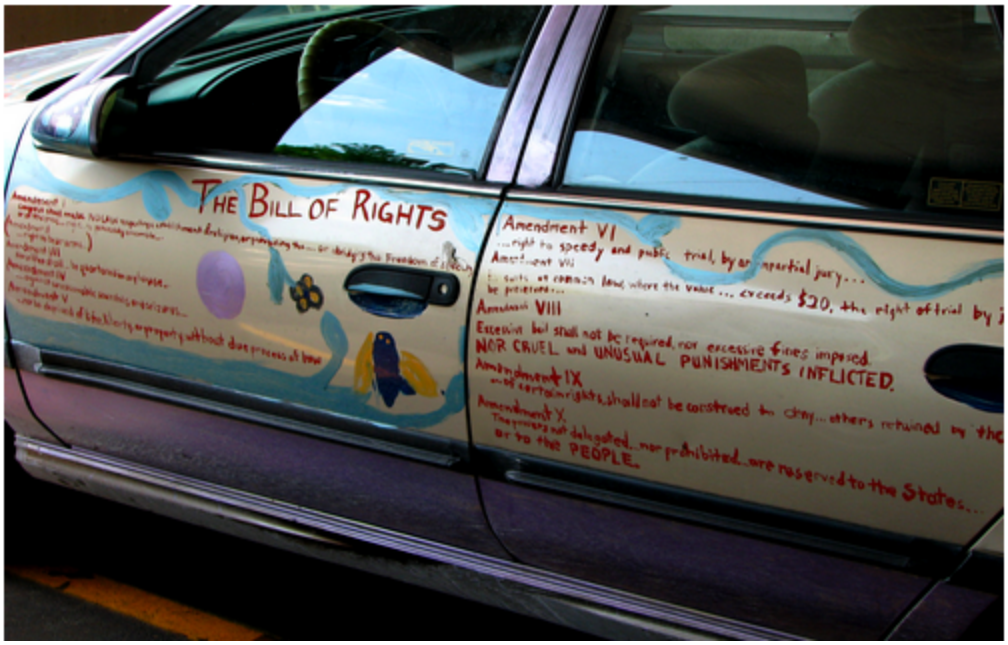
Daily Bellringer YouTube Channel features videos explaining Articles 1-10 of the U.S. Constitution.

Watch on YouTube https://edtechbooks.org/-ZFUS

The U.S. Constitution is not the country's only constitution - each state has its own constitution. There have been nearly 150 state constitutions which have been amended 12,000 times (NBER/Maryland State Constitutions Project). Native American tribes have their own constitutions as well (Native American Tribal Constitutions).

The first ten amendments to the U. S. Constitution—the **Bill of Rights**—set forth the rights and freedoms of citizens living in the United States.

Bill of Rights Car. Image on Wikimedia Commons by fusion-of-horizons




"Bill of Rights Car" by fusion-of-horizons is licensed under CC BY 2.0

**The first 10 Amendments of the Bill of Rights are:**

1. Freedom of speech, press, petition, religion, and peaceful protest
2. The right to bear arms
3. No quartering of troops
4. No unreasonable search and seizure
5. Due process, no self incrimination, no double jeopardy
6. Right to a speedy trial
7. Trial by Jury
8. No cruel or unusual punishment
9. Rights of individuals not outlined in the Bill of Rights
10. Any powers not vested in the federal government are granted to the states and the people

The national Bill of Rights has inspired numerous other bills of rights related to economic life, education, health care, shopping and buying, voting and more:

- Franklin Roosevelt's Economic Bill of Rights (1944)
- GI Bill of Rights (Servicemen's Readjustment Act (1944)
- Patients Bill of Rights (adopted 1995)
- Student Bill of Rights (National Student Association, 1947)
- Consumer Bill of Rights (1962)
- People with Disabilities' Bill of Rights (1975)
- Voters Bill of Rights (from Democratic National Committee)
- Taxpayer Bill of Rights (1996)
- Health Care Bill of Rights (2019)
- The Lexington Principles on the Rights of Detainees (2009)
- The Human Right to Water in California (2012)

- Weingarten Rights (1975)
- PreK-12 Education Support Professionals (ESP) Bill of Rights, Massachusetts Teachers Association

These Bills of Rights outline the protections that every member of a free and democratic society should expect to have in their life. Nevertheless, rights are subject to interpretation. Individual rights (life, liberty, property) and social and economic rights (health care, education, housing) have different meanings for different people and political parties. **Conservative political groups and Republicans** tend to define rights as individual rights while **progressive and liberal groups and Democrats** tend to expand individual rights to include social and economic rights (for example, Franklin Roosevelt's Second Bill of Rights).

In this video, Vermont Senator Bernie Sanders Calls for a 21st Century Bill of Rights:

  - How does Sanders' vision compare with other Bill of Rights?
  - When does Sanders stress individual rights and when does he stress social and economic rights?

## Media Literacy Connections: Tweeting the Bill of Rights

The first 10 amendments to the Constitution known as the Bill of Rights consists of 472 words. It was signed on September 28, 1789. Here is the full text read aloud.

When the Bill of Rights were drafted there were no systems of mass communication - no social media, no television, no streaming services. But what if Twitter had been around at that time? Today, about one in five adults use Twitter, sending some 500 million tweets each day (Twitter by the Numbers, *Omnicore*, January 6, 2021). How would you have helped James Madison and the other members of Congress spread the word about the Bill of Rights on Twitter?

- **Activity: Tweet the Bill of Rights**

## Suggested Learning Activities

- **Evaluate a Primary Source**
  - View an interactive graphic of the painting Scene at the Signing of the Constitution of the United Statesby Howard Chandler Christy along with other depictions of the signing.
  - What political or patriotic messages do these re-creations seek to convey about the event?

- **Learn Online**
  - Which Founder are You? an online quiz from the National Constitution Center where you can compare your personality traits with those of 12 delegates to the Constitutional Convention (flash required).
    - How does your personality most resemble one of the founders?

- **Analyze the Demographics of the Signers of the Founding Documents**
  - View the names and pictures of the 56 individuals who signed the Declaration of Independence, the 40 people who signed the Constitution, and the 15 delegates to the Constitutional Convention who did not sign the Constitution from Wikimedia Commons. Here is a list of the Signers of the Constitution by state.
    - What do you conclude from your analysis about who the signers were?

- **Write a Classroom Constitution or a Student Bill of Rights**
  - Ask each student to create a list of rights, responsibilties, and rules that should be in a classroom constitution or a student Bill of Rights - the rights that anyone attending a public elementary, middle, or high school should have.
  - As a class, identify the rights and responsibilities that appear most often in everyone's list.
  - Students work in small groups to design a graphic representing the class Constitution or student Bill of Rights.

- **Design Pandemic Bill of Rights for Students, Teachers, Families, and School Staff**
  - Ask students to compose a list of rights, responsibilities, and rules for individuals and groups in schools impacted by the COVID-19 pandemic.
  - Students design a graphic representing a Pandemic Bill of Rights
    - For one model, link to Pandemic Bill of Right for Students, Families, Educators and School Staff from Springfield Massachusetts Association of Paraprofessionals (2020)

## Online Resources for the Constitution

- Design a Class Constitution Learning Plan
- A New Set of Rules: Create a Classroom Constitution as the School Year Kicks Off, Teaching Tolerance
- U.S. Constitution Primary Source Set, Library of Congress
- PRIMARY SOURCE: 1827 Constitution of the Cherokee Nation
- PRIMARY SOURCE: 1839 Constitution of the Cherokee Nation
- The Constitution: Rules for Running the Country, a WebQuest from iCivics (login required)
- Constitutional Conversations and Classroom Exchanges, National Constitution Center

### Online Resources for Bills of Rights in United States History

- Visit Teaching with Current Events for learning activities related to the Bill of Rights
- For more information, view this video from TedED: Why wasn't the Bill of Rights originally in the US Constitution?
- Play Bill of Rights Golf to test your knowledge about the Amendments using Supreme Court cases (from University of Missouri Kansas City).
- Congress and the Bill of Rights in History from the National Archives has learning plans for high school students.
- State Constitutional Provisions on Expressive Rights, First Amendment Encyclopedia.

## 2.UNCOVER: W.E.B. Du Bois, the Niagara Movement, and the History of the NAACP

Born in 1868 and raised in Great Barrington, Massachusetts, **W.E.B. DuBois** was an immensely influential African American educator, writer, activist, and scholar. He was born just before the passage of the 14th Amendment and he lived nearly a century until just one day before the 1963 March on Washington for Jobs and Freedom.

Du Bois was one of the founders of the **NAACP** (National Association for the Advancement of Colored People) in 1909. His 1935 historical study, *Black Reconstruction in America*, placed “the struggles and triumphs of African Americans at the center of the Reconstruction story” (Gates, 2019, p. 255). His book, *The Souls of Black Folks*, sold nearly 20,000 copies between 1903 and 1940. The book contains the famous phrase, “the problem of the Twentieth Century is the problem of the color-line.”

Du Bois was also the founding editor of **The Crisis**, the official magazine of the NAACP. The first issue appeared in November, 1910.

W.E.B. DuBois’ life and writings, said Henry Louis Gates (2019), “often set the terms of the civil rights debate” and “his critique of white supremacy was insistent" (p. 254).

Read a short biography at **NAACP Histoy: W.E.B. Du Bois**.

**The Niagara Movement** (founded by W.E.B. Du Bois and William Trotter in 1905) and the NAACP were political organizations formed to oppose racial segregation and political disenfranchisement of African Americans and to realize the goals of equality for African Americans. In **The Niagara Movement's Declaration of Principles** (1905), Du Bois declared: "We want full manhood suffrage and we want it now... We are men! We want to be treated as men. And we shall win."

**W.E.B. DuBois is in the second row at this Niagara movement meeting in Fort Erie, Canada, 1905**
"Niagara movement meeting in Fort Erie" | Public Domain

The NAACP set forth a belief in using nonviolent protests and legal actions as the most effective way to achieve full and equal rights for African Americans. In the 1950s and 1960s, civil rights leader Dr. Martin Luther King, Jr. lead the practice of nonviolent resistance against segregation and discrimination faced by African Americans in the United States.

## Suggested Learning Activities

- **Analyze Primary Sources**
  - The NAACP: A Century in the Fight for Freedom, Primary Source Set, Library of Congress
  - W.E.B Du Bois, Booker T. Washington, and Jim Crow, Alabama History Education Initiative
- **Design a Digital Poster**
  - Review the Niagara Movement and History of the NAACP and Accomplishments of the Civil Rights Movement wiki pages
  - Create a poster that includes at least four historical highlights of the African American struggle for civil rights

### Online Resources for W.E.B. DuBois and the NAACP

- W.E.B. Du Bois, Hutchins Center for African & African American Research, Harvard University
- W.E.B. Du Bois National Historic Site
- NAACP's Anti-Lynching Campaign in the 1930s, EDSITEment
- Civil Rights Movement Lesson Plans, Wisconsin Historical Society
- NAACP History and Geography, 1909-1980, Mapping Social Movements, University of Washington
- President Obama Addresses the NAACP, July 20, 2009
    - View the video of the Address

## 3.ENGAGE: What Are the Most Influential Documents in America's Multicultural History?

In 2003, the National Archives, in conjunction with National History Day and *U.S. News & World Report* magazine, conducted a **People's Vote** to determine the **most influential documents in United States history**. Some 39,000 people voted, online and by paper ballot. Based on the results, the documents were ranked from 1 to 100. The Declaration of Independence was first, followed by the Constitution, the Bill of Rights, the Louisiana Purchase Treaty, and the Emancipation Proclamation. Here is the entire list: The Results of the People's Vote: The Most Influential Documents in American History.

**Would the list and the vote have been different if people had been asked to choose America's most influential multicultural documents?** Multicultural documents are those speeches, laws, books, declarations, and other sources that positively impact and feature the lives and freedoms of African Americans, Native Americans, women, Latinos, LBGTQ individuals, and other ostracized groups.Suggested Learning Activities

### Suggested Learning Activities

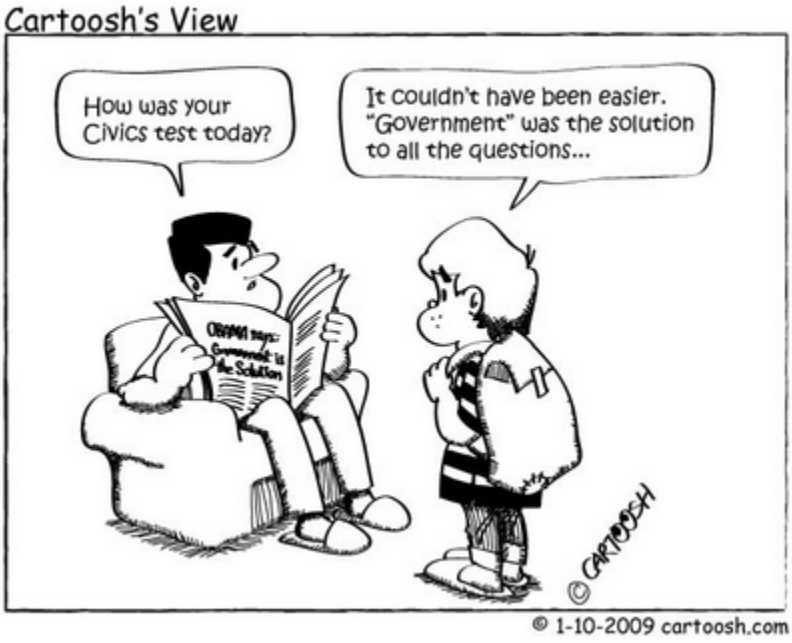
- **Make a Case**
    - State your reasons for including one or more of the following resources as essential multicultural history documents that every student should read:
        - Frederick Douglass' "What, to the Slave, Is the Fourth of July" speech, delivered in Rochester, New York, July 5, 1852.
        - Native American writer Michael Dorris' 1990 essay, "Why I'm Not Thankful for Thanksgiving"
        - Feminist activist Betty Friedan's "Famous Friday Speech," March 20, 1970 that called for a nationwide women's strike.
        - The Hope Speech by Harvey Milk (1978)
- **Give Your Opinion**
    - Considering the 100 most influential documents from the National Archives and adding others you consider significant, what would be your top ten list for multicultural history?

## Standard 2.5 Conclusion

The Constitution established the structure of United States Government; the Bill of Rights set forth the freedoms the Constitution guaranteed to the American people. **INVESTIGATE** identified the Articles of the Constitution and the many other Bills of Rights that have evolved from the original ten amendments. **UNCOVER** discussed the African American civil rights pioneer W.E.B. Du Bois, the Niagara Movement, and the history of the NAACP (National Association for the Advancement of Colored People). **ENGAGE** asked what are the most influential multicultural documents in U.S. History.

# Topic 3

# Institutions of United States Government




"big government" by Cartoosh is licensed under CC BY-SA 3.0

## Snapshot of Topic 3

### Supporting Question

- How do the institutions of the U.S. political system work?

### Massachusetts Standards [8.T3.1-5]

1. Branches of the Government and the Separation of Powers
2. Checks and Balances between the Branches
3. Roles of the Congress, the President, and the Courts
4. Elections and Nominations
5. The Role of Political Parties

### Advanced Placement Standards for U.S. Government

- Unit 2: Interactions Among Branches of Government

- Unit 4: Political Participation

## Topic 3: Institutions of United States Government

Topic 3 examines the central institutions or branches of the United States government along with their roles and functions in our political system. The three branches of the federal government are the **legislature** (Congress), the **executive** (President), and **judiciary** (Supreme Court). States also have three branches of government: legislatures, executives (called governors) and courts. Local government branches consist of mayors, councils, selectboard, or other governing bodies elected by the people.

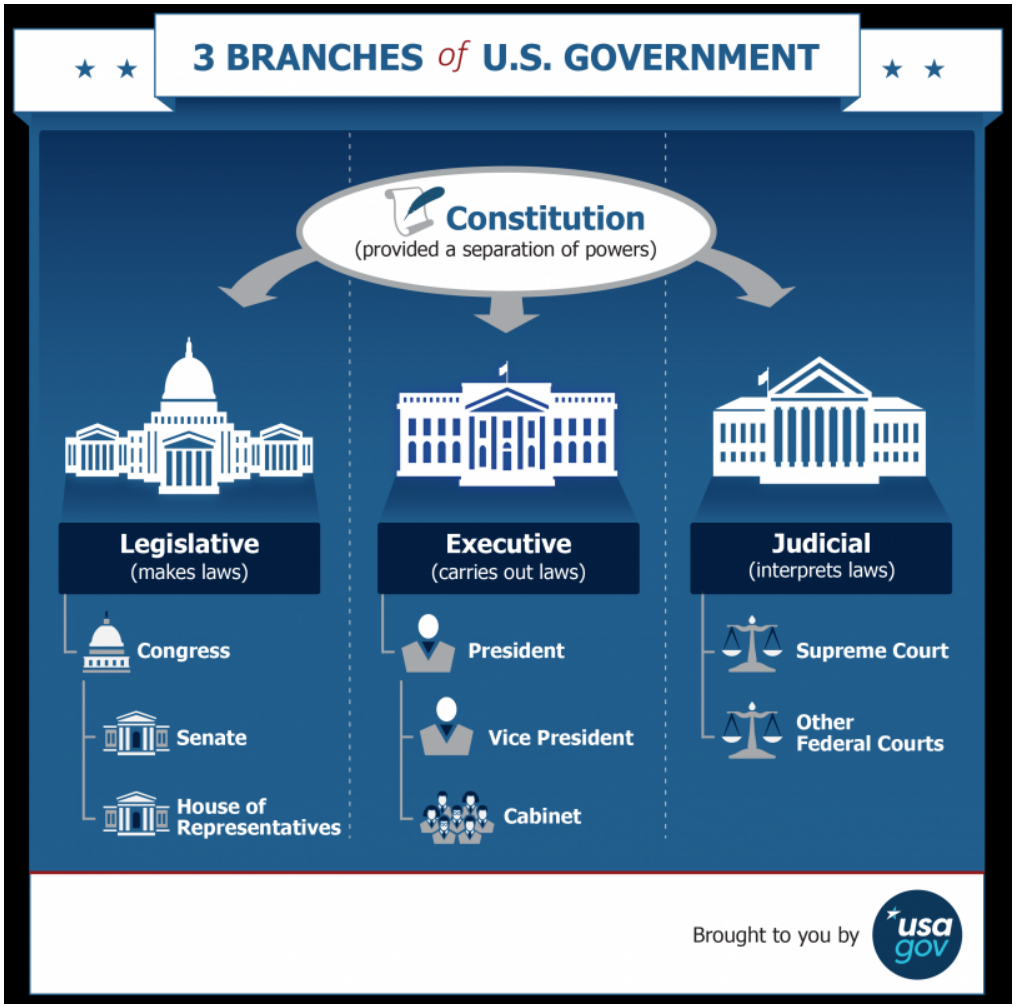
3.1

# Branches of the Government and the Separation of Powers

## Standard 3.1: Branches of the Government and the Separation of Powers

*Distinguish the Three Branches of the Government (Separation of Powers).* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T3.1]**

## FOCUS QUESTION: How does the Separation of Powers Function Within the United States Government?




"3 Branches of the U.S. Government" | Public Domain

The federal government of the United States is a vast enterprise. There are the **executive, legislative, and judicial branches**. along with hundreds of agencies, commissions, and departments. It has been estimated that there are as many as 2000 different agencies in the federal bureaucracy, employing some 2.1 million workers in 2020.

For more information on relationships of the branches of U.S. government, explore Standard 2, Checks and Balances Between the Branches and Standard 3, Roles of Congress, the President and the Courts in this topic.

At the foundation of this governmental system is the concept of "**separation of powers**." What does separaton of powers mean? The modules for this standard explore that question by examining three branches of the United States government, recalling the career of the pioneering African American politician Shirley Chisholm, and asking whether Puerto Rico or Washington, D.C. should become the 51st state.

### Modules for this Standard Include:

1. INVESTIGATE: Federalism and the Three Branches of the Government
    - MEDIA LITERACY CONNECTIONS: Political Films About the Branches of Government
2. UNCOVER: Shirley Chisholm, African American Politician and Presidential Candidate
3. ENGAGE: Should Puerto Rico or Washington, D.C. Be a 51st State?

# 1.INVESTIGATE: Federalism and the Branches of the Government

The United States government has three branches - the legislative, executive, and judicial - that have different powers and perform different functions:

- The **legislature makes** the laws
- The **executive administers** the laws
- The **judiciary interprets** the laws

Learn more about **The Three Branches of the Government** from the Harry S. Truman Presidential Library and Museum's webpage.

Here are the powers of the branches as stated in the first three articles of the Constitution:

**Article I, Section 1**: All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**Article II, Section 1**: The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

**Article III, Section 1**: The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

The above Articles of the Constitution are intended to establish three co-equal branches of government with shared powers. This system is called **federalism,** meaning each branch has the responsibility and the authority to take specific actions. Federalism also structures the relationships between the federal government and state governments as well as interactions between state governments and local governments. Each level of government has its own powers and duties.

## Media Literacy Connections: Political Films About the Branches of Government

Films about U.S. political history tell viewers as much about the times in which the films were made as about the historical stories shown on the screen. *Dr. Strangelove* (1964) expresses people's fears of nuclear war during the Cold War. *All the President's Men* (1976) shows courageous reporters uncovering government scandals and secrets. *Rambo* (1982) extolls the power of American heroes in the post-Vietnam War era. *Malcolm X* (1992) reflected a growing awareness of the need for racial and social justice in society.

**Activity 1:** Analyze Political Films about the Branches of the Government

- View a Political Film about each Branch of the Government
    - **Congress**: *Mr. Smith Goes to Washington* (1939) celebrates the ideal of a single man of principle making a difference in politics.
    - **President**: *LIncoln* (2012) shows presidential leadership in getting Congress to enact the 13th Amendment to permanently abolish slavery.
    - **Courts**: *12 Angry Men* (1957) shows a jury struggling with a life and death decision to convict a defendant.
- How did the film portray a roles of branch of the government?
    - What is 'accurate,' and what is altered?
    - What message does the film convey to viewers?

**Activity 2**: Analyze Political Films and Their Histories

- Review The 34 best political movies ever made by the Washington Post or the list of political movies in the Additional Resources section below.
- Choose a film and watch it.
- Then, research the film. Why was it made? Who made it? Who funded it? Who wrote the script?
- Next, examine how the film portrayed US political history:
    - What is 'accurate,' and what is altered?
    - Why might certain historical elements be altered?
    - Whose perspective is dominant? Whose perspective is missing?

**Activity 3:** Imagine a Script for Your Own Political Film

- Choose a contemporary history-making individual and imagine a movie based on that person's life and times.
- What issues would your film address?
- What perspectives would you explore in the film?
- Why would people want to come to watch your film?
- Who would be the actors in your film?

**Additional Resources:**

- The 22 Best Political Movies Ever, Ranked, *Insider* (November 3, 2020)
- A Guide to Some of the Best Political Movies, *The Colorado Sun* (February 14, 2020)

### Suggested Learning Activities

- **Play an Online Game**
  - Separation of Powers: What's for Lunch, *iCivics*
  - Branches of Power, *iCivics*

- **QR Code Activity***
  - Create a series of QR codes that present images, videos, or websites dealing with different aspects of Article 1 of the Constitution and the Powers of Congress. Have students visit each QR code, explore the content, and record details.
  - Based on their QR code research, students answer questions about each section of Article 1:
    - What are the requirements to become a Representative? (3 big ones)
    - How long does someone serve as a Representative?
    - What powers are granted to the members of the House of Representatives?
    - What are the requirements to become a Senator? (3 big ones)
    - Who is the President of the Senate? What purpose does this individual serve?
    - What powers are granted to members of the Senate?
  - As a concluding activity, students could create an infographic comparing and contrasting the powers set forth in Articles 1, 2, and 3 of the Constitution.

*This activity was developed by teacher Francesca Panarelli and can be repeated for Article 2 on the Powers of the President and Article 3 on the Powers of the Judiciary.

### Online Resources for Separation of Powers in American Government

- Learn more at these *resourcesforhistoryteachers* wiki pages:
  - Supreme Court Decisions on Separation of Powers
  - Branches of American Government and Separation of Powers
  - Separation of Powers in American Government
- Separation of Powers, a learning activity from the American Constitution Society asking how separation of powers in a school might function.
- How the U.S. Government is Organized, from USA Gov
- What are the Branches of the Government, from Ben's Guide
- Branches of the Government, from *Constitution USA* with Peter Sagal

## 2.UNCOVER: Shirley Chisholm, African American Politician and Presidential Candidate

**Shirley Chisholm** was an African American educator, politician, and author who in 1968 at age 44 was the first Black woman elected to Congress. In 1972, she became the first Black person to run as a major party candidate for President of the United States.

**Shirley Chisholm, Congresswoman from New York (1965)**
"Shirley Chisholm NYWTS" by Roger Higgins | Public Domain

Shirley Chisholm began her career as a teacher and daycare center director before winning a seat in the New York State Assembly—the second African American woman elected to that position. When she ran for Congress, her campaign slogan was “unbought and unbossed.” Announcing her run for the Presidency, Shirley Chisholm declared:

> "I am not the candidate of black America, although I am black and proud. I am not the candidate of the women's movement of this country, although I am a woman and I am equally proud of that. . . I am the candidate of the people of America, and my presence before you now symbolizes a new era in American political history" (quoted in Synder, 2019).

Learn more about Shirley Chisholm from the *resourcesforhistoryteachers* wiki page: **Shirley Chisholm, African American Politician and Presidential Candidate**.

## Suggested Learning Activities

- **Video Analysis**
  - In this 2010 interview, Shirley Chisholm reflects on her bid for the Presidency.
  - What do her remarks tell you about her beliefs about democracy and social justice for African Americans?
- **Design Your Presidential Slogan**
  - Shirley Chisholm’s campaign slogan was “**unbought and unbossed**." What do you think it means to be an unbought and unbossed politician?
  - What would your presidential slogan be? Design a graphic to showcase your slogan.

## 3. ENGAGE: Should Puerto Rico or the District of Columbia become the 51st State?

"Puerto Rico Commemorative Quarter Designs (2009)"
Public Domain

"Flag of the District of Columbia"
Public Domain

In 1959, Alaska and Hawaii were admitted as the nation's 49th and 50th states. Now there are calls for adding a **51st state**— either **Puerto Rico**, a territory of 3.4 million people, or **Washington D.C.**, a federal district with a population of over 700,000 residents. More people live in Washington, D.C. than in the states of Vermont or Wyoming.

Puerto Rico elects a non-voting representative in Congress; the District of Columbia has 3 electoral votes in Presidential elections.

Adding a new state would have huge implications for American politics. Constitutionally, such a state would automatically have two senators and one or more representatives in the House of Representatives (depending on the size of its population). Politically, it is likely one of the major political parties would gain votes in Congress (most experts agree that voters in both Puerto Rico and

Washington, D.C. lean strongly toward the Democratic Party).

Also part of the political equation are the wishes of the people who live in those places. People in Washington, D.C. broadly favor becoming a state, but Puerto Ricans are divided between maintaining their current status as a commonwealth, gaining full independence as a separate nation, or becoming a state within the United States.

The history of new statehood is fascinating and complex. Between 1889 and 1890, North Dakota, South Dakota, Montana, Washington, Idaho, and Wyoming were admitted as new states - adding greatly to the power and influence of the Republican Party (When Adding New States Helped the Republicans). Then there was the 1905 case of **Sequoyah**, a proposed Native-American governed state in eastern Oklahoma that failed when Congress refused to consider statehood bills; instead Oklahoma as a combination of Indian territories and White settler land was admitted in 1907. You can learn more about the effort to create Sequoyah in Topic 6.1 of this book.

On April 21, 2021, the U.S. House of Representatives voted along party lines (Democrats in favor; Republicans opposed) to establish Washington, D.C. as the 51st state to be called **Washington, Douglass Commonwealth** to honor the Black abolitionist Frederick Douglass.

## Suggested Learning Activities

- **Write a Public Policy Recommendation**
  - State the case for Puerto Rico to: a) remain a **commonwealth**, b) become a **state**, or c) gain **independence** as a nation.
- **Inform Others About Past Connections to Present-Day Issues**
  - Design a video, podcast, or website to educate others about the challenges faced when **Alaska and Hawaii** became states and how that connects to the issue of Washington, D.C. and Puerto Rico statehood today?
    - Historical background: American Annexation of Hawaii
    - Historical background: Two Versions of the Story of how the U.S. Purchased Alaska from Russia
- **Take a Position**
  - Should the District of Columbia Become the 51st State? National Constitution Center
- **Read and React to a Story**
  - In this episode of The America Project, a young girl named Carmen learns that Puerto Rico is a territory, not a state, but she is both a Puerto Rican and an American.
  - What does the story tell you about how your place of birth impacts your identity?

## Online Resources for Puerto Rican Statehood or Independence

- WIKI page: Puerto Rico: History and Government
- How A Change of Color for the Puerto Rican Flag Became a Symbol of Resistance, *Mother Jones*, July 4, 2019
- The Lost History of Puerto Rico's Independence Movement, *Mother Jones*, April 21, 2015

## Standard 3.1 Conclusion

In the United States, power is divided between three branches of the government. **INVESTIGATE** identified the powers of the legislative, executive, and judicial branches, as set forth in the first three articles of the Constitution. **UNCOVER** told the story of Shirley Chisholm, an African American politician who became the first Black woman to run for President. **ENGAGE** asked whether Pureto Rico or Washington, D.C. should become the nation's 51st state?

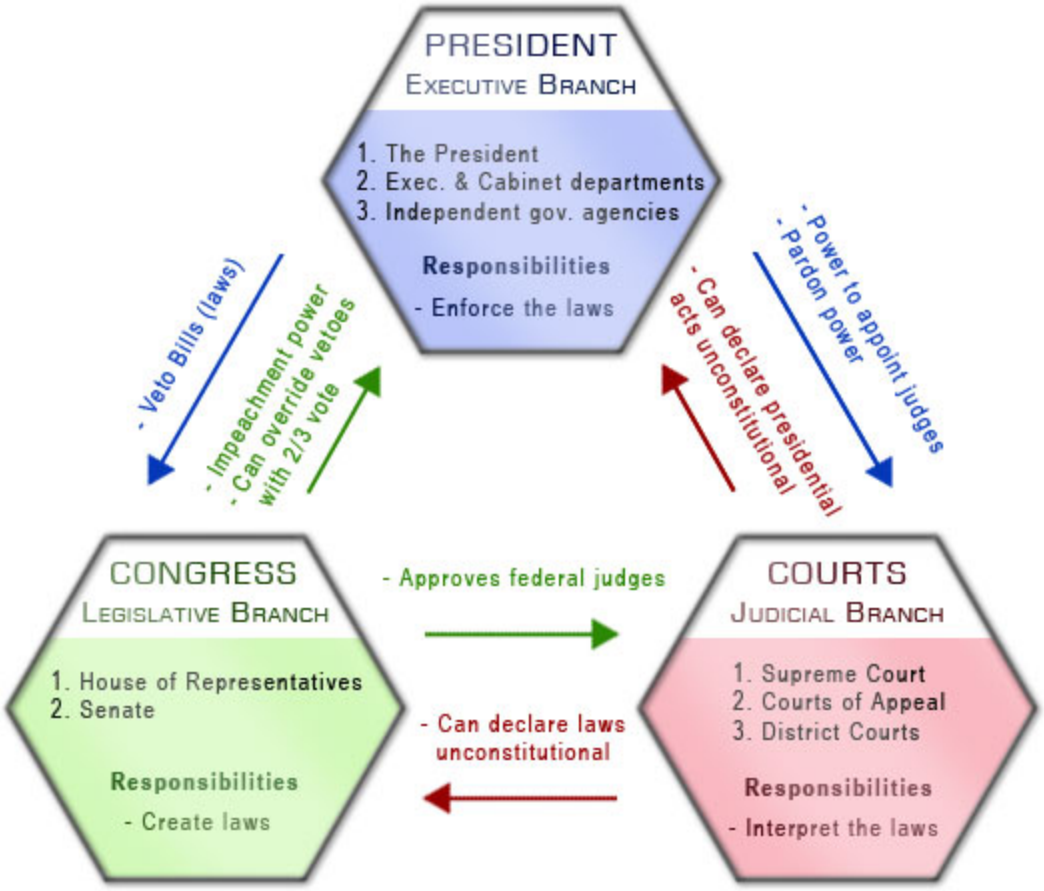
3.2

# Examine the Relationship of the Three Branches

## Standard 3.2 Examine the Relationship of the Three Branches (the Checks and Balances System)

*Examine the interrelationship of the three branches (the checks and balances system).* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T3.2]**

## FOCUS QUESTION: How Does the System of Checks and Balances Function Between Branches of United States Government?




"Separation of Powers among authorities" by Vanesag is licensed under CC BY SA 3.0

In theory, the **system of checks and balances** is designed to ensure that no single branch has too much power over the other branches. As James Madison wrote in Federalist Number 51 (1788), "the power surrendered by the people is first divided between two distinct governments [the Federal government and the governments of the several states], and then the portion allotted to each subdivided among distinct and separate departments [the executive, the legislative, and the judicial]."

How does the system of checks and balances actually function in American government? The modules for this standard explore this question in terms of what checks exist between branches, what powers does the President and the Congress have to conduct wars, and for what can and should a President be impeached.

## Modules for this Standard Include:

1. INVESTIGATE: Checks and Balances between the Branches and Presidential vs. Parliamentary Systems
2. UNCOVER: The War Powers of the President
3. ENGAGE: When, and For What, Should a President Be Impeached?
    - MEDIA LITERACY CONNECTIONS: Writing an Impeachment Press Release

# 1.INVESTIGATE: Checks and Balances Between the Branches and Presidential vs. Parliamentary Systems

The system of checks and balances is designed so each branch can respond to the actions of the other branches. In this context, a **balance** of powers means each branch can "**check**" or stop something from happening. Since each branch has separate powers within the government, each branch can provide a check on the actions of the other branches.

**The Legislative branch has the following checks and balances on the other branches:**

- On the Judicial branch:
    - Senate approves justices
    - The House can impeach justices
    - The Senate tries impeached justices
    - Congress can create amendments
    - Congress can set jurisdiction for courts
    - Congress can alter the size of the Supreme Court
- On the Executive branch:
    - House can impeach a President
    - Senate tries an impeached President
    - If there is no electoral majority, the House chooses the President and the Senate chooses the Vice President
    - Congress can override a Presidential veto with a 2/3 vote in the House and Senate
    - Senate approves departmental appointments, treaties, and ambassadors
    - Congress has to approve replacements to the Vice President
    - Congress declares war
    - Congress can tax
    - The President is required to make "State of the Union" addresses

The two houses of Congress (Senate and House of Representatives) also have checks and balances on each other:

    - Bills must be passed by each house before becoming law
    - Revenue bills must start in the House
    - There has to be consent from the other house before a house adjourns for more than three days
    - All journals of official business from each house are required to be published

**The Judicial branch has the following checks and balances on the other branches:**

- On the Legislative branch:
    - Judicial Review
    - Compensation is not allowed to decrease
    - Judicial seats are held on good behavior
- On the Executive branch:
    - Judicial Review
    - During impeachment trials, the Chief Justice is President of the Senate

**The Executive branch has the following checks and balances on the other branches:**

- On the Legislative branch:
    - The President has the power to veto
    - The Vice President is the President of the Senate
    - The President is the Commander in Chief of the military
    - The President can make appointments of senior federal officials while the Senate is in recess
    - The President can call the House and Senate into emergency sessions
    - When the houses do not agree on adjournment, the President has the power to force it to happen

- On the Judicial branch:
    - The President can appoint justices
    - The President has pardon power

## Presidential and Parliamentary Systems of Government

Writing in *The Nation* in early 2021,commentator Alexis Grenell declared Joe Biden should be the last American President, urging the U.S. to shift from a **presidential** to a **parliamentary** system of government. Although the U.S. has the longest running Presidential system in the world, Grenell wrote that system had become too polarized and dysfunctional to continue.

Presidential (as in the United States, Mexico, Brazil and the Philippines) and Parliamentary (as in Great Britain, Canada, Japan and Italy) are the two major types of government in democracies in the world today.

Presidential systems are headed by a executive elected by the people who is independent of the legislative branch (Congress in the U.S.). Parliamentary systems are headed by a Prime Minister who is chosen by the legislative branch (Parliament in Great Britain).

The U.S. President is elected for a 4-year term and as demonstrated by the Trump era, extremely hard to remove from office through impeachment. A Prime Minister has not limit on how long she or he can serve, but can be removed at any time following a vote of no confidence by the Parliament.

The U.S. presidential system is dominated by two major political parties who vie for control of the government. Parliamentary systems have multiple political parties and the Prime MInister must create coalitions among them in order to govern. This encourages compromise by working together to achieve political goals.

For more information, go to Parliamentary System and Presidential System from Annenberg Classroom, 2021).

## The Powers of the Presidency

The **President of the United States** is often referred to as the most powerful person in the world. although some believe that in 2020/2021, Russian President Vladmir Putin or China's leader Xi Jinping are more powerful. It is true that any U.S. President has an impressive collection of powers—both those given to the office by the Constitution and those a President gains from what one

political scientist had called “the subjective views of others” (Neustadt, 1990, p. x). In this respect, Presidents have power in part because the American people broadly believe those powers exist.

For, as political scientist Matt Glassman (2018) has stated: "Presidents compete with numerous actors — Congress, the courts, interest groups, political appointees in the departments and agencies, and career civil servants — for influence over public policy. The president must rely on his informal ability to convince other political actors it is in their interest to go along with him, or at least not stand in his way."

Taken collectively, the powers given to the President by the Constitution combined with the ways a person in that office can energize public opinion to support policies give a President enormous influences over national and state government and the country as a whole.

**President Barack Obama delivers his State of the Union address, Feb. 12, 2013**
"2013 State of the Union Address" by Lawrence Jackson | Public Domain

**What powers does a President actually have?**

- The Constitution gives the President a central role in how bills (legislative proposals) become laws. Presidents can **propose legislation** at any time. Presidents use the annual **State of the Union address** to announce new initiatives along with a proposed budget to pay for them (Ten Facts about the State of the Union Address, 2019). The President can also **veto** (prevent from becoming law) bills passed by Congress, although the Congress can override that veto by a two/thirds vote of the House of Representatives and the Senate.

- Presidents have the power appoint Cabinet officials and Supreme Court justices, and to do whatever the President believes is necessary to faithfully execute the laws of the land.

- Under the Constitution's Executive Power (Article II, Section 1), Presidents can issue **Executive Orders.** Modern Presidents have used this power to take highly significant public

policy actions without Congressional approval or a vote of the people. Here is a list of all Executive Orders by American Presidents from George Washington to Joseph Biden. The Trump Administration used executive orders to enact policies sought by conserative and right-wing political groups in areas from immigration to the environment. On the first day of his administration, Joe Biden used 17 executive orders reversing Trump-era policies, including rejoining the Paris Climate Accord, halting construction of the southern border wall, mandating officials reunite families separated at the border, initiating a mask mandate in federal facilities, and mandating racial equity in policy decisions.

- Presidents have a **Bully Pulpit—**meaning they can use the media (television, radio, newspapers, Twitter, and other online platforms) to manage and shape public opinion. Presidents are automatically listened to when they speak and social media expands their reach tremendously. Cable news networks mention the President many times every day—during the first years of his Presidency, Donald Trump consistently received about 15% of the combined airtime on CNN, MSNBC, and Fox News (Leetaru, 2018). Newspapers devote extensive space to covering the President's statements and schedule. As a result, a President has countless opportunities to convince people to support certain policies over others.

- **The Pardon Power** is given to the President by Article 2, Section 2 of the Constitution that states the President has "power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." Although the pardon power is limited to federal crimes and not state offenses or civil suits, this is an area where Presidents have broad, nearly unlimited power (Why U.S. Presidents Can Pardon Anyone).
    - The idea that there should be one person in government with the ultimate power to pardon convicted persons originated with English kings who could overturn any court sentence. George Washington issued the first presidential pardon in 1794 to Pennsylvania farmers who participated in the **Whiskey Rebellion**. Franklin Roosevelt issued the most pardons, 3,687 in 3 terms; Harry Truman pardoned 2,044; Bill Clinton 456; George H. W. Bush 77 (How Presidential Pardons Work).
    - The functioning of the pardon power came under close scrutiny during the closing weeks of the Trump Presidency, including whether a President can issue **prospective pardons** before charges are filed (Yes, based on an 1866 Supreme Court case Ex Parte Garland); whether a President can **pardon family members, relatives and close allies** (Yes, the Constitution does not limit who can be pardoned), and whether a President can **pardon himself** (Unclear, since this has never happened in American history). This information is from Clemency Explained: Can a President Give Pre-emptive Pardons? *The New York Times*, December 6, 2020, p. 18.
    - As President, Donald Trump has issued highly publicized pardons to political and business figures resulting in renewed debates over what should be a fair and equitable process for presidential pardons. In December 2020, Trump pardoned 5 individuals including Paul Manafort and Roger Stone who were convicted of crimes as part of Robert Mueller's investigation of Russian interference in the 2016 Presidential election. And on January 19, 2021,during in his final day in office, Trump issued another 143 pardons.

**Limits on Presidential Power**

Historians and political scientists broadly agree that the power of the President has been expanding dramatically in recent decades. In 2019, a group of Harvard Law School faculty concluded that

modern Presidents, notably the three most recent, have "used lessons from the past as blueprints to expand their capacities," including choosing the leaders of the growing number of the government's executive agencies; issuing executive orders to bypass lengthy legislative processes; and using social media to build support for their policies among voters (Presidential Power Surges, Harvard Law School Bulletin, Summer 2019).

As President, Donald Trump and his advisors including Attorney General William Barr have claimed virtually unlimited power, citing what is known as the **unitary executive theory**. Under this theory, the President, rather than being the head of one of the three co-equal branches of government, is at the top of a institutional hierachy of power. Using that theory, Trump refused to release his tax records to Congressional committees or federal prosecutors in New York who were looking into possible campaign law violations by the President and his election committee.

In two notable cases, *Trump v. Vance* and *Trump v. Mazars*, the Supreme Court rejected the claim that the President did not have to respond to legal subpoenas for information with Chief Justice John Roberts declaring: "Two hundred years ago, a great jurist of our Court established that no citizen, not even the President, is categorically above the common duty to produce evidence when called upon in a criminal proceeding. We reaffirm that principle today and hold that the President is neither absolutely immune from state criminal subpoenas seeking his private papers nor entitled to a heightened standard of need" (Trump v. Mazars LLP, 2020, p. 21). These decisions establish clear limitations on Presidential power.

## Suggested Learning Activities

- **Take a Virtual Tour**
  - The White House Virtual Tour from Google
- **Draw a Conclusion:** Do modern Presidents have too much power?
  - Use the following resources to explore this question:
    - Does the President Have Too Much Power? Aberbeen (Washington) School District
    - Presidential Powers: An Introduction, from Exploring Constitutional Conflicts
    - Anxiety is Growing in Congress Over How Much Power a President Can Wield, NPR (March 12, 2019)
    - Is the Presidency Too Powerful? Podcast from the National Constitution Center (February 21, 2019)
- **Write a Constitutional Policy Statement**
  - Should the President Have the Sole Power of Pardons?
    - When should individuals receive pardons?
    - What steps are needed to ensure that there is fairness and justice in the pardon process?

## Online Resources for the Powers of the Presidency

- 60-Second Presidents, PBS Learning Media

- The American Presidency, Smithsonian National Museum of American History
- The American Presidency Project, University of California Santa Barbara
- U.S. Presidents, Miller Center, University of Virginia
- VIDEO: How to Elect a President in Plain English
- BOOK: *Unmaking the Presidency: Donald Trump's War on the World's Most Powerful Office*. Susan Hennessey & Benjamin Wittes (Farrar, Straus and Giroux, 2020)
- Should the President Use Executive Orders to Create Public Policy? from Illinois Civics.org.
- Republicans Now Are More Open to the Idea of Expanding Presidential Power, Pew Research Center (August 7, 2019). In the same poll, 66% of the public said "it would be too risky to give Presidents more power to deal directly with many of the nation's problems."

## 2.UNCOVER: The War Powers of the President

The President is the **Commander in Chief of the military** and although the Constitution states that Congress has the power to declare war and raise and support the armed forces (Article I, Section 8), Presidents have significant **war powers**. Presidential war powers have expanded dramatically since the end of World War II.

**President Abraham Lincoln and General George B. McClellan in the general's tent at Antietam, Maryland, October 3, 1862**
"Lincoln and McClellan 1862-10-03" by Alexander Gardner | Public Domain

In *Presidents of War* (2018), historian Michael Beschloss explains that "since the start of the Republic, Presidents of the United States have taken the American people into major wars roughly once in a generation" (p. vii). He then examines eight Presidents who entered wars and one who had the opportunity to do so, but did not. The Presidents and their wars are:

- James Madison and the War of 1812

- James K. Polk and the Mexican War
- Abraham Lincoln and the Civil War
- William McKinley and the Spanish-American War
- Woodrow Wilson and World War I
- Franklin D. Roosevelt and World War II
- Harry Truman and the Korean War
- Lyndon B. Johnson and in War in Vietnam

It was Thomas Jefferson who avoided war with Britain in 1807 over the Chesapeake Affair and the issue of "impressment" (taking individuals into military service against their will without notice) of sailors on American ships.

While the Constitution gives Congress the sole power to declare war and raise and support the armed forces (Article I, Section 8), there has been no official Congressional declaration of war since 1942. Here is a listing of all Official Declarations of War by Congress from United States Senate website.

Emblem of the GRU, the Miltiary Intelligence Service of the Russian Military
Public Domain

In recent years, Presidential war powers have been expanded by the **AUMF (Authorization for Use of Military Force Against Terrorists)** passed just after the September 11, 2001 attacks on the

World Trade Center and the Pentagon. An AUMF allows the President to utilize “all necessary and appropriate force . . . to prevent future acts of international terrorism agains the United States” (What the AUMF Is and Why You Should Care, Biparistan Policy Center, April 18, 2018). Although the AUMF was initially intended to be used against al Qaeda and the Taliban, it has been used dozens of times in 14 countries, including the Trump Administration’s use of a missile strike to kill an Iranian general in Iraq on January 2, 2020.

### Suggested Learning Activities

- **Write a Public Policy Recommendation**
  - To what extent should Congress control the war powers of the President?
  - When can a President act militarily without consulting Congress?
- **Learn Online**
  - Nixon and the War Powers Resolution from the Bill of Rights Institute has learning activities centered on the **War Powers Resolution**, passed in 1973 over President Richard Nixon’s veto. This resolution requires the President to consult with Congress before committing U.S. troops into combat or potential combat situations. Presidents from both parties have held that the resolution unconstitutionally limits the power of the executive branch.
- **Additional Resources**
  - Principles of American Government (Khan Academy)
  - The War Powers Resolution (JSTOR)
  - Congress, the President, and the War Powers Lesson (National Archives)

## 3.ENGAGE: When, and For What, Should a President Be Impeached?

On December 18, 2019, the House of Representatives passed two articles of **impeachment** against Donald Trump: Article 1: Abuse of Power and Article 2: Obstruction of Congress (READ: Articles of Impeachment Against Donald Trump). On February 5, 2020, Donald Trump was acquitted by the U.S. Senate on both impeachment articles. It was just the fourth time in United States history that the Congress engaged in an **impeachment** of a sitting President.

Just days before his term was to end, Trump was impeached for a second time on January 13, 2020 for "incitement of insurrection" following a bloody attack on the Capitol by a mob of the President's supporters.

Image on Pixabay

Previously, impeachment proceedings had been initiated against Andrew Johnson (1868), Richard Nixon (1974) and Bill Clinton (1998). Neither Johnson or Clinton was convicted and both remained in office as President; Nixon resigned the Presidency before the House could vote on the impeachment charges against him. As Brenda Wineapple (2020) states in her study of the post-Civil War trial of Andrew Johnson, each case demonstrates the complexity that impeachment is "designed to remedy pecuilar situations for which there are no remedies" (p. 419).

In theory, impeachment is intended to serve as a way to remove from office **someone who is abusing their power through corrupt actions and activities**. Yet, neither the Johnson trial nor the others that followed have resolved the fundamental constitutional question: Was "impeachment to be understood as a judicial matter" or "was impeachment designed to punish malfeasance in office" (Wineapple, 2020, p. 417).

Procedurally, impeachment is a process where, according to Article II, Section 4 of the Constitution, “a President, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.” In addition to Presidents, 17 other officials—one senator, one Cabinet secretary and 15 judges—have been impeached in U.S. history. Business Insider has a full list of those federal officials who were impeached.

The word "impeachment" means **‘accusation’** or **‘charge’**. The process happens as follows: Any member of the House of Representatives can suggest the body begin an impeachment inquiry. The Speaker of the House then decides whether to proceed forward with that inquiry or not. The House can impeach based on a vote by a simple majority of its members (50 percent plus 1 or 218 out of 435 members). The impeached person goes to trial, meaning a hearing before a jury in the U.S. Senate (Gertner, 2020). The Senate conducts an impeachment trial, presided over by the Chief Justice of the Supreme Court. A super majority (67 out of 100 members) is needed to convict and remove a President or other impeached official from office.

Impeachment was part of English law long before its inclusion in the United States Constitution, notes constitutional scholar Frank O. Bowman III (2019). The phrase **“high crimes and misdemeanors”** does not just mean illegal actions, but corrupt and abusive activities on the part of an elected or public leader, what Alexander Hamilton called an “abuse or violation of some public trust” (*The Federalist Papers: No. 65*).

Impeachment proceedings against Donald Trump followed from a complaint by an intelligence

community whistleblower who believed the President had engaged in illegal conduct by trying to coerce a foreign leader (Ukraine's President Volodymyr Zelensky) to aid Trump's reelection campaign. Federal campaign finance laws prohibit foreign contributions to politicians or their campaigns. In a July 25, 2019 phone call and during subsequent actions, President Trump appeared to withhold Congressionally-approved military aid to Ukraine contingent on that country beginning a corruption investigation into former Vice-President Joe Biden and his son, Hunter. Impeachment advocates contended the Ukraine phone call and the military aid delay violated that law; supporters of the President said it did not.

- Read the White House released transcript of July 25, 2019 phone call between the Presidents of the United States and Ukraine.
- Read the full text of the Trump-Ukraine Whistleblower Complaint

Constitutional and legal scholars agree that impeachment in the United States is a political process, as much, if not more than a legal process that happens only rarely at times in history when "our settled expectations about the Constitutional order are shaken" (Bowman, 2019, p. 6).

In that context, every member of our democratic society is faced with having to answer when, and for what, should a President be impeached?

## Media Literacy Connections: Writing an Impeachment Press Release

A **Press Release** is an official statement provided to the media by an individual or organization. Its purpose is to provide information in a short, simple, highly readable format.

In politics, a press release also serves as a way to promote one's side of an issue as favorably as possible within the boundaries of facts. The White House, on behalf of the President as well as individual politicians, political party organizations, and political interest groups, constantly issues press releases stating their positions and actions on the issues of the day.

In this activity, you will write an **Impeachment Press Release** for one of the Presidential Impeachments in U.S. History. You can write a statement from either the President who is being impeached, the Impeachment Managers from the House of Representatives who are presenting the case against the President, or both.

For example, here are two Press Releases related to the second impeachment of Donald Trump

- Trial Memorandum from House Committee on the Judiciary, February 2, 2021
- Trump Will Not Testify or Provide Any Statement at Impeachment Trial, February 4, 2021

### Activity: Write an Impeachment Press Release

Your goal is to make a case **for or against** Presidential impeachment in a press release that presents information as objectively as possible. You must include the actual facts of the situation and state the position of both those arguing for or against impeachment.

You can focus on the second impeachment of Donald Trump or choose one of the other impeachments in U.S. history:

- President Johnson's impeachment
- President Nixon's impeachment or Frost/Nixon (Netflix)
- President Clinton's impeachment
- President Trump's first impeachment

### Additional Resources

- Understanding Branches of Power Game (iCivics)
- The Impeachment Process, Step-by-Step Guide (*The New York Times*)
- A Lesson for an Impeachment Inquiry, The Educator's Playbook, University of Pennsylvania
- The Impeachment Process and President Trump, Choices Program, Brown University

## Suggested Learning Activities

- **State Your View: A President or a King**
  - In a ruling in *Committee on the Judiciary v. McGahn* (2019), U.S. District Judge Ketanji Brown concluded: "The primary takeaway from the past 250 years of recorded American history is that Presidents are not kings."
  - Answer the following question posed by Stanford University law professor Michael McConnell (2019): "How can we have a President who is powerful enough to do all the things we expect from a President, but not one who is effectively a king?"

- **Research and Draw a Conclusion**
  - In an editorial, *The New York Times* (2019, para. 26) stated that impeachment should happen when a President or other public officials violate the public trust by placing "private above public interest."
  - What other times in U.S. history did Presidential Administrations violate the public trust?
  - Research one the following examples and decide if the President's actions were impeachable and explain how you drew your conclusion.
    - Andrew Jackson and the Trail of Tears
    - James Buchanan and the Dred Scott Decision
    - Andrew Johnson and Opposition to Reconstruction
    - Warren Harding and the Depot Dome Scandal
    - Ronald Reagan and the Iran/Contra Affair
    - Richard Nixon and the Watergate Scandal

- **Evaluate the Media**
  - Select one of the Presidential Impeachments in history.
  - Look for newspaper articles, news clips, magazine covers, and other artifacts about the impeachment. Try to find examples from media outlets from all sides.
  - What perspective did the media outlet present? Did they take the side of the President? Why or why not?
  - How did the media present information? What text did they share? What visuals did they select?
  - How did the way the media portrayed the impeachment infuence peoples' perspectives and understandings? (look for opinion articles, comments on news articles, and/or social media posts to justify your response)

## Online Resources for Presidential Impeachment

- Constitutional Grounds for Presidential Impeachment, House Judiciary Committee, 1974 - Issued during the Watergate Investigation into President Richard M. Nixon.
- Impeachment Inquiry: Ways to Discuss with Your Students, PBS Newshour
- Lesson of the Day: Nancy Pelosi Announces Formal Impeachment Inquiry of Trump, The *New York Times*, September 25, 2019
- Impeachment, from the website House of Representatives
- Impeachment, from the website of the U.S. Senate

## Standard 3.2 Conclusion

The Constitution established a systems of checks and balances so that no part of the American government would dominate or control the other parts. **INVESTIGATE** identified how each branch can check or respond to the actions of the other branches. **UNCOVER** examined the war-making powers of the President, and how those powers have expanded since World War II. **ENGAGE** asked when, and for what, can a President be impeached.

3.3

# The Roles of the Congress, the President, and the Courts

## Standard 3.3:  The Roles of the Congress, the President, and the Courts

*Describe the respective roles of each of the branches of government.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T3.3]**

## FOCUS QUESTION: What are the Roles of Congress, the President, and the Courts in the United States Government?

The three branches of United States government - commonly referred to as **Congress**, the **President**, and the **Federal Courts** - have their own roles and powers, as outlined in Describing the Three Branches, a website from the White House. You can also get more information from our wiki page: Congress, the President, the Bureaucracy and the Courts.

What are the key elements of the powers and roles of the three branches of the government? The modules for this standard examine that question from the standpoint of a) the **Executive Branch** - the role of the FBI and the Post Office in American politics and whether a woman can be elected President; b) the **Legislative Branch** and the growing number of LGBTQIA legislators; and c) the **Judicial Branch** and key Supreme Court decisions should every teenager know.

### Modules for this Standard Include:


1. INVESTIGATE: The Executive Branch and the President
   1.1 UNCOVER: The FBI and the Post Office in American Politics
   1.2 ENGAGE: Can a Woman Be Elected President of the United States?
2. INVESTIGATE: The Legislative Branch
   MEDIA LITERACY CONNECTIONS: Examining the Social Media Activities of Members of Congress
   2.1 UNCOVER: Electing LGBTQIA Legislators
3. INVESTIGATE: The Federal Judicial Branch and State Courts
   3.1 ENGAGE: What Supreme Court Cases Should All Teenagers Know?


# 1. INVESTIGATE: The Executive Branch and the President

The **Executive Branch** is headed by the **President**, who is the head of state and Commander-in-Chief of the armed forces.

**The White House, Washington D.C.**
"WhiteHouseSouthFacade" by Matt H. Wade is licensed under CC BY-SA 3.0

#### Inauguration of the President

Following the 20th Amendment of the Constitution, Presidents of the United States take office every four years on January 20, Inauguration Day. **Inauguration** for a President means the beginning of a term in office. Every President takes on **oath of office** to preserve and defend the Constitution. The oath is administered by the Chief Justice of the Supreme Court. With Joe Biden's Inauguration in 2021, the oath has been administered 73 different times to 46 Presidents.William Howard Taft is the only man to have both taken and administered the oath of office.

Every President has given an inaugural address, except for the Vice-Presidents who became the chief executive when the President died or resigned. Presidential inaugural addresses by George Washington, Abraham Lincoln, and John F. Kennedy have become some of the most important and

memorable speeches in U.S. history.

**The 2021 Inauguration Choice Board**

(click here to make your own copy of the choice board)

"The 2021 Inauguration Choice Board" by Robert W. Maloy, Ed.D. & Torrey Trust, Ph.D., College of Education, University of Massachusetts Amherst is licensed under CC BY NC SA 4.0

### Powers of the President

The President is responsible for implementing and enforcing the laws passed by Congress, or if so decided, vetoing laws passed by Congress. The President is also responsible for handling affairs with foreign nations and issuing State of the Union addresses, which are typically done in front of a joint-meeting of Congress in January.

There is more on the powers and functions of the Presidency in "Checks and Balances and the Power of the President" and "The War Powers of the President" in Standard 3.2 in this book.

Commander-in-Chief: U.S. Presidents and Their Executive Power, a blog post from the National Archives, lists executive actions by Presidents that advanced civil rights for Black Americans:

- President Lincoln signing the Emancipation Proclamation (1863)
- President Grant signing the Civil Rights Acts of 1866 & 1875
- President Franklin Roosevelt prohibiting discrimination in defense industries (1941)
- President Truman desegregating the military (1948)
- President Eisenhower signing an order allowing Black students to attend an all-White high school in Little Rock, Arkansas (1957)
- President Lyndon Johnson signing the Civil Rights Act of 1964 and the Voting Rights Act of 1965

**The Presidential Cabinet**

The President appoints the members of his **Cabinet.** Although the Cabinet is not formerly included in the Constitution (the idea was explicitly rejected at the Constitutional Convention), every President beginning with George Washington has relied on a group of advisors to make policy decisions and manage the activities of the government (Chervinsky, 2020).

Washington's first cabinet consisted of the Secretaries of War, State, and Treasury along with the Attorney General. Abraham Lincoln famously conducted the Civil War with a "team of rivals" (Goodwin, 2006).

Today there are 25 distinct Cabinet-level appointees. The Secretaries of State, Treasury, and Defense along with the Attorney General and the Vice President make up the "inner cabinet." The "outer cabinet" consists of the Secretaries of Interior, Agriculture, Commerce, Labor, Health & Human Services, Housing & Urban Development, Transportation, Energy, Education, Veterans Affairs, and Homeland Security along with the Military Chief of Staff, CIA Director, Council of Economic Advisors Chair, EPA Administrator, Office of Management & Budget Director, Small Business Administration Administrator, U.N. Ambassador, US Trade Representative, and Director of National Intelligence.

**Frances Perkins** (Secretary of Labor) was the first woman to serve in a Presidential cabinet in 1933; Robert Weaver became the first African American cabinet member in 1966 (Secretary of Housing & Urban Development). Joe Biden has proposed having the most women ever serve in his Cabinet, including the first-ever woman to be Secretary of the Treasury. No woman has ever served as Secretary of Defense, Head of Veterans Affairs, or Military Chief of Staff (A Record-Breaking Number of Women Could Be in Biden's Cabinet, *FiveThirtyEight*, December 15, 2020).

Biden has also proposed the first Native American Cabinet member (Deb Haaland, Secretary of the Interior) and first LGBTQ member (Pete Buttigieg, Secretary of Transportation).

The members of the President's Cabinet exert enormous influence over government policy and American life. Following the lead of the President, they set the agendas for the agencies they direct, and given the size and complexity of American government, Cabinet members have considerable autonomy in what they do. If a Secretary of Interior decides to open public lands to logging and drilling, that will have lasting environmental impacts. If a Health & Human Services Secretary downplays or suppresses information about a pandemic, lives will be lost due to misinformed health policy. Alternatively, if a Secretary of State or United Nations Ambassador engages in effective international diplomacy, wars can be ended or prevented and human suffering reduced.

**Age of Presidents**

In a trend that dates back to 1950s, the average age of United States Presidents has been growing

older, contributing to what has been called a **gerontocracy,** meaning a society governed by older people. Donald Trump was 70 after being elected in 2016, making him the oldest person ever inaugurated President. Joe Biden was 78 when he became the 46th President in January 2021. The average age of members of Congress has also been getting older and the average age of the Supreme Court justices is 67-years-old.

However in most of other democratic countries in the Organization for Economic Cooperation and Development (OECD) the average age of heads of government is growing steadily younger, reported Ian Prasad Philbrick in the *New York Times (Why Does America Have Old Leaders? July, 16 2020)*. The average age in those countries is 54-years-old and there are many considerably younger leaders who are in their 30s and 40s, including in 2020, Sanna Marin of Finland, Jacinda Ardern of New Zealand, and Justin Trudeau of Canada. To keep track of the ages of political leaders, use a search engine to find "youngest head of states in the world today."

Do you think age means leaders have more experience and wisdom? Or are younger leaders more likely to have fresh ideas for change?

**The Presidency in US History and Politics Choice Board**

(click here to make your own copy of the choice board)

"The Presidency in U.S. History and Politics" Choice Board by Robert W. Maloy, Ed.D. & Torrey Trust, Ph.D., College of Education, University of Massachusetts Amherst is licensed under CC BY NC SA 4.0

**CHOICE BOARD BONUS**

- Design a Jamboard or Interactive Timeline about a Presidential History (using Creative Commons/Public Domain media)
  - **Presidencies of Washington, Adams and Jefferson**
  - **Abraham Lincoln's Presidency**
  - **Presidencies of Kennedy, Johnson, Nixon and Carter**
  - **Presidency of Ronald Reagan**
  - **Presidency of Bill Clinton**
  - **Presidency of Barack Obama**

## Suggested Learning Activities

- **Evaluate Presidents' Actions and Statements**
  - List of the 5 most important qualities of a President
  - Identify an important action or statement from a President to illustrate each of those 5 qualities
- **Propose a New Cabinet Post for the President and Your Classroom**
  - What new Cabinet post would you propose?
    - "Bureau of Youth and Student Affairs?" "Department of Technology?" "Office of Space Exploration?"
  - Create a name, logo and short description of your new organization as well as what that person should do in the job.
  - Have students to create a Classroom Cabinet to advise teachers and school administrators on school policy and climate.
    - Create a name, logo and short description of your proposed position as well as what students should do in the job.
- **Write a Presidential Report Card**
  - Choose a President and evaluate his performance with a report card grade and written explanation for your decision
    - Report Card Time: Inviting Students to Evaluate President Trump's First Year in Office, *The New York Times*, January 25, 2018
- **Analyze the Data**
  - Part 1: Review Presidential performance ratings in the C-Span Presidential Historian Survey 2017
    - Some Presidents' ratings have gone up or down since 2000. Why might those ratings change in the minds of historians?
    - What criteria would you use to rate a President's performance?
  - Part 2: Review the ages of world and U.S. leaders
    - How would you explain the aging of U.S. political leadership and what do you think are its consequences?
    - What are potential advantages and possible drawbacks of older political leaders?

## Online Resources for the President and the Executive Branch

- Understanding the President's Job, EDSITEment!
- "What Makes a Good President?" a series of essays from *PBS Frontline* (2004)
- Presidential Speech Archive featuring text and video of important speeches by every American President from the Miller Center of Public Affairs at the University of Virginia.
- Presidential Recordings Program - Secret White House Tapes contains more than 2500 hours of White House recordings of conversations and meetings by Presidents from 1940 to 1973.
- Inaugural Words: 1789 to the Present, each Presidential Inaugural Address presented as word clouds by the *New York Times*.
- Voices, Votes, Victory: Presidential Campaign Songs, Library of Congress

# 1.1 UNCOVER: The FBI and the Post Office in American Politics

### The Federal Bureau of Investigation

The **FBI (Federal Bureau of Investigation)** is among the most widely known and historically controversial of all federal government executive branch agencies. It was created by executive order on July 26, 1908 by Attorney General Charles J. Bonaparte (grandson of Napoleon Bonaparte's brother) as a special detective force within the U.S. Department of Justice.

"Wanted By The FBI" | Public Domain

The agency was initially called the Bureau of Investigation and charged with enforcing the Mann Act (also known as the White-Slave Traffic Act). At that time, agents were involved in the **Palmer Raids in 1919** that were part of the **First Red Scare** period in American politics.

J. Edgar Hoover became director in 1924 and the agency was re-named the Federal Bureau of Investigation in 1935. Under Hoover's leadership, the FBI was involved in some of the most controversial political dramas of the 20th century, including the Osage Murders, the Rosenberg Spy Case, and the surveillance of Martin Luther King, Jr. The agency was also engaged in the pursuit of notorious criminals from the its national "most wanted list" such as John Dillinger and George "Machine Gun" Kelly.

The FBI has a documented history of being selectively used against African Americans and political dissidents (Weiner, 2008). During the anticommunist Red Scare and McCarthyism of the 1950s, virtually every Black American organization and leader was suspected by the FBI. W.E.B. Du Bois was arrested in 1951 at age 82 for being an agent of a foreign power and his passport was confiscated even after the charges were dropped. The singer Paul Robeson who criticized the United States and praised the Soviet Union had vigilantes attack his concerts and his music career ended. Later, throughout the 1960s, as historian David J. Garrow (2015) has documented, the FBI engaged in a massive surveillance and wiretapping campaign against Martin Luther King, Jr.

The following sites - The FBI: A Brief History from the Federal Bureau of Investigation, FBI History from Syracuse University, and The FBI in American Politics - provide more about the agency's history.

## Suggested Learning Activities

- **Research and Report on FBI Surveillance Activities**
    - Search FBI records online through a section of the agency's website known as FBI Records: The Vault that contains 6,700 documents including materials on civil rights, political figures, anti-war protestors and other citizens.
    - Create an infographic or presentation detailing key information from the FBI records about one of the following celebrities and political activists?
        - John Lennon
        - Helen Keller
        - Jazz Musicians including Max Roach, Duke Ellington, Louis Armstrong, Cab Calloway, Nat King Cole
        - Eleanor Roosevelt from PBS American Experience and from the Vault
        - Marilyn Monroe

### The Post Office in American Politics

The **Post Office** - also known as the United States Postal Service (USPS) - is an agency in the executive branch of the United States government. It is the only organization, public or private, that delivers mail and packages to every single address in the country, from the largest metropolitan districts to the smallest communities (Postal Facts: Sizing It Up). Some private companies actually pay the Post Office to handle deliveries to more remote locations.

**Delivering the Mail by Dog Sled in Alaska, 1906**
United States Mail dogsled team, Nome, April 8, 1906
by Frank H. Nowell | Public Domain

In 2019 alone, the Postal Service delivered 143 billion pieces of mail to 160 million addresses. (The United States Postal Service Delivers the Facts).

The history of the Post Office is a fascinating one, stretching back to the beginnings of the nation. Benjamin Franklin was the first Postmaster in 1775. The first postage stamps were issued in 1847. The Pony Express started in 1860, lasting only 19 months before being made obsolete by the transcontinental telegraph. Zip codes appeared in 1963. The first Post Office iPhone app in 2009.

**Mailboxes for FedEx, University of California, UPS and United States Postal Service**
by Minesweeper | Public Domain

There are important hidden histories and untold stories as well:

- At the turn of the 20th century, the Post Office pioneered the use of pneumatic tubes in relaying mail across large distances in American cities. The New York City pneumatic tube system ran for 120 miles (The Secret Innovative History of the Post Office).
- For much of the 20th century, the Post Office was the largest employer of Black workers, although those individuals were confined to low-wage jobs, often in racially segregated workplaces (African American Postal Workers in the 20th Century). Today, African Americans make up 20% of postal employees nationwide, but the majority of workers in many urban centers (U.S. Post Office cuts threaten source of black jobs).
- Beginning in the 1930s, Victor H. Green, a Black New Jersey postal worker, developed the "Negro Motorist Green Book," a guide used by African Americans traveling through racially segregated United States during the mid-twentieth century.

The Post Office today finds itself facing increased competition from private firms (FedEx, UPS, DHL), large budgetary shortfalls (the agency was $11 billion in debt at the end of 2019), and heightened political debates about its ability to handle the demands of dramatic increases in mail-in voting resulting from the COVID-19 pandemic.

- Critics, including the Trump Administration, regard the Post Office as a failing organization that should be privatized and subject to direct competition in a mail and packaging delivery marketplace. In this view to save money, many Post Office locations should be closed, employees should pay more of their healthcare costs, and collective bargaining for workers should be ended (Privatizing the Post Office).

- Advocates contend that the Post Office is an essential organization for a democratic society. It was established by the U.S. Constitution (Article 1, Section 8, Clause 7). It charges everyone the same amount of money for postage and services. It delivers mail, medicine, and other essential materials to every neighborhood. It serves as a common thread helping to unite an essentially divided country. Additionally, in the midst of the coronavirus pandemic, the Post Office will be called upon to deliver mail-in ballots in communities all across the country. Voting by mail is favored by a large percentage (7 in 10) of Americans (As States Move to Expand the Practice, Relatively Few Americans Have Voted by Mail, Pew Research Center,

June 24, 2020).

### Suggested Learning Activities

**Critical Inquiry Question: What is the best way to save the Post Office?**

1. Read each proposal and discuss the pros and cons of each. Here is the Table of Proposals
2. Please record at least one pro and one con in each of the columns after each proposal.
3. With your partner or partners, create your own proposal, add it to the document and list the pros and cons.
4. Rank the proposals listed below (including your own) from strongest (5) to weakest (1). Please be prepared to justify your rankings by answering: Why This is a Good Idea/Why This is Not a Good Idea.
    - Increase Funding by Congress.
    - Eliminate Saturday mail deliveries.
    - Invest employee retirement funds in the stock market.
    - Raise prices on stamps and delivery of packages.
    - Your Plan:
      Link to the Table.

5. Please answer the following questions in complete sentences: What is the best way to save the Post Office? Why?

Groupwork: Have students as partners or small groups present their plans and rankings to the class. Encourage questions and discussion. Include a visual (for example students place their rankings and a visual representation of their plan on the back bulletin board. After each group has presented, ask students to complete #5 on their own in order to process.

**Design a Poster:**

- Keeping in view the difficulties USPS has been facing in recent times, with immense loss to their budget due to Covid-19 pandemic and possibilities of shutting it down altogether, design a poster on Canva in support of USPS. Use your own experiences with this postal system as the inspiration for the poster.

## 1.2 ENGAGE: Can a Woman Be Elected President?

Women—who currently outnumber men in the U.S. population—hold **less than one-third of the nation's elected political offices** (Dittmar, 2019), and no woman has been elected President. In 2020, **Kamala Harris**, a Black, South Asian, and daughter of immigrants, became the first woman and first woman of color elected Vice-President of the United States.

It is true that number of women being elected to government offices at the national, state, and local level is changing. More women than ever ran for and were elected to political office in the U.S. in 2018, and again in 2020. Nevertheless, according to data from the Inter-Parliamentary Union, the United States ranked 77 out of 189 nations in the world in percentage of women in national legislatures (Percentage of Women in National Parliaments, 2019). Rwanda (61%), Cuba (53%),

Bolivia (53%) and Mexico (48%) have the highest percentage of women in political office.

When the 117th Congress convenes in 2021, there will be 142 (or more depending on races still being decided) women in the House of Representatives, besting the previous record of the 127 set in 2018. There are 26 (out of 100 members) in the U.S. Senate.

Historically speaking:

- Jeannette Rankin from Montana, an outspoken women's rights activist and pacifist who was the only member to vote against American entry into World War I, was the **first woman elected to the House of Representatives** in 1916.
- Hattie Wyatt Caraway from Arkansas was the **first woman elected to the Senate** in 1932.
- Shirley Chisholm was the first African American woman elected to Congress in 1968.
- History of Women in Congress (65th Congress, 1917 to 116th Congress, 2021)
- The 2020 election saw a record number of women (35) from the Republican Party elected to the House of Representatives; in 2018 there were 22 Republican women in the House (How a Record Number of Republican Women Will--and Won't--Change Congress, *FiveThirtyEight*, November 16, 2020)

At the state level, approximately 2,118 women served in the 50 state legislatures in 2019, making up 28.7% of all state legislators nationwide. Nevada became the first state legislature to have a majority of women legislators in 2019.

**A Woman President**

Given this pattern of change, "What needs to happen for a woman to elected President?"

Article II, Section 1 of the Constitution sets the requirements for someone to become President or Vice-President: That person must be a natural born citizen of the United States, at least 35 years old, and have been a resident of the country for 14 years. Kamala Harris, the successful 2020 Democratic Party Vice-Presidential nominee was born in Oakland, California.

**Victoria Woodhull Ran for President in 1872**
"Portrait photograph of Victoria Claflin Woodhull" by Mathew Brady | Public Domain

Victoria Woodhull (1872), Margaret Chase Smith (1964), Shirley Chisholm, Pat Schroeder (1988) and Hillary Clinton (2008 & 2016) were all women who unsuccessfully ran for President. Shirley Chisholm was the first Black person to run as a major party candidate for President.

Women who actively campaigned for President in 2020 included Senators Kamala Harris, Kirsten Gillibrand, Amy Klobuchar, and Elizabeth Warren; Representative Tulsi Gabbard; and author Marianne Williamson. Three women have been major party Vice-Presidential nominees: Geraldine Ferraro (Democrat: 1984); Sarah Palin (Republican: 2008); and Kamala Harris (2020: Democrat).

### Edith Bolling Galt Wilson

Many historians believe that **Edith Bolling Galt Wilson**, second wife of Woodrow Wilson, effectively functioned as the nation's first woman President from 1919 to 1921.

Photograph of Edith Bolling Galt Wilson
"Edith Bolling Galt Wilson" | No Known Copyright Restrictions

Heavily involved with her husband's Presidency, Edith Bolling Galt Wilson accompanied him to Europe while the Allies negotiated a peace deal to end World War I. She came back to the United States to campaign for Senate approval of the peace treaty and the League of Nations Covenant. When President Wilson had a stroke in October 1919, she took over many of the routine duties and details of the government. Although she referred to her role as her "stewardship," she was essentially the nation’s chief executive until her husband’s second term concluded in March of 1921.

Given the history and the current dynamics of modern politics, what do you think needs to happen for a woman to be elected President?

## Suggested Learning Activities

- **Act as an Historian/Draw a Conclusion**
  - Based on the historical evidence, would you designate Edith Bolling Galt Wilson as the nation's first woman President? Why or Why Not?
  - For more on her role and why some call her America's first woman President, visit Edith Wilson from the American President site at the University of Virginia. There is more information at Edith Bolling Galt Wilson from the PBS film, Woodrow Wilson.

- **Compare and Contrast Gender Ratios in Jobs**
  - Research the gender ratios of different occupations and professions, including politics.
  - Why are there male-dominated and female-dominated professions?
  - How would you encourage more women into male-dominated fields and males into women-dominated fields?
    - Here's a resource to start with: Women in Male-Dominated Industries and Occupations (February, 2020)

- **Dialog and Debate**
  - Is There a "Jill Robinson Effect" for women candidates?
    - Looking at women who seek to enter jobs traditionally held by men, political scientists Sarah Anzia and Christopher Berry have identified what they call the "Jill Robinson Effect" — named after Jackie Robinson, the first African American baseball player in the modern era who became one of the game's biggest stars after breaking the color barrier in 1947. "Robinson *had* to be better than almost any white player in order to overcome the prejudice of owners, players, and fans," Anzia and Berry wrote (2010).
      - Do you think that women who go into male-dominated jobs face prejudice and feel the need to be better than everyone else?
      - What about men who go into jobs that are predominantly held by women?
      - Do you have plans to pursue a career in a male or female-dominant field?

- **Design a Women in Politics Image**
  - Following the historic 2020 election, an image created by artist Bria Goeller of Kamala Harris walking in front of the shadow of Ruby Bridges in 1960 went viral. The message was that the successes of change makers today are made possible by the efforts of those who came before them in history.
  - Create your own version of the Kamala Harris/Ruby Bridges image by drawing a connection between an influential woman who shaped history with someone influential today.

## Online Resources for Women Running for President and Other Political Offices

- Listing of Women in the Senate from the U.S. Senate website
  - In total, 56 Women have been elected to the Senate; 25 are serving in 2019
- Women in State Legislatures for 2019
- When Women Run. 97 women from all 50 states describe in their own words what it is like to try and win an election as a woman.

- A First:  Women Take the Majority in Nevada Legislature and Colorado House, NPR (February 4, 2019)
- Women Make Up 24% of Members of National Legislatures Around the World, Pew Research Center (March 18, 2019)
- Women Presidential and Vice-Presidential Candidates: Eagleton Institute of Politics, Rutgers University
- A New Poll Shows How Sexism and Electability Collide in 2020, *Vox (*June 17, 2019)
- A Woman Can Be Elected President, Right?  *Democracy, A Journal of Ideas*

## 2. INVESTIGATE: The Legislative Branch

The **Legislative Branch** consists of the House of Representatives and the Senate which make up the **United States Congress**. Congress has authority to make and enact laws and declare war on foreign nations.

For a brief overview, visit "How Congress Works" from Michigan Congressman Tim Walberg. Locate Members of Congress at Congress.gov from the Library of Congress or use Congress in Your Pocket from the App Store**.** Here are ideas and strategies for Contacting Congress to express your views on topics that matter to you**.**

You can also explore the role and powers of Congress in our **system of checks and balances in Topic 3.2** of this book.

**United States Capitol**
"US capitol building" by Raul654 is licensed under CC BY-SA 3.0

### Senate

The **Senate** is made up of 100 elected members, two from each state. Senators are elected for six-

year terms and must be members of the state they represent. The Vice President presides over the daily meetings of the Senate. Prior to the passage of the 17th Amendment in 1913, Senators were elected not by popular vote, but by state legislatures (United States Senate website).

Many school textbooks describe the design of the Senate as the result of a compromise at the Constitutional Convention to protect the interests of states with small populations who would have fewer seats in the House of Representatives. Newer scholarship contends that the two Senators for every state requirement was intended to protect the interests of southern slave-holders, for as James Madison noted at the time that the real difference of interests between political viewpoints "lay, not between large and small but between Northern and Southern States. The institution of slavery and its consequences formed the line of discrimination" (quoted in Robin, 2020).

Now, in the 21st century, the Senate "entrenches multiple types of inequality," contends political scientist Todd Tucker (2019, p. 4).

- Senators from states with small populations (Wyoming and Vermont have the fewest people) represent millions fewer people than Senators from states with large populations (California and Texas have the most people). For instance, Wyoming's 583,000 residents elect the same number of senators as does California's 40 million people.
- In addition, people living in Washington, D.C., Puerto Rico, and the other U.S. territories have no voting representation in the Senate.
- The Senate is disproportionately richer, whiter, and more male than the population of the country as a whole.

The increasing urban/rural divide in American politics (Democrats have voting majorities in big, largely urban states; Republicans control small, largely rural states) has established control of the Senate by the Republican Party.

Following the 2020 Presidential election, Democrats represent 41.5 million more people than Republicans. Morever, the 25 states with 25 percent of the population are represented by 40 Republican and just 8 Democratic Senators. Put differently, New York, New Jersey, California, and Massachusetts, states with the highest levels of urbanization along with large populations have the largest paristan lean toward the Democratic Party; Wyoming, Montana, South Dakota, and Alaska, states with the lowest levels of urbanization and small populations, lean most heavily Republican (Benes, 2020). Yet each state has two Senators.

Concluded one commentator, "Republicans can win a majorirty of Senate seats while only representing a minority of Americans" (Drutman, 2020).

## House of Representatives

The **House of Representatives** has 435 voting members, each of whom is elected every two years. There are 6 non-voting members, representing Washington D.C., Puerto Rico, and four U.S. territories. Each state is given a number of representatives directly proportionate to the population of that state as determined by census: the largest state, California has 52 representatives (a lost of one in the 2020 Census) while Alaska, Delaware, North Dakota, South Dakota, Vermont and Wyoming have just one. The average member of the House represents 747,184 people, many more than the representatives of any other country's national legislature. To have each member represent 50,000 people would require expanding the House to about 6,489 representatives ("The Case for Massively

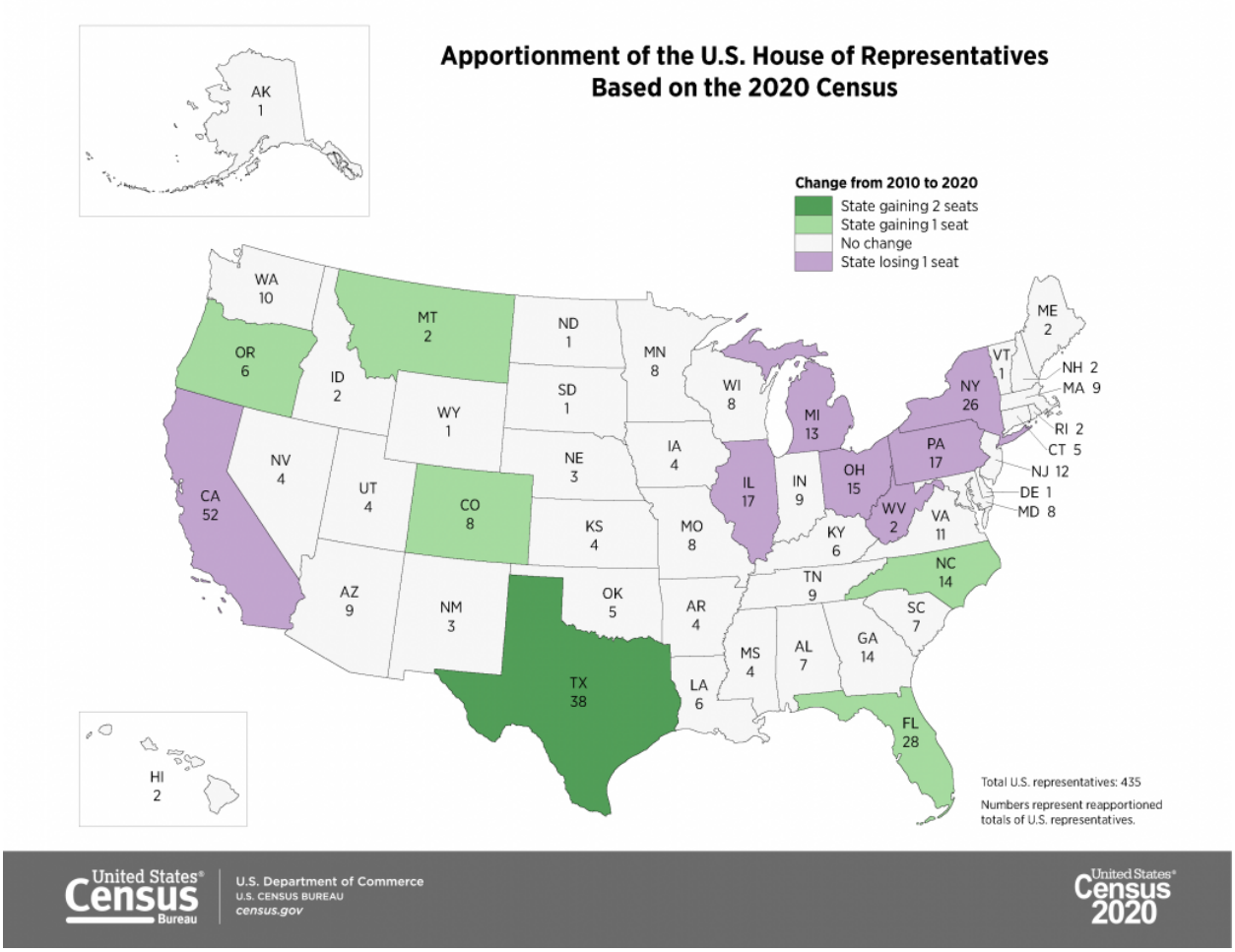
Expanding the US House of Representatives, in One Chart," *VOX*, June 4, 2018).

A **Speaker of the House** is elected by the members of the House of Representatives and is third in line for the presidency. The House has the exclusive power to impeach the President and elect the President in the case of an electoral vote deadlock or if no candidate receives a majority of electoral votes. This has happened twice before, in 1800 and 1824.

The **2020 Census** readjusted the distribution of seats in the House, a process known as **apportionment** that happens every 10 years. Based on the Constitution, every state has at least one seat. The number of other seats has been decided by the **method of equal proportions** since 1941. This mathematical system seeks to minimize differences in representation between states. You can see the math in How Apportionment is Calculated from the Census Bureau.

Amazingly, as the New York Times reported, a shift in only a few people in the census count can lead to the loss or gain of a House Seat. New York State lost a seat by 89 people, the number of individuals needed to fill a single New York City subway car during off-peak hours, and the slimmest margin for losing a seat in U.S. history. 26 people, the number of individuals who fit in a roller coaster at the Mall of America, were enough to save a seat in Minnesota - the slimmest margin for saving a seat in history. Montana went from one seat to two based on a gain of just over 6,000 people.

The political implications of changing the number of seats is unclear, but both major political parties are eager for opportunities to gain more seats. Importantly, census-taking is far from a perfect process and **undercounts** and **overcounts** do happen. Demographers have documented that Blacks, Hispanics, and Native Americans living on tribal lands have been undercounted in at least one of the last three Census (2020 Census: How Undercounts and Overcounts can Hurt US Communities). Children too are undercounted, with Black and Hispanic youngsters most likely to be missed in the count.




Apportionment of the U.S. House of Representatives Based on the 2020 Census | Public Domain

### Congressional Committees and Caucuses

Much of the work done by members of Congress happens in committees and caucuses. **Committtees** are formal House and Senate organizations that meet to hold hearings and investigations, review legislation, and more recommendations to the larger body. There are currently 250 committees; click here to learn about each committee and its membership.

The word **caucus** comes from the Algonquian Indian language meaning "to meet together" and in Congress it refers to informal groups of senators and representatives who come together to discuss issues, develop strategies, and in some cases propose and promote legislation. Here is the list of caucuses for the 116th Congress.

### Women of Color in Congress

Beginning in 2021, in addition to Vice President Kamala Harris, the 117th Congress will have the highest number of women of color, including Black, Asian and Pacific Islander, Hispanic, Middle Eastern and Native American representatives (Women of Color Were Shut Out of Congress for Decades. Now They're Transforming It, FiveThirtyEight, January 18, 2021). The figure of 49 women of color does not include non-voting delegates from U.S. territories and the number will change when Deb Haaland and Marica Fudge are confirmed as members of the Biden Administration's Presidential

Cabinet.

A place in Congress has been a long time coming for women of color. Patsy Mink was the first woman of color in Congress, elected to the House of Representatives in 1965. She was followed by Shirley Chisholm in 1968. Carol Moseley Braun became the first woman of color senator in 1993.

Why do you think women of color have lagged so far behind White women in being elected to Congress?

## The Congress in U.S. Government Choice Board

(click here to make your own copy of the choice board)

"The Congress in U.S. Government" 2021 Choice Board by Robert W. Maloy, Ed.D. & Torrey Trust, Ph.D., College of Education, University of Massachusetts Amherst is licensed under CC BY NC SA 4.0

## Media Literacy Connections: Examining the Social Media Activities of Members of Congress

Congress Soars to New Heights on Social Media declared the Pew Research Center in July 2020. Virtually every member of the Senate and the House of Representatives is now active on social media, including Twitter, Facebook, Instagram, and YouTube. Members of Congress share information with voters, react to events, and take positions on public policy issues, all while seeking to add more followers to their accounts.

The volume of social media content generated by Congress is huge. Scholars from the Pew Research Center noted that "as a collective, the 116th Congress maintains over 2,000 active official, campaign and personal accounts on Facebook and Twitter (not counting institutional accounts that periodically change hands, such as committee chair or leadership accounts) with over a **quarter-billion** total followers between them" (2020, para. 8). Congressional accounts generated 100,000 tweets and Facebook posts every month, on average, in 2020. Between 2016 and 2020, Democrats posted more often on Twitter while Republicans had greater levels of engagement with others as measured by reactions, shares, favorites, and retweets.

Some members of Congress have become social media "stars" in that they have large numbers of followers and they exert considerable influence on political matters. They are in the news all the time. In 2019, for example, Senators Bernie Sanders (I-Vt.), Elizabeth Warren (D-Mass), Ted Cruz (R-Tex), Corey Booker (D-NJ), and Rep Alexandria Ocasio-Cortez (D-NY) were most active on Twitter (For more, see "Their Public Whatever and Their Twitter World," *The Washington Post Magazine*, August 27, 2019).

**Activity: Analyzing the Social Media Activity of Members of Congress**

In this activity, you will investigate and document the social media presence of at least two members of Congress. You can choose individuals who are in the news, who represent your state or Congressional district, or who come from different regions of the country or from different political parties.

- Analyze the number and type of followers.
- Use Databasic.io to examine the type of content they share.
- What issues or policies are most frequently discussed online?
- Explore which posts get responses (shares, likes, retweets, comments).
- Write a respectful response to a post that you agree or disagree with.
    - Did you receive any response to your post?

**Additional Questions to Consider:**

- How has political campaigning evolved over the years - from the time before TV to an age where we follow politicians' every move through social media (e.g., watching AOC assembling her house furniture or Elizabeth Warren opening a New Year's beer on Instagram)?
- What distinguishes members of Congress from other social media 'influencers'?
- What is the role of social media in influencing public opinion? For example, how do you think social media posts from members of Congress influence voters on their opinion about the candidates and their opinion about important political issues?

- How does social media impact US elections?

**Additional Resources:**

- For Teachers:
  - Roles and Powers of the President: Lesson (Khan Academy)
  - Understand Congress through Political Cartoons Part 1 (Archives)
  - Understanding Congress through Political Cartoons Part 2 (Archives)
- For Students:
  - In 'Rainbow Wave,' L.G.B.T Candidates are Elected in Record (The New York Times)

### Suggested Learning Activities

- **Research:** How Diverse is Congress?
  - For the Fifth Time in a Row, the New Congress is the Most Racially Diverse Ever, Pew Research Center (February 8, 2019)
  - Who are the women, African American, Native American, Latino/a, Muslim, and LGBTQ members of the House of Representatives and the Senate?
  - What are the conditions in the country that made these elections possible?

- **Engage in Civic Action**
  - Votetocracy, the People's Congress allows everyday citizens to "vote" on legislation pending in Congress.
  - What legislation did you vote on and how did you decide how to vote?

- **Simulate the Legislative Process** with Today's Vote in the Classroom
  - This resource from the Edward M. Kennedy Institute for the Senate simulates the legislative process while examining actual legislation under consideration by Congress.

### Online Resources for the Legislative Branch

- Legislative Branch, U.S. Capitol Visitor Center
- Every Member of Congress' Wealth in One Chart, Roll Call (March 2, 2018)
- Official website for Congress and federal legislative information
  - View current legislative activities
  - Find current members of Congress
- Misrepresentation in the House of Representatives**,** Brookings (February 22, 2017).
  - The Republican Party's Seat Bonus - higher percentage of seats than votes gained in elections. It is currently as high as any advantage by any political party back to 1946.

## 2.1 UNCOVER: Electing LGBTQIA Legislators

In 1974, **Kathy Kozachenko**, running as a Human Rights Party candidate for the Ann Arbor Michigan City Council, became the first openly gay person to be elected to public office in the United States.

United States Senator Tammy Baldwin, 2013
by Amy Mathers | Public Domain

One year later, **Elaine Noble**, an openly gay candidate was elected state representative in Massachusetts. **Harvey Milk**, a gay man, was elected to the San Francisco Board of Supervisors in 1977. In 1993, Althea Garrison, a closeted trans woman was elected to the Massachusetts House of Representatives. Stacie Laughton, a self-identified trans woman was elected to the New Hampshire House of Representatives in 2012.

Since those firsts, LGBTQIA politicians have transformed United States politics, bringing gender equality and transgender rights to the forefront of people's attention and changing the definition of who can and should be elected to public office. **By 2019, an LGBTQIA person has been elected to public office in all 50 states**. Pete Buttigieg, the former mayor of South Bend, Indiana was a prominent candidate for the 2020 Democratic Party nomination for President.

Electing LGBTQIA individuals to political office is part of a much larger and wide-ranging shift in public attitudes toward gay, lesbian, and transgender people. What events and personalities helped bring about these changes?

In an interview for the NPR *Hidden Brain* podcast, sociologists Michael Rosenfeld and Mahazarin Banaji offer the following answers: Gay people became more visible as more people came out of the closet in the 1980s and 1990s; television shows began featuring realistic gay characters, the AIDS crisis and the marriage equality movement further raised awareness of gay issues and gay rights (NPR, 2019). The initiation of LGBT History Month in 1994, the beginning of National Coming Out Day in 1988 and the National Park Service's 2016 report on historic LBGT sites in the United States

further propelled changes in attitudes (Waxman, 2019). At the same time, the FBI has reported a rise in gender-identity hate crimes in the country. In many schools, LGBTQIA students face hostile hallways of hateful language, bullying, and threats of assault.

### Suggested Learning Activities

- **State Your View**
  - What changes in society and culture do you think most influenced changes in the public view of LGBTQIA people and opened the door for electing gay, lesbian, and transgender individuals to public office?

- **Create a Poster**
  - Summarize the biographies, backgrounds, and legislative proposals of a current LGBTQIA legislator at the national, state or local level.
  - Begin with these resources:
    - Meet the 10 Gay, Lesbian and Bisexual Members of the 116th Congress
    - Senator Tammy Baldwin official website
    - Oregon Governor Kate Brown official website
    - List of the first LGBT Holders of Political Offices in the United States

### Online Resources for LGBTQIA Politicians

- *resourcesforhistoryteachers* wiki page for the LGBTQIA Civil Rights Movement

## 3. INVESTIGATE:  The Federal Judicial Branch and State Courts

A **court** is a place where people go to resolve disputes legally and peacefully. Through an adversary process, each side presents their side of a case to an independent judge, groups of judges, or jury of citizens who impartially decide what really happened. Courts maintain and sustain the rule of law in a democracy.

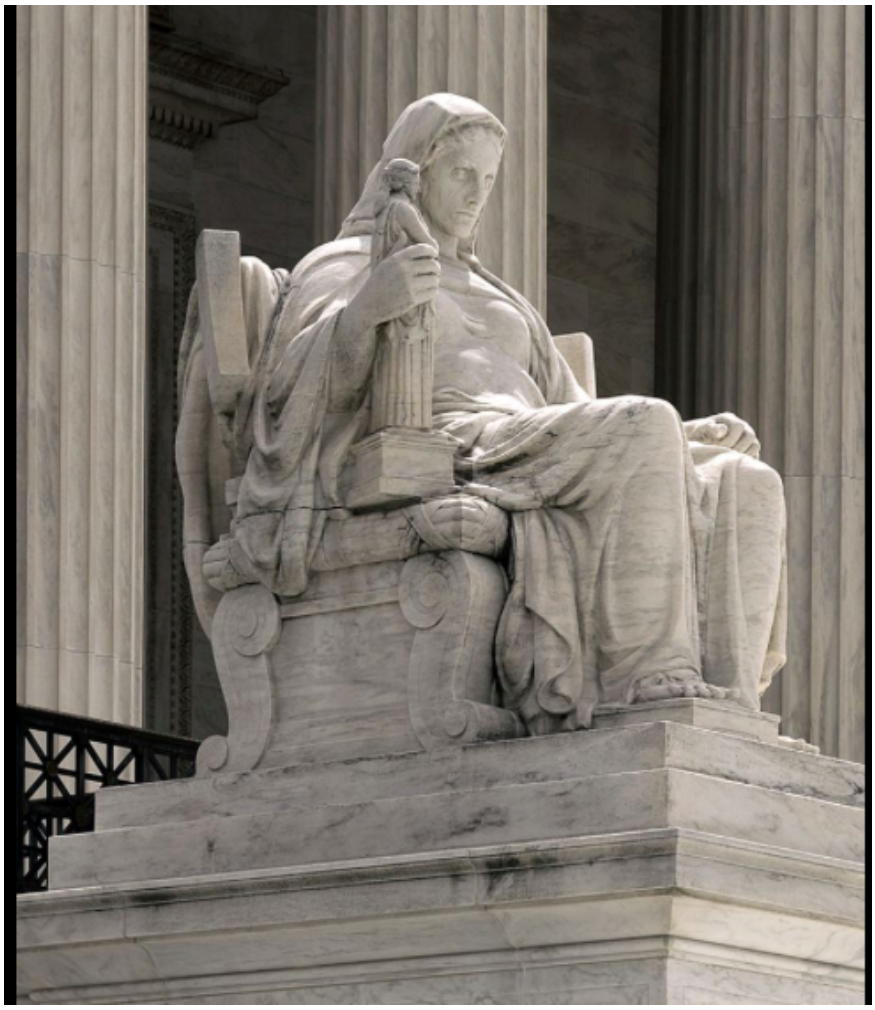
To learn more, check out How Courts Work from the American Bar Association. You can also go to our wiki page:  The Supreme Court and Other Courts in American Government.

Judges in this country are either appointed or elected and have been predominantly men. Florence Ellinwood Allen was the first woman elected to a judicial in the United States in 1920; Genevieve Rose Cline was the first woman appointed to the federal courts in 1928. In 1939, Jane Bolin became the first Black female to serve as a judge in the US. Sandra Day O'Connor was the first woman to serve on the Supreme Court, appointed by President Ronald Reagan in 1981. Today, about 36% of sitting judges are women, maintaining what the American Constitution Society has termed the "**gaval gap**" (Women's Underrepresentation in the Judiciary, Represent Women, 2017).

The United States has a dual court system consisting of the federal judicial branch (that includes the Supreme Court) and state courts. The Federal Judiciary Act of 1789 established the federal court system apart from state courts.

#### The Federal Judicial Branch

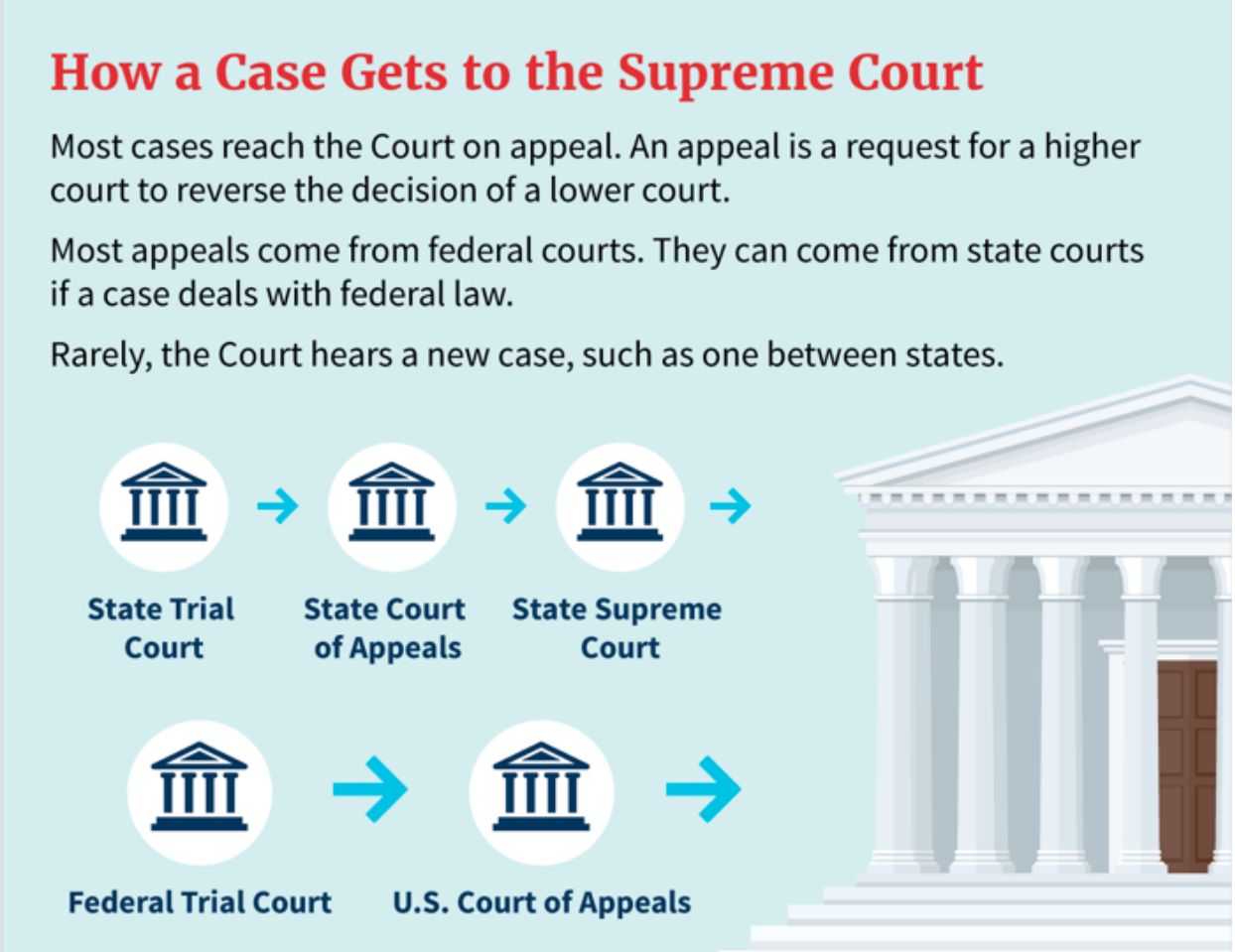
The **Judicial Branch** of the federal government is made up of federal courts and the Supreme Court.



**Contemplation of Justice Statue by James Earle Fraser on the Supreme Court Building's main steps**
"Contemplation Of Justice" | Public Domain

In addition to the Supreme Court, there are 94 federal district courts and 12 courts of appeals in the federal court system (Introduction to the Federal Court System). The nine Justices of the Supreme Court are appointed by the President and confirmed by the Senate. There is typically one Chief Justice and other Associate Justices. A Justice can only be removed by impeachment from the House and conviction from the Senate.

The federal courts hold the power of interpreting the law, determining the constitutionality of that law, and then applying it to individual cases. **Once a decision is made by the Supreme Court, lower courts must apply that decision**.




"Infographic: How the Supreme Court Works" | Public Domain

The **Supreme Court** has both **original jurisdiction** (in cases involving conflicts between states) and **appellate jurisdiction** (in cases involving the United States and a state; cases involving states against citizens; and cases concerning ambassadors). Original jurisdiction means the Supreme Court gets to rule first and finally on a case. Appellate jurisdiction means the Supreme Court gets to either accept or modify the rulings of lower courts. The United States Courts' Educational Resources website provides more information.

For more information, link to Do Supreme Court Dissents Make a Difference to the Law?

**The Gavel Gap**

In a 2020 report, the Center for American Progress examined the **gaval gap**, the term given to the lack of women judges at different levels of the American court system. Looking across federal courts below the Supreme Court, researchers found that "female judges make up just 27 percent of all lower federal court sitting judges and 34 percent of active judges. For their part, women of color comprise just 7 percent of all sitting judges and 10 percent of all active judges serving on the lower federal courts."

**Reforming or Restructuring the Supreme Court**

The Supreme Court has not always had 9 justices. Originally there were 6, a Chief Justice and 5 Associate Justices. A 7th justice was added in 1807, two more in 1837, and a 10th briefly in 1863. The Judiciary Act of 1869 set the current number of seats on the Court at nine (Why Does The Supreme Court Have Nine Justices?).

In 1937, President Franklin Roosevelt, tired of opposition to New Deal policies by what he regarded as the "nine old men" of the Supreme Court, asked Congress to appoint six new justices to the Court, an action now known as the **court-packing plan**. A constitutional crisis ensued that was averted only when one Justice began voting to uphold New Deal legislation and another retired. Roosevelt would eventually appoint nine new justices between 1937 and 1943, but the total number of justices was never increased beyond nine (When Franklin Roosevelt Clashed with the Supreme Court--And Lost).

The Trump Presidency and the death in September 2020 of Justice Ruth Bader Ginsburg have again brought the issue of reforming and/or restructuring the Supreme Court to the center of American politics. No other democracy in the world gives lifetime appointments to its supreme court judges; every other country has term limits, a mandatory retirement age, or both for its highest court judges (Vox, February 16, 2016). In addition, within the evolving system of American Government, the Supreme Court has achieved a position of **judicial supremacy,** meaning the law is whatever the Court says it is (Whittington, 2007). In recent decades, noted David Leonhart (2020) in the *New York Times*, the Court has intervened in the 2000 election (upsetting liberal and progressive groups), legalized same-sex marriage (upsetting conservative and religious groups), and is continuing to take an activist stance toward overturning laws. Groups from both sides of the political spectrum see the Court as a vehicle for ensuring their policies are maintained, a role the Court has not played throughout United States history.

Progressive groups have urged reforms in light of the Court's steady set of conservative rulings on issues facing workers, people of color and the poor. Since the 1960s, the Court's membership has grown more conservative; justices appointed by Republican Presidents outnumber those appointed by Democrats 14 to 4 between 1968 and 2020 (before the appointment of Amy Coney Barrett to replace Ruth Bader Ginsburg). As Adam Cohen (2020, p. xvi) wrote in the Introduction to *Supreme Inequality: The Surpreme Court's Fifty-Year Battle for a More Unjust America*, "The Court's decisions have lifted up those who are already high and brought down those who are low, creating millions of winners and losers."

There are now many proposals for reforming the Supreme Court: 1) increasing the number of justices; 2) setting term limits and/or mandatory retirement ages; 3) Congress passing legislation restricting what areas of the law the Court can review; 4) requiring a supermajority (6 or 7) votes to overturn federal or state laws. Russell Wheeler of Brookings offers a pro/con review of some of these proposals in his article, Should We Restructure the Supreme Court?

**State Courts and Racial Disparities**

The United States also has a system of state courts that function along side federal courts. "State courts are courts of "general jurisdiction". They hear all the cases not specifically selected for federal courts. Just as the federal courts interpret federal laws, state courts interpret state laws" (quoted in State Courts vs. Federal Courts, Judicial Learning Center, 2019). State courts hear both civil and criminal cases based on the laws of the state. Since federal courts are limited in their role, most disputes are handled in state courts.

Try a Student Challenge from the Judicial Learning Center to decide whether a case would be heard in state or federal court.

Despite the ideals of impartial justice, racial differences in sentencing in state courts and the larger criminal justice system continue to be an enormous problem. **Racial disparities** occur from the dissimilar treatment of similarly situated people based on race by the criminal justice system (Reducing Racial Disparity in the Criminal Justice System, The Sentencing Project, 2008). Looking a state courts in Massachusetts, a study by the Criminal Justice Policy Program at Harvard Law School found that Blacks were imprisoned at a rate of 7.9 times that of Whites; Latinx 4.9 times that of Whites (Racial Disparities in the Massaachusetts Criminal System, September 2020).

## Suggested Learning Activities

- **Play Online iCivics Games**
  - iCivics offers free web-based games that teach schoolchildren learn about how courts and the law function in a democratic society. Former Supreme Court Justice Sandra Day O'Connor was one of the founder of the site.
    - Court Quest has players explore state and federal court systems by helping others navigate the American judicial system.
    - "Do I Have a Right" places players as members of a law firm that advise clients about what amendment to the constitution applies to problems presented by individuals who walk into their law office.
    - "Supreme Decision" asks students to serve as a law clerk for a justice who must write an opinion in First Amendment case (Note: flash is required to play).
- **Write a Public Policy Recommendation:** Should Congress expand the number of justices on the Supreme Court?
  - **NO**
    - Why Does the Supreme Court have Nine Justices? Why Can't the Democrats Add More? *Think* (April 10, 2019)
    - Don't Try to Expand the Number of Justices, National Review (July 5, 2018)
  - **YES**
    - Court-Packing, Democrats' Nuclear Option for the Supreme Court, Explained, VOX (October 5, 2018)

## Online Resources for the Judicial Branch

- **WIKI Page**: Ruth Bader Ginsburg, the Notorious RBG
- **Learning Plan**: Oyez! Oyez! Oyez!: Simulating the Supreme Court, EDSITEment
- The Supreme Court's Big Rulings Were Surprisingly Mainstream This Year, *FiveThirtyEight* (July 13, 2020)
- National Association of Youth Courts
  - Nationally, there are more than 1000 youth or teen courts.
  - These courts are not courts of law, but human service programs intended to provide remeditation and peer support for first offenders of low-level offenses. In Teen Court, Kids Have A Right to a Jury of Their Peers, *Buzz Feed News* (2015).
- **VIDEO**: The 25 Greatest Legal Movies, American Bar Association Journal (2008)

- Top Ten Trial Movies of All Time, LKG Attorneys at Law (2018)
    - Teachers can show short video clips from movies to engage students in how the legal system works and for whom.

## 3.1 ENGAGE:  What Supreme Court Cases Should All Teenagers Know?

In 1966, a 14-year-old Arizona youth, Gerald Francis Gault, was arrested for allegedly making an obscene phone call. His parents were not notified by police at the time of the arrest. Gault was brought before a juvenile court judge and sentenced to seven years in a state industrial school detention facility; an adult convicted of the same offense would have received only a 60-day sentence. In appealing the decision, Gault contended that he did not receive due process of law under the 14th Amendment of the Constitution.

**Equal Justice Under Law**
**Inscription at the front of the United States Supreme Court**
"EqualJusticeUnderLaw" by UpstateNYer is licensed under CC BY-SA 3.0

In a 1967 landmark ***In re Gault*** decision, the Court agreed, establishing the rule that juveniles facing delinquency hearings have a constitutional right to an attorney as well as the right to receive written notice of charges against them, the opportunity to call witnesses, the opportunity to cross-examine those testifying against them, and protection against self-incrimination. The due process rights of adults, the Court said, apply to teenagers as well. You can learn more about the case from the NPR podcast "Gault Case Changed Juvenile Law."

*In re Gault* is one of a number of Supreme Court cases that directly impacted the lives and rights of middle and high school students.

- *We the Students: Supreme Court Cases For and About Students* by Jamin B. Raskin (2015) is an excellent source of information.
- The North St. Paul-Maplewood-Oakdale School District in Minnesota has a list of 10 Supreme

Court cases every student should know. Included on that list is Tinker v. Des Moines which we discuss in Topic 5 of this book.

What other cases should all teenagers know in order to more fully understand their rights and responsibilities as citizens of the United States?

## Student Legal Rights in School Choice Board

(click here to make your own copy of the choice board)

"Student Legal Rights in School" 2021 Choice Board by Robert W. Maloy, Ed.D. & Torrey Trust, Ph.D., College of Education, University of Massachusetts Amherst is licensed under CC BY NC SA 4.0

### Suggested Learning Activities

- **Create a Sketchnote Court Case Summary**
    - Review 10 Supreme Court Cases All Teens Should Know and Supreme Court Cases Where Students Influened the Constitution
        - Select one supreme court case and identify its main constitutional issue(s) and bottom line decision.
        - State whether if you would have decided the case differently and why.
        - Create a sketchnote revealing what you learned and your thoughts about the court case.

## Standard 3.3 Conclusion

The Executive, Legislative, and Judicial branches have specific roles and powers within the American system of government. **INVESTIGATE** outlined the functions of the President (executive), the Congress (legislative), and the Supreme Court (judicial). **UNCOVER** explored the history of the Federal Bureau of Investigation (FBI), an executive branch agency as well as the history of electing of LGBTQIA legislators. **ENGAGE** asked two questions: a) Can a woman be elected President? and b) What Supreme Court cases should all teenagers know?

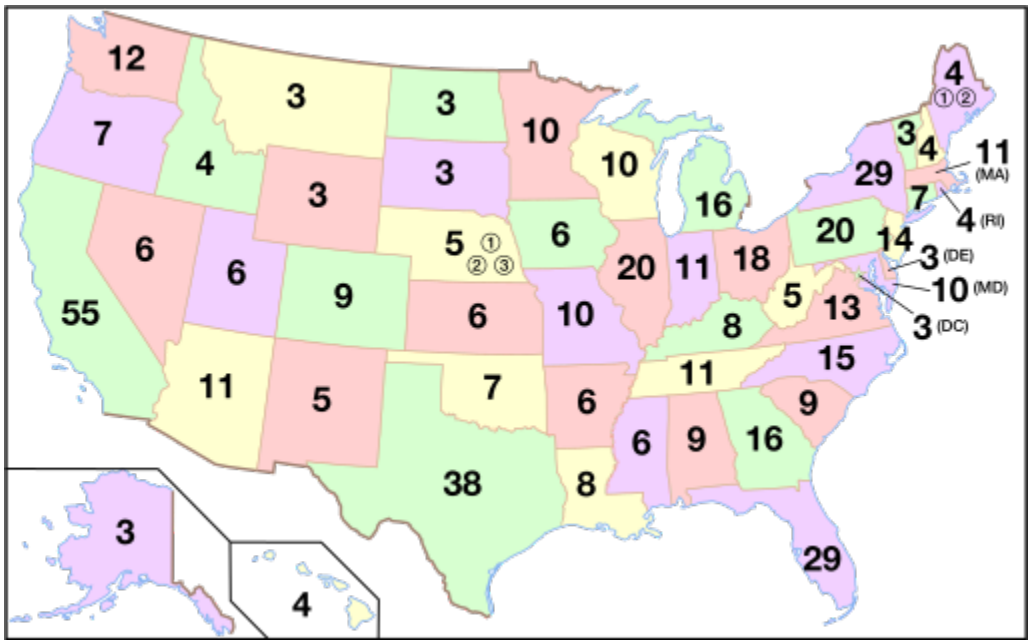
# 3.4

# Elections and Nominations

## Standard 3.4: Elections and Nominations

*Explain the process of elections in the legislative and executive branches and the process of nomination/confirmation of individuals in the judicial and executive branches.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T3.4]**

## FOCUS QUESTION: How Does the United States Conduct Elections and What Are Current Proposals for Reform?




**Electoral College Votes by States for the 2020 Election**
"Electoral map 2012-2020" by SeL | Public Domain

In 2020, the United States held its 59th Presidential election, a process that happens once every four years. There have been 45 Presidents from George Washington to Donald Trump, counting Grover Cleveland who was elected twice. John F. Kennedy was the youngest man elected to the office, although Theodore Roosevelt became the youngest President after the death of William McKinley. Franklin D. Roosevelt served the longest, 4,422 days; William Henry Harrison served the least

amount of time, 31 days.

Each state conducts its own separate election for President, giving the United States "arguably the most decentralized election administration of any advanced democracy" (Toobin, 2020b, p. 37). States organize how and when people will vote—either on a designated Election Day (the first Tuesday in November for federal contests), before that day by mail-in absentee ballot, or through specific state-approved early voting procedures. Toobin notes that there are some 10,500 different voting jursidictions in the country, many with their own rules and procedures for casting and counting ballots.

In theory, free and fair elections that reflect the will of the people are a hallmark of American democracy. Yet as commentator Perry Bacon, Jr. (2021) has noted there are major structural features within the U.S. system for electing the President and members of Congress that make it **less democratic**, features that has help support the current political dominance of the Republican Party:

- First, the electoral college can negate the popular vote; in 2020, Donald Trump would have won a second term with just 270,000 more votes in Michigan, Pennsylvania, and Wisconsin despite Joe Biden winning more than 7 million more popular votes.
- Second, the requirement that there be 2 Senators for every state, irregardless of its population. In 2021, 50 Democratic senators represent 185 million people; 50 Republican senators represent 143 million.
- Third, the practice of gerrymandering has allowed political parties to shape state voting districts so that incumbents are more likely to win elections.
- Fourth, voters tend to vote along party lines irregardless of the issues being raised by candidates in political campaigns. In 2020, in only 16 out of 435 House districts did voters vote for one candidate for President from one party and another candidate for the House from the other party.

How does the election system work and how might it be changed? The modules for this standard explore that question in terms of the **electoral college**, **disputed elections** in U.S. history, the possibility of a **disrupted or delayed election** in 2020, and the call for election reform, including a move to **instant runoff/ranked choice voting**.

### Modules for this Standard Include:

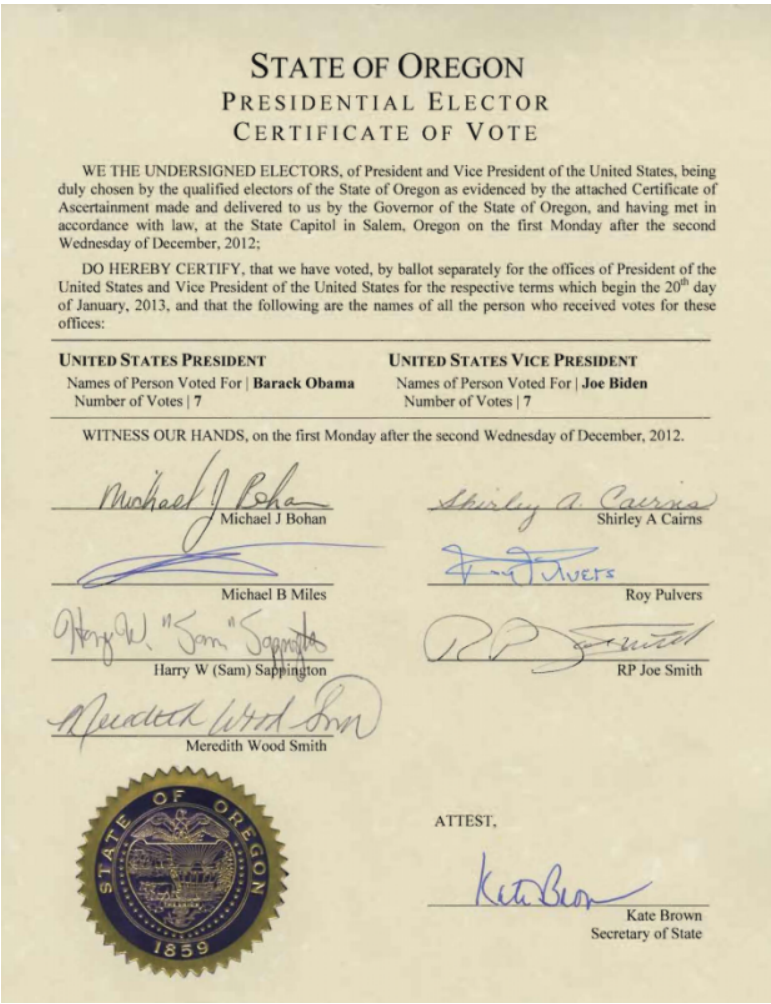
1. INVESTIGATE: Presidential Elections, the Popular Vote, and the Electoral College
2. UNCOVER: 2000 and Other Disputed Elections in United States History
3. ENGAGE: Is It Time to Adopt Instant Runoff/Ranked Choice Voting?
    - MEDIA LITERACY CONNECTIONS: Understanding Public Opinion Polls

# 1. INVESTIGATE: Presidential Elections, the Popular Vote, and the Electoral College

A **popular vote** is the vote cast by each individual voter in an election. Virtually all elections in the United States are won by the candidate who receives the most popular votes - except when electing the President.

In Presidential elections, people vote for a slate of electors who represent a candidate in the

**Electoral College**. Each state's popular vote winner receives a designated number of **electoral votes**. The candidate with **270** or more electoral votes becomes President of the United States.



STATE OF OREGON
PRESIDENTIAL ELECTOR
CERTIFICATE OF VOTE

WE THE UNDERSIGNED ELECTORS, of President and Vice President of the United States, being duly chosen by the qualified electors of the State of Oregon as evidenced by the attached Certificate of Ascertainment made and delivered to us by the Governor of the State of Oregon, and having met in accordance with law, at the State Capitol in Salem, Oregon on the first Monday after the second Wednesday of December, 2012;

DO HEREBY CERTIFY, that we have voted, by ballot separately for the offices of President of the United States and Vice President of the United States for the respective terms which begin the 20th day of January, 2013, and that the following are the names of all the person who received votes for these offices:

| UNITED STATES PRESIDENT | UNITED STATES VICE PRESIDENT |
|---|---|
| Names of Person Voted For \| **Barack Obama** | Names of Person Voted For \| **Joe Biden** |
| Number of Votes \| **7** | Number of Votes \| **7** |

WITNESS OUR HANDS, on the first Monday after the second Wednesday of December, 2012.

Michael J Bohan
Shirley A Cairns
Michael B Miles
Roy Pulvers
Harry W (Sam) Sappington
RP Joe Smith
Meredith Wood Smith

ATTEST,
Kate Brown
Secretary of State

Oregon Electoral College 2012 Certificate of Vote | Public Domain

### The Electoral College

The **Electoral College** is not an institution of higher education or a physical place. Rather, it is a number of electoral votes assigned to each state equal to the number of representatives they have in the House of Representatives (as determined every ten years by the Census) plus two more for each of the state's two Senators. In addition, the District of Columbia has three electoral votes. This means there are presently **538 electors** in the Electoral College.

States with the highest number of people living in them have most electoral votes, presently California (55 electoral votes), Texas (38 electoral votes) and New York (29 electoral votes). States with small numbers of people have the fewest electoral votes:  Alaska, Montana, North Dakota, South Dakota, Vermont, and Wyoming each have 3 electoral votes.

The Electoral College has a fascinating history. It was created at the Constitutional Convention as a compromise between those who wanted Congress to choose the President and those who felt that decision should be done by state governments. As Michael Kazin (2020, p. 43) noted, "The system

they came up with was nobody's first choice."

Recent Presidential elections have led to calls to abolish or substantially reform the Electoral College as an outdated institution that does not serve the interests of a democratic society. In 2016 Donald Trump won the Electoral College and the Presidency by a total of 77,744 votes in three states (Michigan, Pennsylvania, and Wisconsin), a margin that amounted to one-twentieth of one percent of the 136 million votes cast in the election. You can see the complete 2016 national and state-by-state vote totals here.

Jesse Wegman in his book, *Let the People Pick the President* (2020) and *New York Times* columnist David Leonhardt ("The Electoral College and Democracy," 2020, December 14) have summarized two significant shortcomings of the Electoral College for democratic elections:

1) The Electoral College system can deny victory to the candidate who wins the popular vote as happened in the elections of 2016 (Trump/Clinton), 2000 (Bush/Gore), 1888 (Harrison/Cleveland), 1876 (Hayes/Tilden), and 1824 (Adams/Jackson). You can learn more at Disputed Elections in United States History.

2) Although it has not been done, it is constitutionally possible for states to change the rules about how to award electors, allowing those electors to vote for someone other than the state's popular vote winner.

Why has this undemocratic and largely unpopular institution survived? In *Why Do We Still Have the Electoral College?* historian Alexander Keyssar (2020) recounts efforts to change the system, including 1968-69 when White southern segregationist senators barely blocked passage of an amendment to replace the Electoral College with a national popular vote for President. Historically speaking, efforts to overhaul or eliminate the Electoral College demonstrate the "particular difficulty–widespread in democracies—of altering electoral institutions once they are already in place" (Keyssar, 2020, p. 11).

Having the Electoral College as part of the United States system of government has brought the following features of American politics to the forefront, notably during 2000, 2016 and 2020 Presidential elections.

**Battleground States**

**Battleground states** (also called swing states) are those states that can be won by either major party in a Presidential election. In current politics, most states consistently award their electoral votes to either the Democratic (e.g., Massachusetts, California, New York) or the Republican (e.g., Texas, Oklahoma, Montana) Party's candidate. Other states - battleground states - can be won by either party, depending on the candidate. Barack Obama won Ohio in 2008 and 2012; Donald Trump won the state in 2016. No Republican candidate has ever won the White House without winning Ohio's electoral votes; no Democratic candidate since 1964 has won the Presidency without a victory in Ohio.

The *FiveThirtyEight blog* (Is the Election Map Changing? August 28, 2020) looked at how 16 battleground states voted in the last 5 Presidential elections and found that Iowa and Ohio have moved more sharply Republican while Arizona moved toward the Democrats. In addition, while Maine and Michigan have moved away from the Democrats, Colorado and Virginia moved toward the Democrats. Florida and its 29 electoral votes remains a perennial swing state; every Presidential

winner since 1964 has won Florida.

**Disputed Elections**

In the electoral college system, the candidate with the most popular votes is not necessarily the winner, as was the case in the 1824, 1876, 1888, 2000 and 2016 Presidential elections. UNCOVER: 2000 and Other Disputed Elections in U.S. History looks at this topic in more depth as does Disputed Elections in American Politics from the *resourcesforhistoryteachers* wiki.

**Disrupted or Delayed Elections**

Can a Presidential election be delayed because of an emergency? At the end of July, 2020, President Trump, trailing badly in the polls, suggested delaying the November presidential election because of the coronavirus pandemic. Yet, only the states and the Congress have the constitutional authority to postpone voting or the meeting of the electoral college to choose the presidential and vice presidential winner (Does the Constitution Allow for a Delayed Presidential Election? National Constitution Center).

The only case of a postponed federal election happened in 2018 when a typhoon struck the Northern Mariana Islands 10 days before the election and the governor delayed both early and in-person election day voting. Primary elections have also been delayed by weather emergencies and after the September 11, 2001 terrorist attacks (Disrupted Federal Elections: Policy Issues for Congress, Congressional Research Service).

**Faithless Electors**

Electoral College from the National Archives offers more information about how this feature of our government actually works, including the interesting concept of **faithless electors**, individuals who decide to vote for a candidate other than the one they were pledged to support. There have been only 90 faithless elector votes among the 23,507 electoral votes cast in 58 presidential elections - 63 of those in 1872 when unsuccessful candidate Horace Greeley died and 10 in the 2016 Trump/Clinton contest (Faithless Electors, *FairVote*, July 6, 2020). In 2020, the Supreme Court unanimously upheld state laws that remove, penalize, or cancel the votes of faithless electoral college delegates.

**National Popular Vote Interstate Compact and Proportional Allocation of Electoral Votes**

There are intense debates around what to do with the Electoral College. Many call for its elimination as an anti-democratic structure. These observers believe only a direct election by popular vote can accurately express the will of the people. Other commentators believe it is essential to keep the Electoral College in order to protect states with small populations. Without electoral votes, presidential candidates might tend to ignore small states because there are few popular votes to gain.

There are also proposals to keep the Electoral College, but change how it functions:

- The **National Popular Vote Interstate Compact** is a growing agreement among states to award their electoral votes to the candidate who wins the most votes nationwide. It will take effect when states totalling 270 electoral votes sign on; to date states with 196 votes (including Massachusetts) have agreed as of July 2020 (Status of National Popular Vote Bill).
- **Proportional Allocation of Electoral Votes** means that instead of a winner-take-all system, electoral votes would be divided according to the percentage of popular votes that each

candidate receives in a state. In 2000, for example, George W. Bush won Florida by 534 votes over Al Gore and received all the state's 25 electoral votes. If the electoral votes were distributed proportionally, Bush would have received 13 and Gore 12, giving the overall election to Gore. Here is how proportional allocation of electoral votes would affect the 2012 election on a state by state basis.
- You can link here to explore more ideas for Electoral College reform

## The Geography of States and the Electoral College

The number of electoral votes in the Electoral College are based on state population, but the boundaries of states have changed historically. Maine was once part of Massachusetts and West Virginia was once part of Virginia. The following interactive map from FiveThirtyEight blog looks at how the electoral votes would have changed in the 2016 election if the following rejected proposals for new states had been approved:

- Absaroka (portions of South Dakota, Wyoming, and Montana);
- Chicago (Cook County, Illinois as its own state);
- Deseret (Utah plus parts of California, Oregon, Idaho, and Wyoming);
- New York City (the city as its own state);
- Franklin (eastern Tennessee);
- Lincoln (eastern Washington state along with Idaho's panhandle);
- Old Massachusetts (Massachusetts and Maine combined);
- Original Virginia (Virginia and West Virginia combined); Pico (California split into two states at the 36th parallel);
- Republic of Texas (Texas as its own separate country);
- Superior (Michigan Upper Peninsula as a state); and
- Westsylvania (West Virginia with parts of Kentucky, Maryland, Pennsylvania, and Tennessee).

## Suggested Learning Activities

- **Online Learning**
  - Track the 2020 Election with an Interactive 2020 Election Map from 270 to Win
  - Review Election Maps for every election since 1972
    - What trends do you see in the maps?

- **Analyze Arguments For and Against:** Should the United States continue to elect a President using the Electoral College?
    - **Supporting Direct Election** - Many people call for the elimination of the Electoral College as an anti-democratic structure. These observers believe only a direct election by popular vote can accurately express the will of the people.
    - **Supporting the Electoral College -** Other people believe it is essential to keep the Electoral College in order to ensure that states with small populations have relevance in national elections. Without electoral votes, presidential candidates might tend to ignore small states because there are few popular votes to gain.
  - **Resources**
    - Debating the Electoral College, The Lowdown, KQED Learning
    - Does My Vote Really Count? NC Civic Education Consortium
    - The Electoral College: Top 3 Pros and Cons

### Online Resources for Presidential Elections and the Electoral College

- Presidential Election Results: 1789-2012
- Presidential Election Maps from 1789
- Presidential Election Laws
- Electoral Decoder presents a historical overview of past elections with video and other resources
- Political Parties and Elections
- FairVote Support National Popular Vote

- Elections are complex and costly activities. OpenSecrets.org has reported that the total cost for the 2016 Presidential and Congressional elections was over six billion dollars ($6,511,181,587).

  The New York Times has posted this Detailed Map of 2020 Election that will let you look up results from 1788 neighborhoods in 40 states covering 62% of all votes cast.

### Teacher-Designed Learning Plan: State Voting Patterns: Using History to Predict the Future

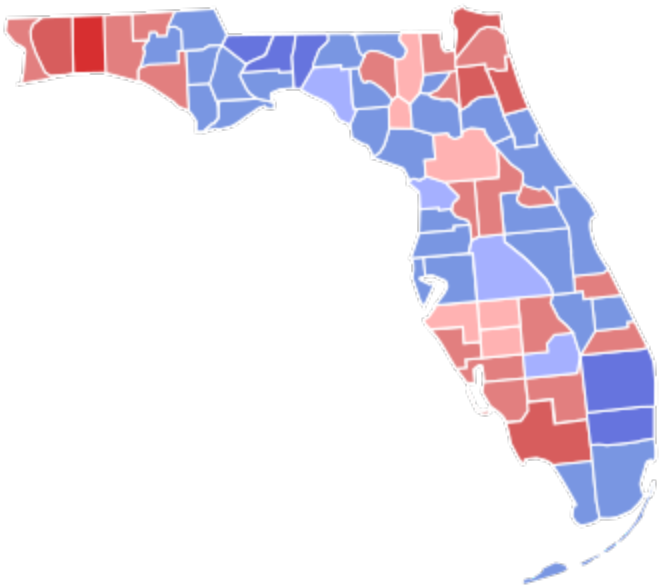
**State Voting Patterns: Using History to Predict the Future** is a learning activity developed by Amy Cyr, a 7th-grade social studies teacher in the Hampshire Regional School District in Westhampton, Massachusetts. This learning activity addresses the following standards:

- Massachusetts Grade 8: Topic 3/Standard 4
  - Explain the process of elections in the legislative and executive branches and the process of nomination/confirmation of individuals in the judicial and executive branches.
- Advanced Placement (AP) United States Government and Politics
  - Unit 5.8 - Electing a President

This learning plan can be adapted for in-person, virtual, or hybrid learning settings.

## 2. UNCOVER: 2000 and Other Disputed Elections in United States History

The **2000 Presidential election** was a race between Al Gore, the Democratic candidate, George W. Bush, the Republican candidate, and Ralph Nader, the Green Party candidate (there were several other minor party candidates as well including Pat Buchanan running as a Reform Party candidate).



"Florida Senate Election Results by County, 2000" by Vartemp is licensed under CC BY SA 4.0

The election was extremely close and even though Gore received a half-million more popular votes than Bush nationwide, Gore lost in the Electoral College when he lost the state of Florida by **537 popular votes** out of nearly 6 million votes cast. Florida's vote gave Bush 271 electoral votes, one over the required 270 to win the presidency - Al Gore finished with 266 electoral votes. It was the first election in 112 years in which **a president lost the popular vote but won the electoral vote.**

The 2000 election is one of five in U.S. history in which the "winner" received less popular votes but prevailed with a majority in the electoral college. It is one of six elections that historians consider to be "**disputed elections**." Each disputed election raises interesting questions about the United States political system and the meaning of democratic elections.

Since 2000, evidence has been uncovered of multiple glaring irregularities which were never officially investigated and support the conclusion that Gore should have prevailed in Florida by a comfortable margin (The Bush-Gore Recount Is an Omen for 2020, T*he Atlantic*, August 17, 2020). Thousands, if not tens of thousands of eligible voters were purged from the rolls in an overt move to disenfranchise African-Americans who overwhelmingly supported Gore. Voting machines in a district heavily populated by Jewish-Americans inexplicably tallied a large number of votes for Pat Buchanan, a man linked to innumerable antisemitic statements.

View the trailer for the movie RECOUNT, an HBO film starring Kevin Spacey and Dennis Leary that gives a dramatic look at the time following the announcement of Bush's victory in Florida and subsequent recount. There is more information at a *resourcesforhistoryteachers* wiki page for the 2000 Presidential Election.

The 2000 Presidential election also included the ***Bush v. Gore* Supreme Court case** in which the Court stopped a recount of votes in several Florida counties, effectively giving the election to George W. Bush. Justice Ruth Bader Ginsburg wrote a famous dissent in the case

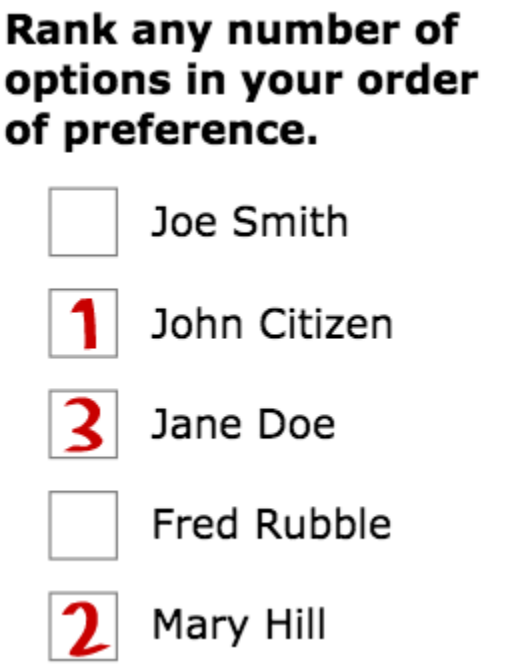
### Suggested Learning Activities

- **Research and Report**
  - Disputed Elections in American Politics describes what happened during the following Presidential elections:
    - Election of 2016
    - Election of 2000
    - Election of 1888
    - Election of 1876
    - Election of 1824
    - Election of 1800

What conclusions do you draw about the Presidential election system based on your findings?

## 3. ENGAGE: Is It Time to Adopt Instant Runoff/Ranked Choice Voting?

**Instant Runoff Voting (IRV)**—also called rank-choice voting (RCV)—is a widely discussed idea for reforming American elections.




**Sample Preferential Ballot for Ranked Choice Voting**
"Preferential ballot eo" by Rspeer is licensed under CC BY-SA 3.0

In instant runoff/ranked choice, voters can vote for more than one candidate by ranking their preferences from first to last. When the votes are counted, the candidate with the fewest votes is eliminated and those votes are redistributed to each voter's ***next*** choice. That process continues till one candidate receives a majority of the votes. Here is an Explanation of Instant Runoff Voting from

the Minnesota House of Representatives Research Department.

Maine adopted Rank Choice Voting for primary and federal elections in 2018. After a ruling in 2020 by the state's Supreme Court, Maine will become the first-ever state ot use ranked choice voting in a Presidential election. Voters will receive ballots that allow them to rank their preferences between Donald Trump (Republican), Joe Biden (Democrat), Jo Jorgensen (Libertarian), Howard Hawkins (Green) and Rocky De La Fuente (Alliance Party).

Here is how the RCV system works in that state, as explained by the Gorham Maine Committee for Ranked Choice Voting (2016):

> "On Election Night, all the ballots are counted for voters' first choices. If one candidate receives an outright majority, he or she wins. If no candidate receives a majority, the candidate with the fewest first choices is eliminated and voters who liked that candidate the best have their ballots instantly counted for their second choice. This process repeats and last-place candidates lose until one candidate reaches a majority and wins. Your vote counts for your second choice only if your first choice has been eliminated."

IRV and RCV system are now in place for regular and primary elections in cities around the United States, including Berkeley, California, Minneapolis and St. Paul, Minnesota, Santa Fe, New Mexico, and the communities Cambridge and Amherst, Massachusetts. In June, 2021, New York City began using IRV in all city primary and special elections, becoming the largest voting population in the country to do so.

IRV is also being used in countries around the world, including Australia, New Zealand, Ireland, Northern Ireland, Scotland, and the United Kingdom.

Proponents see numerous advantages to ranked-choice system: 1) Voters can support multiple candidates rather than being forced to choose just one who, although perhaps more likely to win, may not most closely align with their values and preferences; 2) Candidates are less likely to engage in personality attacks on opponents since they have an incentive to stress their own credentials in order to appeal to voters, even if they are the second or third choice selections in the poll; 3) Larger political movements can emerge as voters can choose between several progressive or several business-friendly candidates (Ranked-Choice Voting is Already Changing Politics for the Better, *The Washington Post*, May 4, 2021).

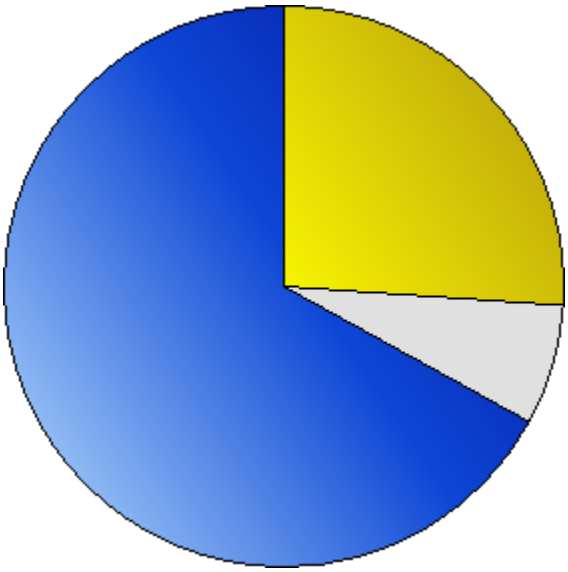
You can learn more about ranked-choice voting and other election reform proposals in Topic 4.5 in this book.

## Media Literacy Connections: Understanding Public Opinion Polls

**Public Opinion Polls** have become an prominent feature of American democracy. A **poll** is a survey given to a small sample of chosen respondents as a way to reveal what larger numbers of people think about a political issue or election candidate.

Poll results are often widely reported in both print and online media, providing information about people and politics that would not be readily available in other ways. As a matter of media literacy, it

is important to understand what polls can and cannot tell us about what people want from government or who people want to elect to public office. There are two important factors to keep in mind.



Nuclear energy poll USA | Public Domain

First, polls support democracy. The information they provide contributes to everyone's knowledge and understanding of politics and policy. And, as the Pew Research Center crucially noted, "in nations without robust polling, the head of government can simply *decree* citizens' wants and needs instead" (Key Things to Know about Election Polling in the United States, August 5, 2020).

Second, polls have limitations and shortcomings. Any poll is just a snapshot in time and may not reflect people's changing attitudes or behaviors. For example, a person may complete a poll saying they intend to vote in an election and then decide not to. Or a person may not answer a poll honestly, saying they voted for one candidate when in fact they voted for another candidate instead. For these reasons, polls may miss the levels of support or opposition for issues or candidates actually present in society.

**Activity 1: Conduct an Opinion Poll of Family, Classmates, Friends, Neighbors**

In this activity, you will conduct a poll on an issue or political candidate that matters to you and compare it with state and national polls about the same topic or person. Then analyze how different types of media (newspapers; websites; television) present polling data. How do you think visual or textual presentations influence viewers?

**Steps to Follow:**

- Choose a policy issue or political candidate that is important to you. It could be an issue like environmental protection, increases in the minimum wage, mandatory mask rules, vaccination policies for teachers and students, or you could focus on a political figure in the news.
- Interview members of your family, classmates, friends, teachers, neighbors, and community members about the issue or candidate you have chosen.
- Compare and contrast your responses to available state and national polls on your selected

topic or political figure. For example,
    - Here is a poll on mask wearing during the pandemic from National Geographic
    - Here is ongoing poll ratings for President Joe Biden from FiveThirtyEight.

**Activity 2: Conduct Your Own Poll on Election Voting**

In this activity, you will conduct a poll on how people you know voted in the most recent election and compare it to actual voting results nationwide.

**Steps to Follow**:

- Conduct a poll of your family, neighbors, and community members about who they voted for in the 2020 election.
- Compare your poll results with those from the maps from USA Today.
- Ask those who completed your poll what they think of polls and how reliable they are?
- Create your own television news report based on your findings.

**Activity 3: What Happens When Election Polls Are Wrong**

In this activity, you will look at the 2016 and 2020 Presidential election polls and media portrayal and determine why many people felt mislead by the media after reading the polls.

**Steps to Follow**:

- Review the resources below and create a video, podcast, or sketchnote about why polls might sometimes not accurately forecast an election result:
    - How Did the Media — How Did We — Get This Wrong?
    - When the media gets a close election wrong
    - The Polling Crisis is a Catastrophe for American Democracy

## Suggested Learning Activities

- **Conduct a Ranked Choice Vote Election in Your School or Classroom**
    - Set up an election contest such as high school class or middle school class name; students' favorite candy or ice cream flavor (other than vanilla and chocolate).
    - Voters rank the candidates (for example: chocolate chip, buttered pecan, strawberry, cookies and cream) according to their first, second, third and fourth choices.
    - Tally the votes and conduct an instant runoff election to determine the winner.
- **State Your View**
    - Did the opportunity to vote for more than one "candidate" heighten interest and involvement in the election process?
    - Do you feel that the result was more or less democratic?

## Online Resources for Instant Runoff/Ranked Choice Voting

- Map showing where Instant Runoff Voting is being used in the United States
- RCV Mock Election Vote Tally, from Vote Different Santa Fe
- Stimulating Instant Run-off Voting Flips Most Donald Trump Primary Victories

## Standard 3.4 Conclusion

In American elections, citizens determine, by voting, who will represent them in the federal, state, and local government. The candidate with the most popular votes is the winner in all elections except for the President. **INVESTIGATE** explained the Presidential election process and the role of the Electoral College. **UNCOVER** reviewed disputed elections in U.S. history including the 2000 Presidential election. **ENGAGE** asked whether it is time to adopt instant runoff/ranked choice voting as an alternative to current practices.

# 3.5

# The Role of Political Parties

## Standard 3.5: The Role of Political Parties

*Describe the role of political parties in elections at the state and national levels.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T3.5]**

## FOCUS QUESTION: What Are the Roles and Impacts of Political Parties in American Politics?

**President Lyndon B. Johnson Addressing Crowd at a Campaign Rally, September 1964**
"LBJ on the campaign trail" by Cecil W. Stoughton | Public Domain

Political parties can be defined as "**a group of people who share the same ideas about how the government should be run and what it should do**" (League of Women Voters California Education Fund, 2013, para. 2).

Mention the term **political party** and many people think of today's two major parties and their animal symbols—the Democrats' donkey (which first appeared during Andrew Jackson's 1828 Presidential campaign) and the Republicans' elephant (first drawn by political cartoonist Thomas Nast in 1874).

For other people, political parties mean sharply different visions for how American society should be organized and they align themselves with the party that matches their viewpoint. The Gallup Poll reports that in 2019, 27% consider themselves Democrats; 26% Republicans; and 46% Independents or not aligned to any party (Gallup, 2019).

Members of a political party work together to win elections and influence the making of public policy. Political parties are much more than promotional symbols or ideological home bases for policy-interested voters. Political parties determine the candidates for President, members of Congress, and many state and local positions. They establish the majority party/minority party organization of Congress. They raise enormous sums of money to support those running in state and local elections. They influence policy through political advocacy and public information campaigns.

What are different ways that political parties function within the nation's political system? The modules for this standard explore that question by examining the evolution of the political party system, the roles of third parties and radical political parties at different times in history, and the question of whether every voter should join a political party.

### Modules for this Standard Include:

1. INVESTIGATE: The Evolution of the Party System and Political Parties Today
2. UNCOVER: Radical Political Parties in United States Politics: Populists, Socialists, and Black Panthers
3. ENGAGE: Should Voters Join a Political Party?
    - MEDIA LITERACY CONNECTIONS: Design a Social Media Campaign for a Political Party

# 1. INVESTIGATE: The Party System and Political Parties Today

Political parties have been part of the U.S. political system since the nation's founding, beginning with debates over the federal Constitution of 1787 between the Federalists (led by Alexander Hamilton) and the Anti-Federalists (led by Thomas Jefferson). Party divisions and rivalries have continued ever since, despite George Washington's warning in his Farewell Address on September 19, 1796:

> "It [party conflicts] serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity [hatred] of one part against another; foments [provokes] occasionally riot and insurrection."

Since just before the Civil War, American politics has been dominated by "two large-tent parties

battling for primacy against each other, but often battling themselves" (Tomasky, 2020, p. 60). Evolution of Political Parties in American Politics offers an overview of the party system. This Political Party Timeline Prezi features a historical overview of political parties in American politics.

**Political Parties Today**

According to Ballotpedia, there were 225 recognized political parties in the United States during the 2020 election. A recognized political party is an organization that has followed a state's rules for being on an election ballot. The Democratic and Republican Parties appeared on the ballot in all 50 states and the District of Columbia, accounting for 102 of the 225 recognized parties. The Libertarian Party appeared in 35 states; the Green Party in 22 states; and the Constitution Party in 15 states.

Our wiki page, The Conservative Movement in American Politics, charts the rise of conservative politics since 1980 and includes material on the Tea Party as well as a link to information about the **The January 6, 2021 Insurrection at the Capitol**.

**The Democrats and the Republicans**

Contemporary American politics is dominated by the Democratic and Republican political parties and political scientists Mathew Grossman and David H. Hopkins (2016) see **fundamental shifts happening to them**. Historically, Republicans have been organized around broad symbolic principles whereas Democrats were a coalition of social groups with particular policy concerns. The 2020 election and the impeachments of Donald Trump show both parties being reshaped in ways that are breaking apart those frameworks.

Writing in the *The New York Review of Books* 2020 Election issue, historian David W. Blight (p. 4) defines the parties thusly: "Democrats represent a coalition held together by an ideology of inclusion, a commitment to active government, faith in humanistic and scientific expertise, and an abhorence of what they perceive as the monstrous presidency of Donald J. Trump." Republicans are mainly organized around a "commitment to tax reduction, corporate power, anti-abortion, white nationalism, and the sheer will for power."

Assessing the changes in U.S. political parties following the 2016 Presidential election, Jacob S. Hacker and Paul Pierson (2020) see the Republican Party as a mix of big-money corporate elites and socially conservative white working class voters that has party adopted policies of "plutocratic populism" including corporate tax cuts and government deregulation along with efforts to curb and eliminate health care and social safety net programs directed toward women and people of color. Ironically in that Presidential election, the votes of people in rural, predominantly White, lower-income counties across the nation that have fewer doctors, less health care resources and higher rates of obesity and diabetes shifted to a Republican candidate whose policies would not respond to those health needs (Wasfy, Stewart & Bhamahani, 2017).

The Republican Choice by Clare Malone (2020) offers a thoughtful review of the recent history of the Republican Party, its southern strategy to attract White voters, and the impacts of the Trump Presidency. The 2020 election and the subsequent attack on the Capitol by an organized group of Trump-supporting insurrectionists has led to an apparent fracturing of the Republican Party between what historian Heather Cox Richardson has labelled the party's business wing and its Trump wing.

### Political Parties and Political Polarization

In their book *Polarized America*, three political scientists contend that since a mid-twentieth century period of ongoing compromise and collaboration between Republicans and Democrats, the "parties have deserted the center of the dance for for the wings" (McCarty, Poole, & Rosenthal, 2016, p. 2). The result is a growing gap between the parties and their members known as **political polarization.**

In political polarization, members of political partiers move away from each other toward ideological extremes, making it harder and harder to reach compromise on public policy issues. This results in legislative gridlock, where Congress and even some state legislatures are unable to reach agreement on how to respond to social and economic problems. To learn more, go to Explainer: Political Polarization in the United States from Facing History and Ourselves (2020).

In the view of some researchers, increased political polarization is directly connected to growing economic inequality. Those with economic resources and political power take whatever steps they can to maintain their position and status; those without have opposite resources. Compromise is harder to achieve; politics becomes more and more divisive; and "*Conservative* and *liberal* have become almost perfect synonyms for *Republican* and *Democrat*" (McCarty, Poole, & Rosenthal, 2016, p. 4).

Interestingly, the messages that political parties offer voters can serve to deepen political polarization. Most Americans tend to agree on society's problems and how to solve them; for example, they want to prohibit workplace discrimination, create racial equity, fight climate change; wear masks to curb the pandemic. But, as two political scientists found, when politicians frame these issues as a matter of partisan politics, then people's positions polarize into separate camps (Gadarian & Albertson, 2014).

### Gerrymandering and Electoral Redistricting

**Gerrymandering** is the practice of redrawing legislative district lines in order to help one political party win elections and maintain political control. It is a fundamentally undemocratic process since its intent is to institutionalize political power and make it harder for voters to create change.

The practice goes back to the early days of the republic when Massachusetts governor Elbridge Gerry (who was also the nation's 5th Vice-President) had the state legislature create voting districts to favor the candidates of the incumbent Democratic-Republican party over the Federalists in the 1812 election. Political parties have been seeking to dilute the voting power of the other party by redrawing districts to ensure that their party holds a majority ever since.

By law, under the Constitution, state legislatures must divide their state into voting districts every ten years, following the results of the U.S. Census. The goal is for voting districts to reflect population changes while maintaining the principle of "**one person, one vote**." Under one person, one vote, each person's vote should count essentially the same as the next person. Since those who are elected represent "people, not trees" (that is, actual people who live in a place rather than the geographic size of a region), each state voting district is supposed to have an equal share of the state's population. But election mapmakers can manipulate the shape of those districts to favor one party over another.

Our country's **winner-take-all** election system where 51% of the voters get 100% of the representation encourages gerrymandering (Gerrymandering, Fair Vote). Politicians can readjust the

size of voting districts, often along racial and ethnic lines, so that one party is essentially ensured of winning most elections. Racial Gerrymandering in North Carolina offers a case study on how politicians in that state exploited redistricting to influence the outcome of elections.

**Redistricting the Nation** offers another view of how political districts were redrawn in Pennsylvania, North Carolina, and Arizona along with ideas for how citizens might go about creating their own districts to more fairly represent their interests.

To draw your own Fair Election Districts, visit GeoCivics from the University of Colorado Colorado Springs.

Watch on YouTube https://edtechbooks.org/-GVUP

**Third Parties in American Politics**

In addition to the Democratic and Republican parties, **short-term third parties** have influenced public policy debates as well as the outcomes of national and state elections. Historically, third parties arise around a major issue of interest that attracts support from voters. In the election of 1860, the Republican party candidate Abraham Lincoln who opposed expansion of slavery into new territories defeated candidates from the Democrat, Southern Democrat, and Constitutional Union parties. Following Lincoln's election, southern states seceded from the Union and the Civil War began.

The Progressive, or Bull Moose Party, led by former President Theodore Roosevelt, and the Socialist Party, led by Eugene V. Debs, were among the most impactful third parties in American history. In 1912, Roosevelt, running as the Bull Moose candidate, won six states and 27% of the popular vote; Debs received nearly one million votes in that same election. Other important third parties include the American Independent Party whose candidate segregationist George C. Wallace won 46 electoral

votes and over 9 million popular votes in 1968. In 1980, when Republican Ronald Reagan defeated Democrat Jimmy Carter, independent party candidate John B. Anderson received nearly 7% of the popular vote.

Many observers believe that the 2000 Green Party candidate Ralph Nader who won nearly 3% of the popular vote took enough votes away from Democrat Al Gore to enable Republican George W. Bush to win the Presidency. In 2016, when Donald Trump lost the popular vote but defeated Hillary Clinton in the electoral college, third party candidates received 6% of the total national vote.

### Suggested Learning Activities

- **Create a Sketchnote**
  - When Have Third Parties Impacted American Presidential Elections?
    - Political Parties: Two is Company, Three's a Crowd, PBS Newshour
    - Third Parties in the U.S. Political Process from PBS Newshour provides an overview of third parties in American history.
    - The Third Party Impact on American Politics, *UVA Today*, University of Virginia (August 3, 2016)
- **Analyze Primary Sources**
  - Compare and contrast American Political Party Platforms, 1840 to 2008 from the American Presidency Project (includes only parties that received electoral votes)
- **Interpret Map and Geography Data**
  - Research a major metropolitan in your state at the site Where Democrats and Republicans Live in Your City (*FiveThirtyEight*, May 20, 2019).
  - What do you think explained the political party patterns revealed in the data?
  - Research the 2020 Election and see if voting patterns have changed or remained the same.

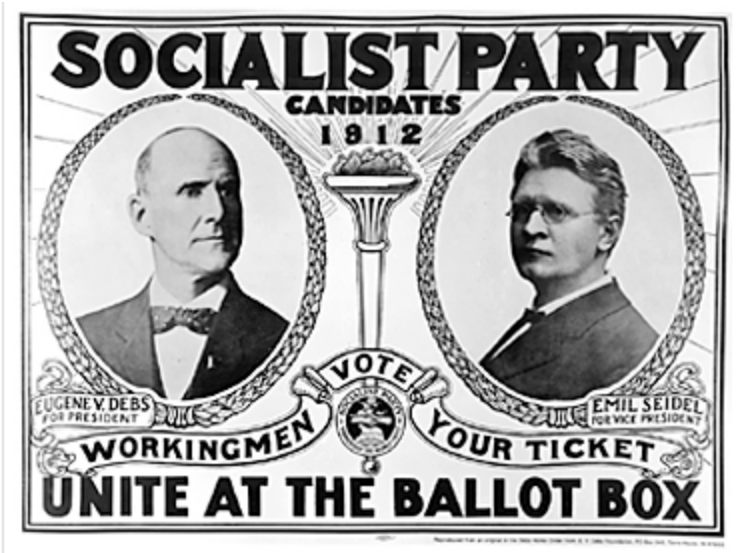
### Online Resources for Political Parties

- "What Unites Republicans May Be Changing. Same with Democrats," *FiveThiryEight*, December 17, 2019
- Politics and Public Policy, iCivics
- Political Parties Learning Plan that includes a rap song.

## 2. UNCOVER: Radical Political Parties in United States Politics: Populists, Socialists, and Black Panthers

### The Populist Party and the Socialist Party

The period from the late 1890s through the first two decades of the 20th century saw the rise of radical political parties associated with unions and working people, notably the **Populist Party** and the **Socialist Party**. Both sought to represent workers in politics.




Campaign poster for Socialist Party, 1912 Election

"Debs campaign" | Public Domain

This period in United States History was known as the **Gilded Age** when expansive growth in industry led to vast inequalities of wealth and power. A class of industrial entrepreneurs alternatively called "captains of industry" or "robber barons" dominated American politics. Many different industries were dominated by a few corporations and people; for example:

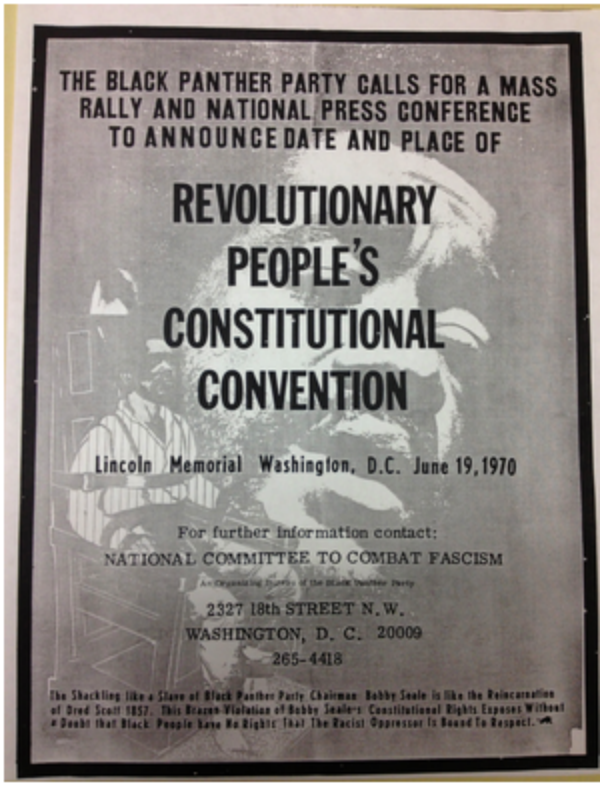
- Oil ---------->Standard Oil, **John D. Rockefeller**
- Steel ----------> Carnegie Steel, **Andrew Carnegie**
- Railroads -----> Central Pacific Railroad, **Cornelius Vanderbilt**
- Automobiles-->Ford Motor Company, **Henry Ford**

In 1860, there were 400 millionaires in the United States; by 1892, there were 4,047. John D. Rockefeller became the nation's first billionaire in 1916. In 2018, there were 11.8 million Americans with a net worth of at least $1 million (Spectrum Group, 2019).

Radical political parties offered a sharp critique of the economic and social class structure. These parties supported changes in laws as well as efforts by labor unions to create change in conditions for workers through strikes and political action (Labor Unions and Radical Political Parties in the Industrial Era).

## The Black Panther Party

The Black Panther Party for Self-Defense, a militant political organization, was founded in 1966 in Oakland, California by Huey P. Newton and Bobby Seale (Overview of the Black Panther Party). Political activism by women was also an important party of the Black Panther Party (People's Historians Online: Women in the Black Panther Party, Zinn Education Project).




**Flyer for a Black Panther Party Rally, 1970**
"Black Panther DC Rally Revolutionary People's Constitutional Convention 1970" | Public Domain

The Panthers set forth a **10-Point Platform** for political, economic. and social change that "contained basic demands such as self-determination, decent housing, full employment, education that included African-American history, and an end to police brutality" (Weise, 2016, para. 20). Watch Bobby Seale Speech: The BPP Ten Point Program/Platform.

The Black Panthers are frequently labelled extremists, but the historical reality is quite different (27 Important Facts Everyone Should Know About the Black Panthers). Learn more the Black Panthers at a *resourcesforhistoryteachers* wiki page about the Accomplishments of the Civil Rights Movement.

Public interest in the origin of the name "Black Panther" followed from the 2018 movie ***Black Panther*** about King T'Challa of the fictional land of Wakanda. In the movie, Blacks have power, money, technology and high culture and a superhero to lead them. But the name goes back much further. During World War II, the name Black Panthers referred to the **majority-Black 761st Tank Battalion** that engaged in combat for 183 days in a row in France and Germany throughout 1944 and 1945, its members earning 7 silver stars, 246 purple hearts, and one Congressional Medal of Honor.

Some have speculated that the Black Panther Party was connected to the appearance of the Black Panther comic book character. Both appeared in 1966 and both sought to express the pride and power of Black people. Black Panther party founders Huey Newton and Bobby Seale said they adopted the black panther symbol from Alabama's Lowndes County Freedom Organization. Black Panther comic creators Jack Kirby and Stan Lee have said they were not specifically influenced by the Black Panther Party. While the Black Panther Party dissolved in 1982, the Black Panther comic has

continued, explicitly addressing themes of Black empowerment and opposition to White racism, notably when the Christopher Priest, the comic's first African American cartoonist, drew the strip in the 1990s. Ta-Nehisi Coates currently writes the Black Panther strip for Marvel Comics.

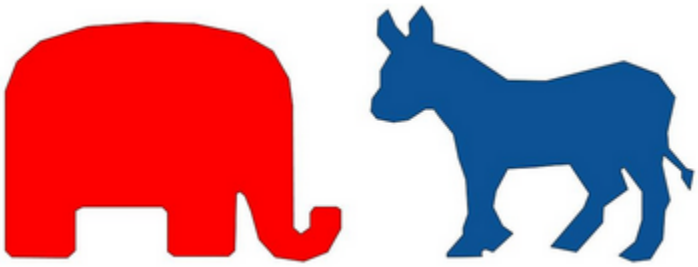
### Suggested Learning Activities

- **Design a Poster for a New 21st Century Radical Political Party**
  - Propose a new radical political party whose mission is to address a current political, social or economic issue: for example a Black Lives Matter Party, End Plastic Waste Party, or Clean Water for All Party.
    - What would be the party's symbol?
    - What would be its slogan?
    - What would be its platform for change? For background, read the Progressive Party Platform of 1912

- **Analyze a Primary Source**
  - **READ**: A Proposed Platform of the Progressive Party of 1950, a previous to 2020 unpublished piece by W.E.B. DuBois in which he asks for more rights for working people, socialized medicine, and public housing.
    - What connections and parallels do you see between what Du Bois was writing about then and people are seeking and encountering today?

## 3. ENGAGE: Should Voters Join a Political Party?

When registering to vote, each person has a choice whether or not to join a political party.



"Donkey and elephant - democrat blue and republican red - polygon rough"
by Sagearbor is licensed under CC BY-SA 4.0

Those who do not select a party designation are considered to be “independent” or “unenrolled,” joining 39% of all Americans who are not members of a political party. Importantly, registered voters can vote in any general election whether or not they belong to a political party. In general elections at the national, state, and local level, everyone receives the same ballot and can choose from among the same number of candidates.

Four parties hold primaries in Massachusetts: Democrat, Republican, Green-Rainbow, and Libertarian (Political Parties in Massachusetts). The state also has five other political parties: America First, Communist, Constitution, Labor and Veterans. A voter’s political party choices are different in other states. In California, for example, there are seven qualified political parties:

Americans Elect, American Independent, Democratic, Green, Libertarian, Peace and Freedom, and Republican. Link to National Political Parties from Votesmart.org for state-by-state listing of political parties.

Does it make sense for every voter to join a political party? Party membership enables one to vote in that party's primary election where its candidates for general elections are chosen. In states that hold what are called "closed" or "semi-closed" primaries, however, individuals cannot participate unless registered as a member of a political party (Congressional and Presidential Primaries: Open, Closed, Semi-Closed, and Others*)*. Still to be able to vote in a primary is not the only reason to belong or not belong to a political party. Many people valued being associated with other individuals who share similar views on political, social and economic matters.

**Young People and Political Party Membership**

What about young people and political party membership? The Center for Information & Research on Civic Learning and Engagement at Tufts University found the although young people tend to be excited about political change that enthusiasm does not carry over the joining a political party. Rather seek out membership, any young people express disinterest and distrust toward political parties and the larger electoral process (Young People's Ambivalent Relationship with Political Parties, *CIRCLE*, October 24, 2018).

## Media Literacy Connections: Design a Social Media Campaign for a Political Party

In theory, multiple political parties give voters multiple choices during elections. In 2020, there were 21 Presidential candidates on the ballot in Vermont and Colorado and in all other states voters could choose between 3 and 13 different candidates.

In reality, though, candidates from parties other than the Democratic or Republican parties have only a small chance of winning a state-wide election (Independent Senators Bernie Sanders of Vermont and Angus King of Maine are exceptions to that statement). In Minnesota, for example, the Legal Marijuana Now Party candidate for U.S. Senate won 185,064 votes (5.77%) while the winner, Democrat Tina Smith, received 1,566,522 votes (48.81%).

Still, this does not mean that supporting a third party candidate means "wasting" one's vote on someone who cannot win an election. Multiple political parties raise public awareness of issues facing society which can lead to social, economic, and political change.

In this activity, you get to design a social media campaign for a new political party.

**Activity**: Design a Social Media Campaign for a New Political Party

- First, research how members of Congress use social media.
- Then, explore the websites of several members of Congress. What visuals are included on the website? What key topics are mentioned? What other information (visual or textual) is provided? Why?
- Then, come up with a title for your new political party.
- Use Google Sites, Wix, Weebly, or Adobe Spark to create a webpage for your political party.
- Make sure to include a logo for the party, slogan, and political goals.
- Use Tweetgen to create a series of tweets for your political party. Download images of these tweets (or take screenshots) and add them to your website.
- Bonus: As a class, review everyone's social media campaigns and select a winning party.

**Reflect:**

- How does social media construct public images for political figures?
- How do political parties attempt to influence voters through social media campaigns?
- How does public opinion impact campaign donations?

**Additional Resources:**

- For Teachers:
    - The Effects of Public Opinion on Campaigns (Lumen)
- For Students:
    - How Social Media is Shaping Political Campaigns (University of Pennsylvania)
    - Polarization of American Politics (Pew Research Center)

### Suggested Learning Activities

- **State Your View**:
  - Do you plan to join a political party when registering to vote?  Why or Why Not?
- **Learn Online**:
  - Take a 2020 Political Quiz from Isidewith.com to establish which political party aligns to your views on important issues.
- **Argue for Joining and Not Joining a Political Party**
  - What do you see as the advantages and drawbacks to joining a political party?
    - How to Choose a Political Party, League of Women Voters California Education Fund (May 1, 2019)
    - Six Reasons Progressive Activists Should Join a Political Party, Open Democracy (November 19, 2013)

### Online Resources for Political Party Membership

- Sick of Political Parties, Unaffiliated Voters are Changing Politics, *NPR* (February 28, 2016)
- Massachusetts Directory of Political Parties and Designations from the Secretary of the Commonwealth's office provides a listing of parties in present-day Massachusetts, as well as links to the websites of the Democratic Party, Republican Party, Green Party, and others.

## Standard 3.5 Conclusion

Political parties are central to the nation’s system of elections at all levels of government. Parties nominate candidates and organize voters. Two major parties, the Democrat and Republican, dominate national politics today. **INVESTIGATE** explored how the system of political parties evolved in U.S. history, including how third parties influence elections and policies. **UNCOVER** examined the emergence of radical political parties in different time periods - Populists, Socialists, and the Black Panthers. **ENGAGE** asked whether every voter should join a political party?

Topic 4

# The Rights and Responsibilities of Citizens

"World Citizen Badge" by DasRaskel is licenced under CC BY-SA 2.0

## Snapshot of Topic 4

### Supporting Question

What is the role of the individual in maintaining a healthy democracy?

### Standards [8.T1.1-13]

1. Becoming a Citizen
2. Rights and Responsibilities of Citizens and Non-Citizens
3. Civic, Political and Private Life
4. Fundamental Principles and Values of American Political and Civic Life
5. Voting and Citizen Participation
6. Election Information
7. Leadership and the Qualities of Good Leaders
8. Cooperation between Individuals and Leaders
9. Public Service as a Career
10. Liberty in Conflict with Equality or Authority
11. Political Courage and Those Who Affirmed or Denied Democratic Ideals
12. The Role of Political Protest
13. Public and Private Interest Groups

### Topic 4: The Rights and Responsibilities of Citizens

Topic 4 explores the rights and responsibilities of citizens in our democracy. It consists of 13 standards ranging from how to become a citizen to the different **ways that each of us can actively participate in political and civic life** through voting, public service, political protest, and membership in public and private interest groups.

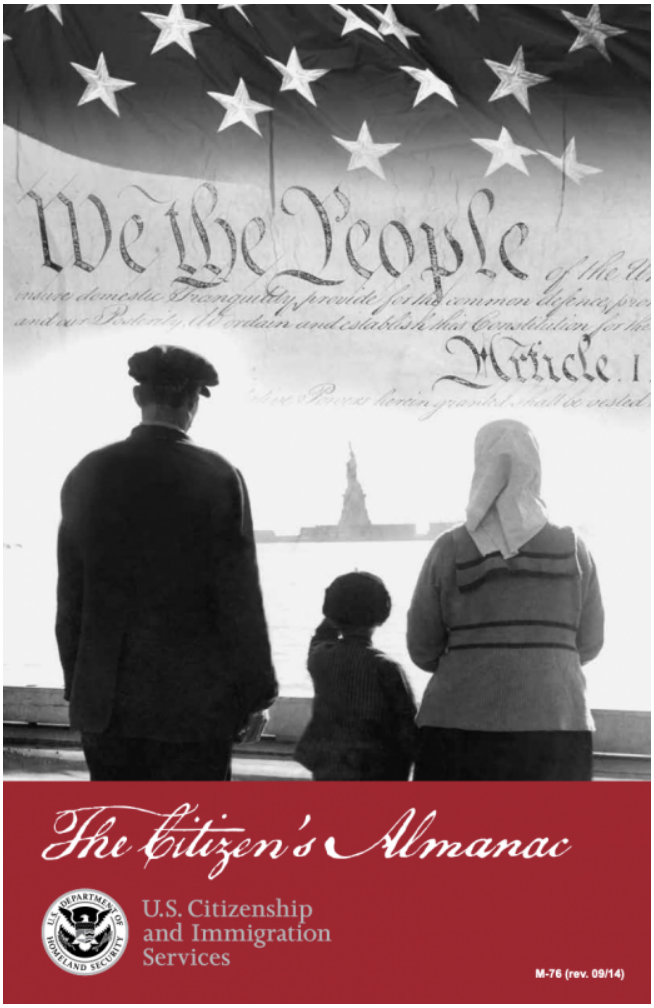
# 4.1

# Becoming a Citizen

## Standard 4.1: Becoming a Citizen

*Explain the different ways one becomes a citizen of the United States.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.1]**

## FOCUS QUESTION: How has the Meaning of Citizenship in the United States Changed Over Time?




"The Citizen's Almanac" by USCIS | Public Domain

Who were the first citizens of America?

Although the United States has been called “a nation of immigrants,” **First American tribes** lived in North America for 50,000 years before the arrival of Europeans. It is estimated that 90% of that native population died from diseases (smallpox, influenza, measles, chicken pox) introduced by Europeans.

From the outset of European settlement, North America was a **multiculturally diverse continent**. Before the American Revolution, there were Spanish settlers in Florida, British in New England and Virginia, Dutch in New York, and Swedish in Delaware.

There were slaves - 10.7 million Africans brought to the New World - none of whom “immigrated” to this country under their own free will (Gates, Jr. | PBS). There were also indentured servants in the colonies as well as 50,000 convicts sent from jails in England.

The first Census in 1790 listed 3.9 million people living in the country - Native Americans were not counted. Nearly 20% of the people in 1790 were of African heritage (but slaves were counted as three-fifths of a person). At the time of the Civil War, the nation’s population was nearly 31.5 million people - 23 million in the northern states including 476,000 free Blacks and 9 million the southern

states, of whom 3.5 million were enslaved Africans (North and South in 1861, North Carolina History Online). Follow the rest of the story at Immigration Timeline, a site from the Statue of Liberty/Ellis Island Foundation.

Throughout American history, immigrants from many different countries and faiths have struggled to obtain citizenship under the nation's changing laws and policies. The United States, observed historian David Nasaw (2020), "is and has always been both a nation of immigrants and a nation that periodically wages war against them" (para. 1).

Even "**birthright citizenship**," the principle that anyone born in the country is automatically a citizen was initially just for "free white persons." It has taken time, protests, and the Civil War to expand the boundaries of who could become an American citizen. Blacks were not granted citizenship until the passage of the Fourteenth Amendment in 1868. It took a Supreme Court decision, *United States v. Wong Kim Ark* (1895), to overthrow the Chinese Exclusion Act of 1882 and establish birthright citizenship for Chinese Americans. American Indians did not gain full citizenship until 1924.

"America is a nation peopled by the world, and we are all Americans," wrote historian Ronald Takaki (2008, p. 5). He wrote *A Different Mirror: A History of Multicultural America* to bring together the histories of citizenship, immigration, and America's multicultural society while challenging a longstanding "master narrative of American history" that has marginalized the experiences of indigenous people as well as those who came to this country from Africa, Asia, and Latin America (2008, p. 5). We need to view society through a different mirror that enables us to learn the *how* and *why* of America, its history, and our country's "amazingly unique society of varied races, ethnicities, and religions" (Takaki, 2008, p. 20).

**What are the diverse histories of people becoming citizens of the United States?** The modules for this standard explore the many dimensions of United States citizenship, including the official rules and procedures for how someone becomes a United States citizen as well as less often discussed citizenship histories of indigenous peoples, Africans who came to America involuntarily as slaves, and immigrants who came here voluntarily. There is also a module focusing on the complicated story of Puerto Rican citizenship and a module exploring when someone should be granted asylum in the United States.

### Modules for this Standard Include:

1. INVESTIGATE: Becoming a Citizen Through Immigration Gateways and Ports of Entry
2. UNCOVER: Citizenship for Puerto Ricans
3. ENGAGE: When Should Someone Be Granted Asylum in the United States?
    - MEDIA LITERACY CONNECTIONS: Contextualizing Immigration

## 1. INVESTIGATE: Becoming a Citizen Through Immigration Gateways and Ports of Entry

Broadly defined, **Citizenship** consists of sharing a political community and enjoying the benefits and assuming the responsibilities that give effect to the experience of a shared community. In the legal system, the two most important tools traditionally used to determine citizenship are:

1. **Birthplace**, or *jus soli,* being born in a territory over which the state maintains, has maintained, or wishes to extend its sovereignty.
2. **Bloodline,** or *jus sanguinis*, citizenship as a result of the nationality of one parent or of other, more distant ancestors. Hansen and Weil (2002, p. 2)

All nations use birthplace and bloodlines in defining attribution of citizenship at birth. However, two other tools are used in citizenship law, attributing citizenship after birth through **naturalization**:

1. **Marital status**, in that marriage to a citizen of another country can lead to the acquisition of the spouse's citizenship.
2. **Residence, p**ast, present, or future within the country's past, present, future, or intended borders (including colonial borders)

## Becoming a United States Citizen

According to U.S. Citizenship and Immigration Services (para. 1):

To become a citizen at birth, you must:

- Have been born in the United States or certain territories or outlying possessions of the United States, and subject to the jurisdiction of the United States; OR
- had a parent or parents who were citizens at the time of your birth (if you were born abroad) and meet other requirements

To become a citizen after birth, you must:

- Apply for “derived” or “acquired” citizenship through parents
- Apply for naturalization and pass the Naturalization Test and Interview

The outgoing Trump Administration has made changes to the citizenship test, making it longer and more difficult. The test bank has been expanded to 128 questions, up from 100 questions and a passing score is now 12 out of 20 questions correct (US Citizenship Test is Longer and More Difficult, *The New York Times*, December 3, 2020).

One of the questions asked "Whom does a senator represent?" The correct answer according to the test writers is the citizens of a state, not all the people of a state, a phrasing that dismisses the status of immigrants and undocumented people.

    - Take the Test and See How You Would Do

Immigration Station, Angel Island, San Francisco Bay

"Angel Island Immigration Station" by Hart Hyatt | Public Domain

United States citizenship, however, is more than a set of legal principles that are applied in a court of law; citizenship is the product of historical developments and changing policies toward migrants and newcomers. From colonial times, those who came here from other places entered the United States through one of the following **Immigration Gateways or Ports of Entry**, many of which were islands:

- Castle Island
- Ellis Island
- Sullivan's Island
- Angel Island
- Pelican Island
- The U.S./Mexico Border

The citizenship histories of diverse Americans can be accessed at the following *resourcesforhistoryteachers* wiki pages:

- African Americans: Slavery in Colonial North America; The Growth of Slavery after 1800; and Post Civil War African American Civil Rights
- European Americans: European Immigration Before the Civil War
- Chinese Americans: Chinese Immigration to the United States
- Mexican Americans: Mexican Immigration to the United States
- Native Americans: Native American Citizenship
- Muslim Americans: Muslim Immigration to the United States

Not everyone who entered the United States during the 19th and 20th centuries automatically became a citizen (Museum at Eldridge Street, New York, NY). Following the passage of the

Naturalization Act of 1906, immigrants had to file a petition for citizenship, be able to speak English, reside in the country for between 2 and 7 years, and have a hearing before a judge that usually involved answering questions orally about U.S. history and government (Background History of the United States Naturalization Process). Passing a spoken test became a formal requirement for citizenship in 1950.

## Suggested Learning Activities

- **Design an Interactive Visual Story**
  - Using Google Tour Creator (interactive maps) or Google Tour Builder (360 degree virtual stories), create an interactive visual story of the major points of entry (see the Immigration Gateways and Ports of Entry wiki page).
  - For each port of entry include years of operation, location, major groups of migrants passing through, and other historical information and primary source images.
- **Analyze the Life Stories of Immigrants**
  - Explore immigrant stories available from:
    - Library of Congress Immigrant Stories
    - Immigration History Research Center
    - Exploring Young Immigrant Stories, *Teaching Tolerance Magazine*
- **Analyze a Primary Source**
  - Read aloud The New Colossus by Emma Lazarus, the poem found at the Statue of Liberty in New York City Harbor.
  - What did the poet mean through her use of phrases such as “glows world-wide welcome,” “huddled masses,” “tempest-toss,” and “golden door?”
- **State Your View**
  - Should all high school students have to pass the U.S. Citizenship test to graduate?
    - Before you begin:
      - Try out the Civics Practice Test from the U. S. government's Citizenship and Immigration Services.
      - Take the U.S. Citizenship Civics Test from the Joe Foss Institute.

## Online Resources for Becoming a Citizen

- Naturalization Oath of Allegiance to the United States of America
- Citizenship and Participation Lesson Plans, iCivics
- Historical Development of Immigration Policy
- Chinese Exclusion Act of 1882
- Barring Female Immigration: Page Act of 1875
- Displaced Persons Act of 1948 - Allowed 400,000 displaced persons to immigrate to the U.S. over and above quota limits
- Refugee Act of 1980 - Allowed for the admission to the United States of refugees facing humanitarian concerns
- Compare and contrast citizenship requirements, Past and present - What does this show us?
  - The Nuremberg Race Laws (United States Holocaust Museum) offers an example of how another society defined citizenship; these laws passed were in 1935 by the Nazi Party to deny citizenship to German Jews.

## 2. UNCOVER: Citizenship for Puerto Ricans

Applying Takaki's different mirror point of view, citizenship histories of Puerto Ricans reveals longstanding patterns of discrimination and indifference toward the island and its peoples.

"2009 Puerto Rico Quarter" | Public Domain

3.4 million people currently live on the island of **Puerto Rico**. Another 5.1 million Puerto Ricans reside in other parts of the United States. They are the second largest Hispanic sub-group, accounting for 9.5% of the nation's Hispanic population (Puerto Ricans in the United States: A Statistical Portrait, Pew Hispanic Center, March 25, 2019).

Puerto Rico became a **United States territory** after the Spanish-American War in 1898. The Jones-Shafroth Act (1917) granted U.S. citizenship to anyone born on the island; the island's 1954 Constitution established its status as a **commonwealth** or **estado libre asociado** (free associated state).

Puerto Rico's government functions much like other U.S. state governments. People vote for the governor, members of the legislature, and the island's representative to the House of Representatives - known as a Resident Commissioner (although that person does not have a vote in the House). However, Puerto Ricans **cannot vote** in U.S. Presidential elections.

For more information, view the video Why Puerto Rico is not a US State (Vox, January 25, 2018). Review the debate over statehood for Puerto Rico here.

Puerto Ricans have impacted every part of American life and culture. The 65th Infantry Regiment or **Borinqueneers** (the original Tanio Indian name for Puerto Rico) was the first group of Hispanic segregated soldiers in U.S. history—they fought in World War I & II, Korea, and Vietnam and received a Congressional Gold Medal in 2016. **Sonia Sotomayor**, whose parents are Puerto Rican, is a current Supreme Court Justice. **Deborah Aguiar-Velez** is the author of Spanish language computer science textbooks. **Rita Moreno** won all four major entertainment awards: the Oscar, Tony, Emmy, and Grammy. **Roberto Clemente** was the first Latin American Hall of Fame baseball player and humanitarian. The list goes on and on.

Roberto Clemente at PNC Park in Pittsburgh, PA
"Roberto Clemente statue" | Public Domain

Puerto Rico currently faces enormous social and economic problems. The Census Bureau reports that 46.1% of the people live below the poverty line. Unemployment is more than double the national average. Food insecurity is four times that of average Americans. The 2016 Zika virus created an island-wide health crisis. Hurricanes Irma and Maria devastated large areas, destroying infrastructure and dislocating people. Aid has been slow to respond. In a 2019 political crisis, corruption was revealed, leading to the resignation of the island's governor following 12 days of massive citizen protests—the first time a governor had to leave office without an election. Puerto Rico: History and Government offers more information about the island and its relationship with the United States.

## Suggested Learning Activities

- **State Your View**
  - What steps does the United States need to take to provide aid and support for the people who live in Puerto Rico?
- **Make a Digital Poster**
  - Research and create an online biography poster for a Puerto Rican woman or man who has made extensive contributions in math, science, the arts or politics; for example Sonia Sotomayor, Jennifer Lopez, Rita Moreno, Lin-Manuel Miranda, and another Puerto Rican change maker.
  - Here is a page example for **Roberto Clemente**, Baseball Player, Humanitarian and Activist.

## Online Resources for Puerto Rican history

- New England's Forgotten Puerto Rican Riots, New England Historical Society
- Puerto Rican Children's Literature for Social Justice:  A Bibliography for Educators, Social Justice Books

- The Law that Made Puerto Ricans U.S. Citizens, Yet Not Fully Americans, *Zocalo Public Square* (March 8, 2018)
- After a Century of American Citizenship, Puerto Ricans Have Little to Show for It, The Nation (March 2, 2017)
- Through a Puerto Rican Lens:  The Legacy of the Jones Act, National Museum of American History
- Puerto Rico Citizenship Archives Project, University of Connecticut

## 3. ENGAGE: When Should Someone Be Granted Asylum in the United States?

There were no federal immigration restrictions in the U.S. until the Page Act of 1875 (directed at barring female prostitutes from entering the country, it effectively prevented all Chinese women from immigrating to the U.S.) and the Chinese Exclusion Act of 1882. Between 1900 and 1920, some 24 million immigrants came to the United States, mostly from European countries. To control the flow after World War I, Congress passed national-origins quotas in 1921 and again in 1924. Immigration numbers dropped during the Great Depression and the U.S. sought to import laborers from Mexico through the Bracero Program.

"Mexicali Braceros, 1954" by Los Angeles Times | Public Domain

During the 1930s and 1940s, the United States refused aslyum for large numbers of Jewish refugees who were fleeing the Holocaust in Nazi Germany (America and the Holocaust, *Facing History and Ourselves*). By the 1960s, immigrants increasingly came from Asia and Latin America. Initially, Congress allowed immigration numbers to rise, but after the 2001 September 11 Attacks, public opinion shifted against people coming to the United States.

"Man Woman Children" by Kalhh | Public Domain

**Asylum** means protection or safety from harm. It is granted by a government to someone who is a refugee and cannot safely return to their home country (see Asylum in the United States by the American Immigration Council).

Thousands of people every year seek asylum in the United States. The U. S. government must consider those asylum requests under the provisions of the Refugee Act of 1980. The United States granted asylum to, on average, 25,161 individuals every year between 2007 and 2018 (Fact Sheet for Asylum in the United States).

Under current U.S. and international law, **anyone who physically steps on United States soil is entitled to apply for asylum.** Asylum seekers must then pass a "credible fear" interview with Immigration Agents who determine if the person(s) faces "significant possibility of persecution or harm" in their home country. An immigration court makes the final decision as to asylum. In 2018, 89% passed initial screening, however, under revised Trump Administration rules, only 17% were granted asylum in 2019 (The Complicated History of Asylum in America-Explained).

Asylum for refugees became a highly contested political topic in 2019. In response to the arrival of

migrants at the U.S./Mexico border, the Trump Administration took steps to tighten restrictions on who could enter the country by requiring migrants to first seek asylum in a Central American country before applying for that status in the United States. In 2020, President Trump used the global COVID-19 pandemic as an reason to block migrants and asylum seekers at US-Mexico border.

## Media Literacy Connections: Contextualizing Immigration

**Focus Question: How does media content reflect and shape public opinions on immigration?**

Focusing on news and current events, this activity asks students to compare and contrast different media treatments of immigration.

**Activity 1: Evaluate News and Information**

- Split students into groups of three and have each research an article on the same news event leaning left, right, and centered regarding Immigration on All Sides Immigration Issue.
- Compare and contrast the three articles using the Concepts of Media Literacy and then discuss as a class.

**Activity 2: Write Your Own News Account**

- Write and/or record a news report about an immigration issue (Mexican Border Wall; family separations; asylum seekers; the DACA Program; detention facilities; sanctuary cities).
    - There are modules on Asylum seekers and Sanctuary Cities in this eBook.
- Use words, images, and narration to present a report that is favorable or unfavorable about the issue.
- Then explain how you would change your report to make it a fair and objective presentation.

**Additional Resources**

- For teacher
    - Understanding immigration reform
- For students
    - Documentary *Forgotten Ellis Island* (on Amazon Prime)
    - Immigration Issue from All Sides

## Suggested Learning Activities

- **Record a Digital Story**
    - Use written words, audio narration, and images to tell the story of refugees seeking asylum in the United States
    - Refugees/Asylum Lesson Plan, Immigration History
- **State Your View**
    - Who should be granted asylum in the United States?
    - When, and for what reason, should someone be granted asylum in the United States?

### Online Resources for Asylum

- Asylum in the United States: A History, Southern Poverty Law Center
- The Complicated History of Asylum in America - Explained, The Week (April 28, 2019)
- Teaching Immigration with the Immigrant Stories Project, *The Advocates for Human Rights*
- Teaching About Refugees, UNHCR, United Nations Refugee Agency

## Standard 4.1 Conclusion

In exploring this standard, **INVESTIGATE** examined how immigration is connected to citizenship, first in terms of the laws pertaining to citizenship and then by identifying the ports of entry and immigration gateways where people have historically entered the United States: Castle Island, Ellis Island, Sullivan's Island, Angel Island, Pelican Island, and the U.S./Mexican border. **UNCOVER** presented the history and consequences of citizenship for the people of Puerto Rico. **ENGAGE** asked students to consider when someone should be granted asylum in the United States.

# 4.2

# Rights and Responsibilities of Citizens and Non-Citizens

## Standard 4.2: Rights and Responsibilities of Citizens and Non-Citizens

*Describe the rights and responsibilities of citizens as compared to non-citizens.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.2]**

## FOCUS QUESTION: What Are the Rights and Responsibilities of United States Citizens and Non-Citizens?

| Rights | Responsibilities |
| --- | --- |
| • Freedom to express yourself.<br>• Freedom to worship as you wish.<br>• Right to a prompt, fair trial by jury.<br>• Right to vote in elections for public officials.<br>• Right to apply for federal employment requiring U.S. citizenship.<br>• Right to run for elected office.<br>• Freedom to pursue "life, liberty, and the pursuit of happiness." | • Support and defend the Constitution.<br>• Stay informed of the issues affecting your community.<br>• Participate in the democratic process.<br>• Respect and obey federal, state, and local laws.<br>• Respect the rights, beliefs, and opinions of others.<br>• Participate in your local community.<br>• Pay income and other taxes honestly, and on time, to federal, state, and local authorities.<br>• Serve on a jury when called upon.<br>• Defend the country if the need should arise. |

Image from the website of U.S. Citizenship and Immigration Services
Department of Homeland Security | Public Domain

The Bill of Rights (the Constitution's first 10 amendments) set forth the **rights** (protections under the law) of Americans. But those rights come with **responsibilities** (obligations that citizens are

expected to perform) such as paying taxes, serving on a jury when called, defending the country, and participating in the democratic process. Exercising one's rights and fulfilling one's responsibilities are the features of **active and engaged citizenship** in this country.

**Non-citizens** also have rights and responsibilities as members of American society, but their situations are complicated by legal rules and political pressures.

What are the rights of citizens and non-citizens? The modules for this standard explore that question by outlining specific rights and responsibilities, examining the internment of Japanese Americans during World War II, and considering whether Fred Korematsu or other individuals who fought for civil rights and civil liberties should have a national day of recognition.

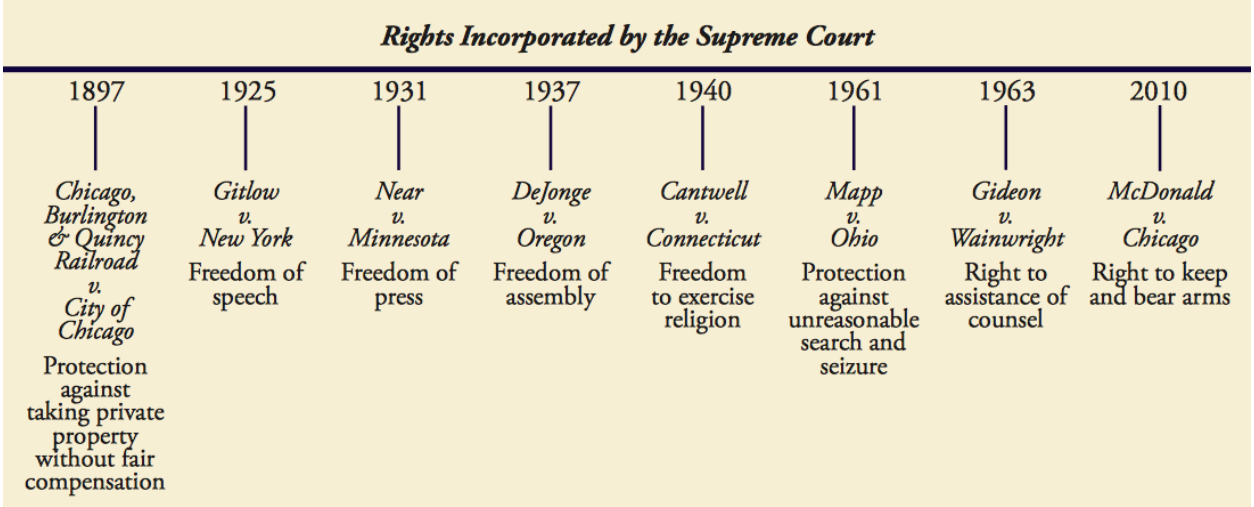
### Modules for this Standard Include:

1. INVESTIGATE: The Rights of Citizens and Non-Citizens
    - MEDIA LITERACY CONNECTIONS: Representing Immigration in TV and Films
2. UNCOVER: The Internment of Japanese Americans During World War II
3. ENGAGE: Should Fred Korematsu and Other Individuals Who Fought for Civil Rights and Civil Liberties Have a National Day of Recognition?

# 1.INVESTIGATE: The Rights of Citizens and Non-Citizens

93% of the people living in the United States are citizens; 7% are non-citizens (Kaiser Family Foundation, 2020). One recent estimate puts the number of non-citizens at 22.6 million (CAP Immigration Team & Nicolson, 2017).

The rights of individuals under the Constitution apply to citizens and non-citizens alike.




**Timeline of Rights Established by the Supreme Court**
Image from Office of the U.S. Attorney, District of Minnesota | Public Domain

Non-citizens, no matter what their immigration status, generally have the same rights as citizens when law enforcement officers stop, question, arrest, or search them or their homes. Since the

Constitution uses the term "people" or "person" rather than "citizen," many of the "basic rights, such as the freedom of religion and speech, the right to due process and equal protection under the law apply to citizens and noncitizens. How those rights play out in practice is more complex" (Frazee, 2018, para. 6-7). Learn more: Citizenship Rights and Responsibilities & Constitutional Rights of Non-Citizens.

## Media Literacy Connections: Representing Immigration in TV and Films

**Focus Question: Can you think of examples of representations of immigrants in TV series or film** (e.g. characters from *Fresh off the Boat*, *Sunnyside*, *Kim's Convenience*, and *Master of None*;* Gloria from *Modern Family*)?

Immigrants and immigrant experience are frequent themes in television and film media. Do you think these representations are accurate or stereotypical? What does media representation of immigrants mean to immigrants?

### Activity 1: Write a Letter of Praise or Protest (Persuasive Writing)

- Please pick one TV program, film, news article, or other media content that includes representation of immigrants, and decide whether you'd like to PRAISE it or PROTEST it.
- Look up the producer of the content and write them a letter.
    - **PRAISE**: If you feel immigrants are portrayed accurately and authentically, explain why and express your appreciation.
    - **PROTEST**: If you feel immigrants are portrayed inaccurately and stereotypically, explain why and express your lack of appreciation. You can also make suggestions for changes and improvement.

*If students select *Master of None*, consider also exploring the media portrayal and personality of Aziz Ansari.

### Activity 2: Immigrants in the Movies

- Use this list of YouTube clips of movies from the website Digital History to evaluate how immigrants have been portrayed in films throughout history.
    - What are the differences in immigrant portrayals between mainstream Hollywood films (e.g., The Godfather) and movies from less well-known studios and directors?
    - How do the images of immigrants relate to the social and cultural contexts of the time period when the film was made? How do movies from the 1950s or 1960s differ in their portrayal of immigrants from more recent films?

### Additional Resources

- TV and Film Have Mixed Portrayals of Immigrants
- How the News Media Portray Latinos in Stories and Images

### Suggested Learning Activities

- **Compare and Contrast the Rights of Citizens and Non-Citizens**
    - Create an infographic which compares and contrasts the rights of citizens and non-citizens*
        - Legal Rights of Undocumented Immigrants, *KQED Learning*
        - Know Your Rights: A Guide to the U.S. Constitution, Office of the U.S. Attorney, District of Minnesota
        - Know Your Rights When Encountering Law Enforcement, American Civil Liberties Union

*This activity is designed to demonstrate that the rights guaranteed to all Americans as citizens are not universal for all people (even legal immigrants to the country). It ask students to think critically and creatively about what rights all people should have. It is based on a learning plan developed by University of Massachusetts Amherst teaching interns Conor Morrissey and Connor Frechette-McCall in Fall 2019.

### Online Resources for the Rights of Citizens and Non-citizens

- Becoming American: Exploring Names and Identities, *Facing History and Ourselves*
- Rights of Non-Citizens under the Equal Protection Clause, from Exploring Constitutional Conflicts
- Incorporation, Bill of Rights Institute.
    - The Supreme Court has incorporated the numerous rights from the Bill of Rights against actions by the government.

## 2. UNCOVER: Internment of Japanese Americans during World War II

Following the December 7, 1941 Japanese attack on Pearl Harbor, President Franklin D. Roosevelt issued **Executive Order 9066** which mandated moving 120,000 Japanese-Americans from their homes to one of 10 internment camps in the western part of the United States. Most of the people relocated were U.S. citizens or legal permanent resident aliens.

**Farm workers, Manzanar Relocation Center, Ansel Adams Photograph, 1943**
"Farm workers and Mt. Williamson" by Ansel Adams
Library of Congress's Prints and Photographs Division under the digital ID ppprs.00370
Public Domain

The **internment camps**, officially called "relocation centers," were located in California, Idaho, Utah, Arizona, Wyoming, Colorado, and Arkansas. Over 50% of those interned were children. To learn about the camps, view Building History 3.0: An Interactive Explorations of the Japanese American Incarceration in Minecraft.

**Constitutional safeguards given to United States citizens were ignored or bypassed** in the name of national defense. People were detained for up to four years, without due process of law or any factual basis, and forced to live in remote camps behind barbed wire and under the surveillance of armed guards.

Watch on YouTube https://edtechbooks.org/-JaiK

Actor George Takei, of Star Trek, and his family were imprisoned in Rowher, Arkansas, as documented in his autobiography *To The Stars* (1995). Takei and three co-writers have since collaborated on *They Called Us Enemy*, a graphic memoir about his experiences in the camp (2019).

In 1944, two years after signing Executive Order 9066, President Roosevelt revoked the order. The last internment camp was closed by the end of 1945.  There was no official apology from the United States government until passage of The Civil Liberties Act of 1988. In 1991, President George H. W. Bush wrote a letter of apology to each surviving internment camp member who also received a $20,000 check from the government (Letter from President George Bush to Japanese Internees).

Largely forgotten today were the experiences of Japanese-American soldiers who fought for the United States in western Europe. Many of these soldiers were Nisei (American-born children of Japanese immigrants), and former members of the Hawaii National Guard. They experienced the contradiction of fighting to liberate Europe and close down German concentration camps while other Japanese-Americans were interned in camps at home. Learn more about the hidden history of Japanese-American Soldiers in World War II from the website Re-Imagining Migration.

Japanese-American infantrymen of the 442nd Regimental Combat Team hike up a muddy French road in the Chambois Sector, France, in late 1944.
"442 regimental combat team" | Public Domain

## Suggested Learning Activities

- **Analyze Primary Sources**
  - Was Roosevelt's executive order driven by anti-Japanese racism among politicians and many in the general public who feared espionage or resented Asian Americans?
    - Japanese Relocation is a short video from the US government explaining the decision to create internment camps
    - The Internment Diary of Toyojiro Suzuki from the State Historical Society of North Dakota.
    - A collection of Ansel Adams' photographs showing life in a Japanese Internment camp.
    - Japanese-American woman who was forced into an internment camp at 16 recalls time in custody
    - Brief Overview of the World War II Enemy Alien Control Program

- **Analyze Multimedia Sources**
  - How did Japanese Americans respond to their internment?
    - Children of the Camps is a PBS documentary (and accompanying website) about the experiences of six Japanese-Americans who were detained as children.
    - Densho: The Japanese American Legacy Project offers multimedia materials including a slideshow and videos as well as oral histories from Japanese Americans who were imprisoned during World War II.

- **Design a "Righting a Wrong Poster" About Internment Camps**
  - As a model for this activity, see Righting a Wrong: Japanese Americans and World War II Poster Exhibition from the Smithsonian.
  - Find more information on a wiki page for Japanese Internment in World War II

- **Take a Position**
  - Should internment camps have been used on Japanese Americans, many of whom were U.S. citizens, after the attack on Pearl Harbor?
    - Write 1-2 paragraphs answering the question and cite at least 3 pieces of evidence.
      - Split the class into two groups and have one group research reasons for the use of internment camps and the other group research issues and unfair treatment that resulted from the camps.
      - Share findings and discuss whether or not the internment camps should have been used after hearing both sides.
    - What alternatives could the U.S. government have used instead of internment camps?

- **State Your View**
  - Should constitutional safeguards given to United States citizens be ignored or bypassed in the name of national defense?

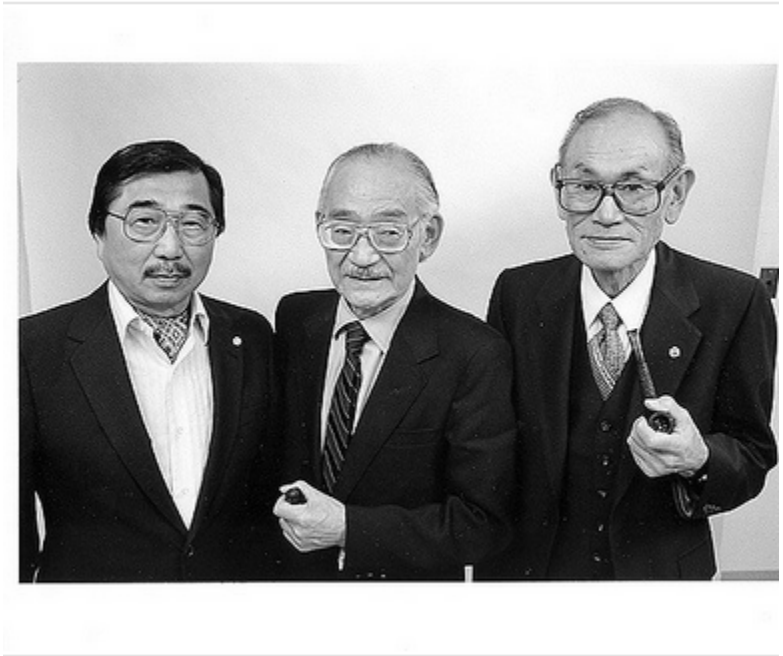
## Online Resources for Japanese Internment

- Lesson plan on Japanese Internment from Library of Congress

- Lesson Plans from the Mananzar National Historic Site focus on the experiences at one of the primary internment camps.
- A More Perfect Union: Japanese Americans & the U.S. Constitution from the Smithsonian Museum of American History that uses images, music and text to explore the experience of citizens placed in detention camps during World War II.
- Two important legal cases were brought against the United States concerning Japanese internment:
    - Hirabayashi v. United States (1943)
    - Korematsu v. United States (1944)

## 3. ENGAGE: Should Individuals Who Fought for Civil Rights and Civil Liberties Have a National Day of Recognition?

In 1942, a 23-year-old Japanese American named **Fred Korematsu** refused an order to move to one of the government's wartime internment camps. He was arrested, convicted, and jailed for his actions. Along with two other resistors, he appealed his case to the Supreme Court which upheld his conviction. That conviction was eventually overturned in 1983.



Gordon Hirabayashi, Minoru Yasui, and Fred Korematsu

"Gordon Hirabayashi, Minoru Yasui, and Fred Korematsu"
by family of Fred T. Korematsu is licensed under CC BY 2.0

To honor his fight for civil rights and civil liberties, **Fred Koresmatsu Day** was enacted in California in 2010. It was the first state-wide day in the United States to be named after an Asian American. Hawaii, Virginia, and Florida have since passed laws honoring Fred Korematsu to perpetuity. Learn more at It's Fred Korematsu Day: Celebrating a Foe of U.S. Internment Camps, and Honoring a Japanese-American Who Fought Against Internment Camps.

Deciding to honor someone for their historical efforts has large political implications in the United

States today. Despite its racist history, there are states and communities that continue to celebrate the Confederacy and Confederate war heroes with days of recognition (Southern Poverty Law Center, 2019). At the same time, there are individuals and groups who fought for civil rights and civil liberties but who remain neglected or omitted from history books and state-level history curriculum frameworks.

**Students can be effective advocates for honoring those who fought for civil rights and civil liberties**. In the early 1980s, students from Oakland Tech High School class of 1981 - "**The Apollos**" - engaged in a four-year campaign to get the state of California to establish a day honoring Dr. Martin Luther King, Jr. Their efforts were successful when California became the fourth state to have a MLK Day (the national holiday was established in 1986). In 2109, students at the school wrote and performed a play about the efforts of the Apollos (California High School Students Who Lobbied for State MLK Holiday Honored in Oakland Tech Play).

### Suggested Learning Activities

- **Present Your Analysis**
  - Why has the U.S. failed to fully recognize individuals like Fred Koresmatsu who stood up for American ideals?

- **Nominate an Individual for a State or National Day of Recognition**
  - Who would you nominate for a State or National Day of Recognition for efforts to achieve civil rights and civil liberties? Select an individual and write a persuasive essay (or design a video) to send to a local or national elected official.
    - Here are two examples:
      - **Mary McLeod Bethune**, a member of the FDR's Black Cabinet, was the director of the Office of Minority Affairs in the National Youth Administration during the New Deal era in U.S. history. The Black Cabinet was a group of 45 African Americans who held positions in cabinet offices or New Deal agencies. Learn more at the National Women's History Museum website - Mary McLeod Bethune - Overview and Background (1875-1955).
      - **Bessie Coleman** (1892-1926), the daughter of a poor, southern, African American and Native American family, became one of the most famous women in aviation history. There is more information at Bessie Coleman from The History Chicks podcast site and a historical biography page on the *resources for history teachers* wiki: Bessie Coleman, African American Aviator and Civil Rights Pioneer.

## Standard 4.2 Conclusion

In the United States, every citizen has rights and responsibilities as a member of a democratic society. Non-citizens have rights too, although they differ from those of citizens. **INVESTIGATE** explored the specific rights of citizens and non-citizens. **UNCOVER** focused on the suspension of citizenship rights during the internment of Japanese Americans during World War II. **ENGAGE** asked whether days of recognition should be given to Fred Korematsu or other women and men who fought to establish and preserve civil rights and civil liberties throughout American history.

# 4.3

# Civic, Political, and Private Life

## Standard 4.3: Civic, Political, and Private Life

*Distinguish among civic, political, and private life.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.3]**

"Social distancing sign in Boston" by Mayor Marty Walsh is licensed under CC BY 4.0

# FOCUS QUESTION: What are the Differences and Interconnections Among Civic, Political, and Private lives?

In America's democratic society, people engage in three different types of social life: Civic, Political, and Private.

- **Civic life** is the "public life of the citizen concerned with the affairs of the community and nation as contrasted with private or personal life, which is devoted to the pursuit of private and personal interests" (Center for Civic Education, 2014, para. 2). How people act in relation to their town, city, or community is known as a person's "**civic duty.**"

- **Political life** is where individuals seek to influence and/or direct local, state, or national policies through interaction with the government. Political life "enables people to accomplish goals they could not realize as individuals" (Center for Civic Education, 2014, para. 4). One engages in political life by voting and actively participating in politics through individual and group actions and by becoming informed about key issues and pending decisions by government leaders.

- **Private life** is the area of individual behavior and action that is removed from political and civic life, but in theory protected by both. Private life includes the concept of **privacy** which refers to the right of an individual to live one's life without interference from or control by people or governments. Individuals' right of privacy is highly contested in United States politics. It is at the center of the *Roe v. Wade* abortion decision and a woman's right to choice as a matter of personal control. Privacy concerns are also raised by the ways companies conducting online activities collect personal information about adults and children, often without one knowing about it (see Right to Privacy: Constitutional Rights & Privacy Laws).

What are the dimensions of civic, political, and private lives in the United States today? The modules for this standard explore this question by first examining whether the government can restrict personal freedoms (private life) in a public health emergency such as the 2020 COVID-19 pandemic. Other modules examine women's political participation (political life) around the world and whether the United States should adopt Universal Basic Income (civic life) as a national policy.

## Modules for this Standard Include:

1. INVESTIGATE: People's Lives and Government Responses to COVID-19
    - MEDIA LITERACY CONNECTIONS: Evaluating Information About COVID-19
2. UNCOVER: Women's Political Participation Around the World
    - MEDIA LITERACY CONNECTIONS: Examining Media Portrayls of Gender and Leadership
3. ENGAGE: Should the U.S. Adopt Universal Basic Income (UBI) or Guaranteed Employment as National Policies?

# 1. INVESTIGATE: People's Lives and Government Responses to COVID-19

"Anti-Coronavirus Sign", 2020
by Lucbyhet is licensed under CC BY-SA 4.0

The U.S. response to the **2020 COVID-19 (coronavirus) pandemic** revealed the interconnections and tensions that exist between civic, public, and private life in this country's democratic society. The coronavirus outbreak began in the United States in late January 2020 - the first confirmed case was January 21st; the first reported death was in early February. The disease spread quickly. A national emergency was declared on March 13. By the beginning of April, there were COVID-19 cases in all 50 states with hotspots centered in Washington state and New York City.

Governments at the national, state, and local level responded, although **each had different powers to enact and enforce coronavirus policies**. In an effort to limit the spread of the disease, the federal government issued recommendations for social distancing, wearing of masks, and closing of federal offices. Some state governments went further, closing public schools, colleges and non-essential businesses; shutting down parks, lakes and common spaces; and issuing stay-at-home orders for entire communities. Other states chose not to close businesses, restrict travel or issue stay-at-home orders. In every instance, local governments and their police departments were then expected to enforce COVID-19 rules, but lacked the resources to do so without high levels of public cooperation.

Unlike the United States, other nations in the world imposed much greater restrictions on people's freedoms in response to COVID-19. China locked down some 60 million people, many in isolation centers. India subsequently locked down 1.3 billion people, the largest quarantine in world history. In those nations, the national government used the pandemic to order draconian restrictions on people's private lives.

**What are the government's powers to intervene in people's lives in a national emergency?** The question impacts people's civic, political, and private lives. The federal government does have public health powers and could issue a national federal quarantine order as was done during the "Spanish Flu" pandemic of 1918-1919 (Legal Authorities for Isolation and Quarantine, Centers for Disease Control and Prevention, 2020).

However, long-standing constitutional law gives the states and their governors greater legal authority

to act in public health emergencies (The Police Power of the States to Control a Pandemic, Explained). The ruling precedent, set by the Supreme Court in *Gibbons v. Odgen* (1824) is that the **police power belongs to the states**. Quarantine laws, Chief Justice John Marshall said, “form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government" (as cited in Bomboy, 2020, para. 7).

Individual citizens also have rights in such situations. Under the 14th Amendment, public health laws cannot be “arbitrary, oppressive and unreasonable” (Constitutional Powers and Issues During a Quarantine, 2020, para. 11). According to the Human Rights Watch (2020), restrictions on people's rights during an emergency must be "lawful, necessary and proportionate" (para. 14).

The COVID-19 pandemic blended civic, political, and private lives in unique ways. Government action is effective only if there are rules and people see it as their duty to obey them. People must believe it is everyone’s civic responsibility to ensure health and safety for all. At the same time, people have a right, within reason, to make their own choices about their personal lives and private conduct. Politically, people will be more likely to accept restrictions of personal freedoms if they believe they will not lose their jobs or homes and they will have access to needed health care, unemployment funding and essential services during a pandemic. Learn more: Why There Is No National Lockdown.

Finding ways to bring individuals’ civic, political, and private interests together is complicated by everyone's presumed right of privacy (see Patient Right to Privacy Called into Question During COVID-19 Pandemic). Although the right to privacy is not mentioned in the Constitution, the Supreme Court has interpreted several of the amendments to establish this right (Does the Constitution Protect the Right of Privacy?). Students in schools, however, do not have the same wide-ranging privacy rights as do adults in homes and communities (Students: Your Right to Privacy).

Does the increasing use of social media blur the line between people's private life and political life when encountering an event as unprecendented as COVID-19? How do you know? In what ways? As a nation, we are still debating how to effectively balance private and civic interests in a time of a pandemic, a process that has many political dimensions.

## Media Literacy Connections: Evaluating Information About COVID-19

### Focus Question: How can you identify fake news about COVID-19?

There has been an array of fake and false claims in the media about the severity and duration of the COVID-19 pandemic. This has led to very different responses by people throughout the country to government-based COVID-19 policies and recommendations (e.g., mask requirements, lockdown, social distancing).

Were you able to distinguish fake news about COVID-19 from the truthful and reliable information and guidance? How do you think other students and community members did with evaluating news about COVID-19? The following activities are designed to explore these questions.

### Activity 1: Combating False News about COVID-19

- Have students work in groups to identify individuals or groups who did not believe in the severity of the virus or thought the virus was a hoax.
- Ask students to use their information searching skills to propose why these individuals developed inaccurate opinions about COVID-19.
- Develop a digital poster, video, or podcast to bring awareness and truthful information about COVID-19 to these individuals.
- Have each group present their digital media product to the class and explain the motivation behind their design.
- Ask students to evaluate each group's digital media product based on how effective the message is and how the audience might perceive it.

### Additional Resources

- Tips for Detecting COVID-19 Misinformation Online
- How to Spot COVID-19 Misinformation
- Teaching with Infographics is Essential for Visual Literacy

### Activity 2: Evaluate Social Media Posts

- Have students evaluate social media posts or opinion pieces by citizens vs. political leaders regarding COVID-19.
    - What differences to you see between posts by individual citizens and members of Congress?
    - What differences do you see between members of Congress from different political parties?

### Additional Resources

- Congressional Social Media Accounts (listing of all representatives and senators from the National Kidney Foundation)
- eBook Topic 4.8: Contacting Congress

### Suggested Learning Activities

- **Create an Infographic**
  - What are examples of issues that influence the civic, political, and private lives of students?
- **Research and State Your View**
  - Should individuals' rights be restricted during a national emergency to protect the broader public?
  - What restrictions should a government be allowed to impose on individuals and businesses during a national public health emergency, like a pandemic, or a natural disaster, like a hurricane or earthquake?

### Online Resources for Civic, Political, and Private Life and the Right of Privacy

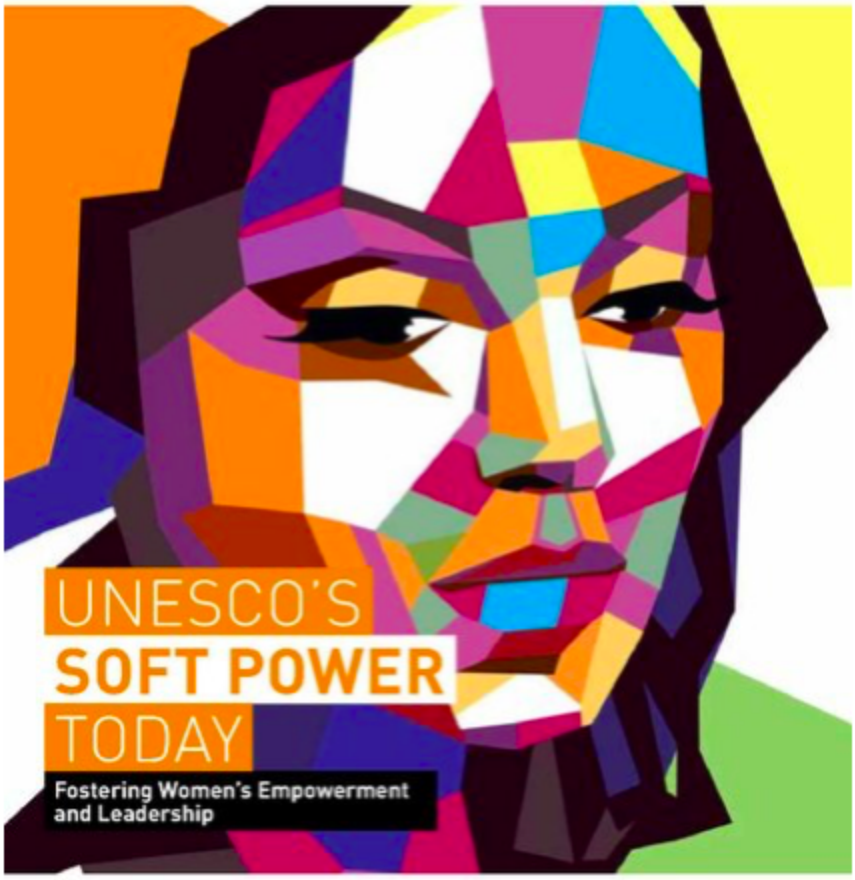
- How Can Citizens Participate? Center for Civic Education
- Recalling the Supreme Court's Historic Statement on Contraception and Privacy, National Constitution Center
- *Griswold v. Connecticut* (1972**)** Supreme Court case held that a state's ban on contraceptives violated the right to privacy of married couples. The case included the concept people have a "zone of privacy."
- Where Did the Right to Privacy Come From? ThoughtCo. (May 31, 2018)

## 2. UNCOVER: Women's Political Participation Around the World

New Zealand was the first country to grant women the right to vote in 1893. Today, Vatican City is the only country where women cannot vote (Saudi Arabia began allowing women to vote in 2015).

Even with the right to vote, women's entry into positions of political leadership has been slow internationally. At the beginning of 2019, women were more than half of the lawmakers only in Rwanda (61.3%), Cuba (52.2%) and Bolivia (51.3%). According to the World Economic Forum, the United States ranked 75th on a "Women in Parliament" list with just 23.5% of female members of Congress (Thorton, 2019).

Consult Women's Power Index, an interactive map from the Council on Foreign Relations that identifies where women have power around the world.




**Empowering Women Poster from UNESCO (United Nations Educational, Scientific and Cultural Organization)**
"UNESCO's soft power"by UNESCO is licensed under CC BY-SA 3.0

Internationally, 59 countries have elected a woman leader, beginning in 1960 with **Simimavo Bandaranaike** who was chosen Prime Minister in Ceylon/Sri Lanka (All the Countries (59) That Had a Woman Leader Before the U.S.). Angela Merkel (Germany), Sahle-Work Zewde (Zimbabwe), Jacinda Ardern (New Zealand), Katrin Jakobsdottir (Iceland), and Ellen Johnson Sirleaf (Liberia) were among the women leading countries in 2019 (Female Heads of State and Government in 2019).

In 2016 in Iceland, women held 30 of 63 seats in Parliament making it the most gender equal political system in the world without a quota system (The Tiny Nation of Iceland is Crushing the U.S. in Electing Female Politicians).

For a video of interest, check out Women Leaders of the Yukon First Nations (TEDWomen, 2020) that discusses the long history of women leaders among tribal peoples in northwestern Canada. Visit also the website of the Yukon Aborignial Women's Council.

"Do women leaders perform differently than men in similar positions?" This research subject has taken on new immediacy in a time of a global pandemic and heightened international tensions. Exploring why women-led nations did better addressing the COVID-19 pandemic, a *New York Times* reporter suggested female leaders (like Jacinda Ardern of New Zealand and Angela Merkel of Germany) were more willing to consult a broader range of information sources than male leaders when deciding to implement virus testing, contract tracing, and social isolation measures (Taub,

2020). In the United States, however, that same report found both female and male Republican governors were slower to implement virus control shut-down measures than their Democrat peers, suggesting political party affiliation was a stronger influence than gender-based dispositions.

For additional information, go to ENGAGE: Can a Women Be Elected President or Vice-President in the United States?

## Media Literacy Connections: Examining Media Portrayls of Gender and Leadership

**Focus Question**: **How do the media portray women in leadership roles?**

Thinking about your own media experience...how have you seen women represented in leadership positions (e.g., Mulan and Elsa from Disney; world leaders such as Angela Merkel and Jacinda Ardern; individuals thrust into the spotlight such as Greta Thunberg, Emma Watson, Meghan Markle)? Do you think it is important for women to be represented in leadership roles in the media?

### Activity 1: Examine Media Bias

- Divide students into groups of 3-4. Ask each group to identify a female in a political leadership role in the United States and find media content about her - looking at representation from all sides. Here are some of the examples of female leaders:
    - Michelle Obama
    - Nancy Pelosi
    - Ruth Bader Ginsburg
    - Amy Coney-Barrett
    - Hillary Clinton
    - Kamala Harris
    - Alexandria Ocasio-Cortez
- Discuss the following questions in class after every group shares about their chosen female leader:
    - What stereotypes are used when representing women in the media?
    - How are female leaders portrayed by different media sources?
    - How are female leaders portrayed differently than male leaders?
    - What might be the consequences of depicting female leaders in stereotypical ways?

### Activity 2: Evaluate the Media Portrayal of Women Leaders in Different Countries and Careers

- Evaluate the differences between media content about women political leaders from the United States with women cited as leaders in politics and other fields (see Forbes Magazine "The World's Most Powerful Women").
    - Are women political leaders discussed differently than women leaders in other fields like business and science?
    - Are women political leaders in the United States portrayed differently than women political leaders in other countries?
- Create a media campaign to illuminate the differences in media portrayals of women leaders.

### Additional Resources:

- Research paper: Exploring the effect of media images on women's leadership self-perceptions and aspirations
- Facts and figures: Leadership and political participation
- Women politicians must still bend to gender stereotypes

### Suggested Learning Activities

- **State Your View**
  - Why is the proportion of women leaders around the world so small?
  - Given the small number of women leaders, what are the barriers to expanding women's political participation around the world? How can these barriers be overcome?
    - How Do We Get More Women in Politics? World Economic Forum
- **Construct a Timeline for Women's Suffrage**
  - History of Women's Suffrage Timeline shows when women around the world were granted suffrage and given the right to stand for election
  - Visual timeline showing when women were granted suffrage around the world.

### Online Resources on Women's Political Participation Around the World

- Percentage of Women in National Parliaments
- OECD (Organization for Economic Cooperation and Development) Interactive Data on women's political participation around the world (2015)
- Angela Merkel, Chancellor of Germany, sometimes referred to as the "Leader of the Free World". She was named Time's Person of the Year in 2015.
- Women Rising: Political Leadership in Africa, YouTube Video
- Interview with Bharati Silwal-Giri, member of Nepali Congress Party and expert on gender, YouTube Video
- Text of speech by Michelle Bachelet, UN Women Executive Director, on women's political participation worldwide

## 3. ENGAGE: Should the U.S. Adopt Universal Basic Income (UBI) or Guaranteed Employment as National Policies?

**Universal basic income (UBI)** refers to regular cash payments (with minimal or no requirements for receiving the money) made to a given population in order to increase people's income (International Monetary Fund). Debating Universal Basic Income from the Wharton Public Policy Initiative offers more information about this policy.

"money"by JCamargo | Public Domain

**Guaranteed employment** happens when the government becomes the employer for anyone who cannot otherwise find work. The idea is the economy will be better off when there is full employment when all workers are spending the money they earn purchasing goods and services from businesses and other providers (The Federal Job Guarantee: A Policy to Achieve Full Employment, Center on Budget and Policy Futures, 2018). Guaranteed employment was a centerpiece of President Franklin D. Roosevelt's Economic Bill of Rights that set forth a "right to employment" as well as the 1963 March on Washington for Jobs and Freedom led by Dr. Martin Luther King, Jr.

**Direct Government Payments to People During the Pandemic**

The economic dislocations caused by the COVID-19 pandemic has pushed the direct government payments to individuals and families as well as the possibilities of universal basic income and guaranteed employment into the wider political dialog. By mid-April 2020, with more than 22 million people out of work, members of Congress including then Senator Kamala Harris and Representatives Maxine Waters, Ro Khanna, and Tim Ryan, among others, were calling for ongoing direct payments to unemployed workers. In his April 2020 Easter Sunday Address, Pope Francis called for governments to consider a **universal basic wage**. During summer 2020, one in five workers (more than 30 million individuals) were collecting unemployment benefits.

Beginning in April 2020, the federal government has provided 3 rounds of stimulus checks (direct payments to eligible individuals and couples) to provide emergency aid to those impacted by the pandemic, the most recent coming from the $1.9 trillion American Rescue Plan passed in March 2021. Under that plan, eliglble indvididuals will receive a $1400 check, couples $2800, and there is an additional $1400 for each dependent child. The American Rescue Plan is huge initiative that will be spending $43,000 every second between March 2021 and when it expires at the end of 2022.

## Versions of UBI

The UBI idea gained publicity during the early stages of the 2020 Presidential campaign when Democratic candidate and entrepreneur Andrew Yang proposed giving $1000 a month to every American over the age of 18. Yang, as well as both Facebook CEO Mark Zuckerberg and Tesla CEO Elon Musk, among others, believe UBI will help address the growing problem of workers being displaced from their jobs by automation. Other politicians see UBI as a way to help the large numbers of Americans who are living at or near the poverty level and must work multiple jobs just to get by.

The Census Bureau has reported that about 13 million workers in the U.S. have more than one job (Beckhusen, 2019).

There are UBI programs in existence right now. Alaska gives every resident a yearly check from the state's oil revenue called the Permanent Fund Dividend. In 2018, all residents received $1,600. Since February 2019, the city of Stockton, California paid 125 low-income residents $500 a month through its SEED (Stockton Economic Empowerment Demonstration) program ("Will 'Basic Income' Become the California Norm?"). The mayor of the city declared that "unconditional cash provides people the agency to make the right decisions for themselves and their families" (Tubbs, 2020, para. 8).

Beginning in November 2020, Chelsea Massachusetts, a majority Latino city across the Mystic River from Boston, will begin giving 2,074 families between $200 and $400 a month to use as those family members decide. The program, **Chelsea Eats**, which has funding from the Shah Family Foundation ($1 million), the city of Chelsea ($2.5 million), United Way of Massachusetts ($250,000) and Massachusetts General Hospital ($200,000) is scheduled to last for four to six months.

## Guaranteed Jobs

As an alternative to UBI programs, 2020 Presidential candidate Bernie Sanders has proposed a **guaranteed government jobs** program. Under his proposal, state and local governments would pay people to engage in public works projects related to areas of community need, such as construction of affordable housing, repair and replacement of aging infrastructure, and so on. Workers would be paid $15 an hour and receive paid family and medical leave. Since 2005, in India, the Mahatma Gandhi National Rural Employment Act has provided 100 days of guaranteed employment every year for adult members of rural households who cannot find a job.

### Persistant and Pervasive Income Inequality

**Income inequality** remains a persistent social problem because the rich are so much richer than everyone else. "Income disparities are so pronounced that America's top 10 percent now average more than nine times as much income as the bottom 90 percent, according to data analyzed by UC Berkeley economist Emmanuel Saez," (as cited in Inequality.org, n.d., para. 3), while the top 1% average over 39 times more income than the bottom 90%. Providing people with a guaranteed income could make a huge difference for those struggling to survive on a monthly basis.

## Suggested Learning Activities

- **State Your View**
  - How much money does someone need for happiness and well-being?
    - Researchers have proposed $75,000 a year. Do you agree or disagree and why?
- **Envision a More Equitable Society**
  - Universal Basic Income and Guaranteed Government Jobs are proposed as ways to create a more equitable society where everyone has an economic and social foundation for personally productive and meaningful lives.
  - What steps would you take to create a more equitable society for all?

### Online Resources for Universal Basic Income and Guaranteed Employment

- Pro:
  - Why Everyone is Talking About Free Cash Handouts--An Explainer on Universal Basic Income, CNBC.com (June 27, 2019)
  - 5 Characteristics of Basic Income, Basic Income Earth Network
- Con:
  - Who Really Stands to Win from Universal Basic Income? The New Yorker (July 2, 2018)
  - Universal Basic Income Has Been Tried Before. It Didn't Work. The Heritage Foundation (October 9, 2018)

## Standard 4.3 Conclusion

**Civic life** is where people exercise their responsibilities by being active members of their community and nation. **Political life** is where people actively participate in government at the local, state, and national level as voters, engaged community members who protest and lobby for change, and as candidates for and holders of political offices. **Private life** is where individuals conduct their own affairs in their own ways. **INVESTIGATE** looked at how the government's responses to the COVID-19 pandemic impacted people's personal lives and freedoms. From the perspective of political life, **UNCOVER** examined women's political participation around the world. **ENGAGE** asked if the United States should adopt Universal Basic Income (UBI) or Guaranteed Employment as national economic, social and civic policies.

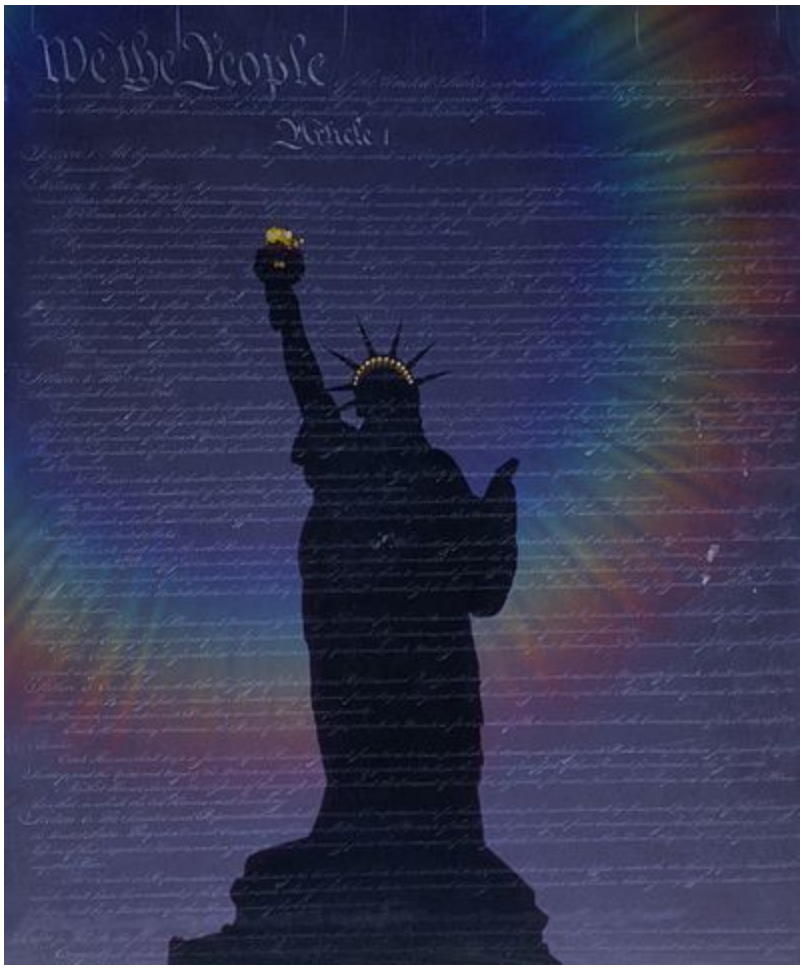
# 4.4

# Fundamental Principles and Values of American Political and Civic Life

## Standard 4.4: Fundamental Principles and Values of American Political and Civic Life

*Define and provide examples of fundamental principles and values of American political and civic life.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.4]**

## FOCUS QUESTION: What are the Fundamental Principles and Values of American Political and Civic Life?




"Liberty Enlightening the World" by Kalki is licensed under CC BY SA 4.0

Political and civic life in the United States rests on a set of fundamental principles and values including equality, rule of law, limited government, and representative government.

What do those principles and values actually mean? The modules for this standard explore that question by examining each in more detail, reviewing the importance of the 14th Amendment to the Constitution, and outlining the boundaries of student rights at school.

## Modules for this Standard Include:

1. INVESTIGATE: Fundamental Principles and Values of American Life
   MEDIA LITERACY CONNECTIONS: Evaluating Online Messaging by Advocacy Organizations
2. UNCOVER: The Importance of the 14th Amendment
3. ENGAGE: What Are Students' Rights at School?

# 1. INVESTIGATE: Fundamental Principles and Values of American Life

Equality, rule of law, limited government, and representative government are examples of fundamental principles and values in American political and civic life.

Image on Pixabay

## Equality

The word "equality" did not appear in the Constitution of 1787 or the Bill of Rights of 1789. While the Constitution guaranteed rule of law to all citizens and provided security of liberty under the law, the existence of slavery and inequalities in the status of women contradicted the idea of equal rights.

It was not until after the Civil War that equality was deliberately addressed in the Constitution through a series of amendments:

- The 13th Amendment (1865) banned slavery.
- The 14th Amendment (1868) guaranteed equal rights of citizenship to all Americans, with the special intention of protecting the rights of former slaves.
- The 15th Amendment (1870) provided voting rights of all citizens.

Learn more about the efforts toward equality for marginalized groups:

- The African American Struggle For Equality provides background on the history of the 13th, 14th, and 15th amendments.
- The website Equal Rights Amendment discusses efforts to expand the concept of equality to women.
- Black Lives Matter is an organization dedicated to overcoming violence and oppression of African Americans.
- Human Rights Watch works to ensure the equal rights of lesbian, gay, bisexual, and transgender individuals.

## The Rule of Law

The concept of the rule of law is taken from Alexander Hamilton's Federalist 33 where he wrote: "If individuals enter into a state of society, the laws of that society must be the supreme regulator of their conduct."

According to the United States Courts, "the Rule of law is a principle under which all persons, institutions, and entities are accountable to laws that are:

- Publicly promulgated
- Equally enforced
- Independently adjudicated
- And consistent with international human rights principles" (Administrative Office of the U.S. Courts, n.d., para. 5).

## Limited government

In the United States political system, the national government is given limited but not supreme or total powers. After the struggle of the American Revolution to be free from rule by a king, people in the colonies were very wary of a tyrannical ruler or an overbearing government. In the Constitution, limited government relates to free markets and classical liberalism, drawing on Adam Smith's philosophy of the "invisible hand" and self-regulating economies.

The 9th and 10th amendments of the Bill of Rights further express the concept of limited government. Those amendments state that the rights of people do not have to be expressly written in the Constitution and that delegated powers of the Federal government are only to be performed if expressly mentioned in the Constitution. The Constitution also limits government intervention in other key areas of political life, including thought, expression, and association.

## Representative democracy

Representative democracy is the principle that people elect individuals to represent them in the government. This is a fundamental element of the governmental system of the United States. Voters elect representatives to a ruling body (the Congress) who acts on behalf of the people's best interests. Learn more from this video: Representative Democracy.

## Media Literacy Connections: Evaluating Online Messaging by Advocacy Organizations

**Advocacy organizations** (also known as **special interest groups**) are groups that support a political issue or cause (What is an Advocacy Group?). These organizations engage in fundraising, conducting public awareness and information campaigns, lobbying legislators, and contributing to political campaigns. They make extensive use of social media. In this activity, you will explore how civil rights and social justice advocacy organizations use social media and online messaging to promote equality in society.

#### Activity 1: Evaluating Social Media Messaging

- Choose a civil rights, social justice, and/or equality advocacy organization that is important to

you or select one from the list below:
    - NAACP
    - The Human Rights Campaign
    - Black Lives Matter
    - The Innocence Project
    - ACLU
    - NOW - The National Organization of Women
    - Asian Americans Advancing Justice
- Explore how these organizations use social media.
    - Which platforms do they use - Facebook? Twitter? Reddit? Instagram? TikTok? YouTube? Something Else?
    - Compare and contrast their posts across platforms. Do they share the same or different information, text, and visuals on each platform? Why do you think that is?
    - How well do their posts display and advance the fundamental principles of American life, as explored in section 4.4?
- Then, imagine you are the social media manager of this organization and create a series of posts that highlight how the organization is aligned with the fundamental principles and values of American life.

**Activity 2: Analyzing Persuasion in Advocacy Groups' Websites**

- Closely examine at least three of the following advocacy groups' websites:
    - NAACP
    - The Human Rights Campaign
    - Black Lives Matter
    - The Innocence Project
    - ACLU
    - NOW - The National Organization of Women
    - Asian Americans Advancing Justice
    - The American Conservative Union
    - American Family Association
    - Americans for Prosperity
    - Eagle Forum
    - Freedom Watch
    - Freedom Works
    - The Heritage Foundation
- Compare and contrast the use of persuasion techniques in each website. What did you find persuasive? Why was not very persuasive? Why do you think that is?
- Then, design your own advocacy group based on a social issue of interest to you and create a mock design of a website that features some of the persuasion techniques you discovered during this activity.

### Suggested Learning Activity

- **Create a Public Service Announcement (PSA) Video**
  - Does American political and civic life exemplify the fundamental principles and values of equality, rule of law, limited government, and representative government?
  - Conduct research and then create a video that educates others.

- **Create a Social Media Post About Representative Democracy**
  - Using Tik Tok, Instagram, Snapchat, or some other digital tool, create a social media post that answers the following questions:
    - What personal qualities, education, and background should an elected representative have?
    - How would that representative best stay in touch with you and other constituents?
    - What problems do you want that representative to focus on solving?
    - What type of person do you want representing you in government at the local, state, and national level?

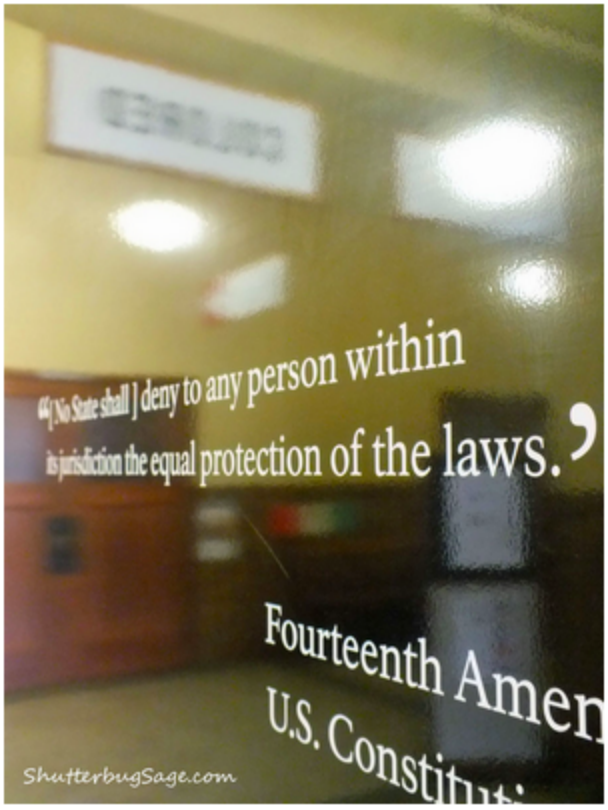
### Online Resources for Fundamental Principles of American Political Life

- Fundamentals of Representative Democracy, Lesson Plans for High School Civics, Government, and U.S. History Classes
- Learning Plans That Help Students Learn About Democracy

## 2. UNCOVER: The Importance of the 14th Amendment

**John Bingham**, a now mostly forgotten Congressman from Ohio, wrote these famous words of the 14th Amendment:

> No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.




14th Amendment Sign at the Brown v. Board of Education Historical Site by Shutterbugsage is licensed under CC BY 3.0

The 14th Amendment was one of three post-Civil War Amendments to the Constitution:

- The 13th Amendment abolished slavery.
- The 14th Amendment gave equality under the law and for citizenship to anyone born in the United States; however, explicit rights for women were not guaranteed.
- The 15th Amendment gave all citizens the right to vote regardless of race, color, or previous position of servitude; however, voting rights for women were not guaranteed.

Historian Eric Foner (2019) characterized the three post-Civil War amendments as "sleeping giants . . . that continued to inspire those who looked to the Constitution to support their efforts to create a more just social order" (p. xxviii).

Since its passage, the **14th Amendment** has continued to transform law and society in the United States. As *New York Times* opinion writer Magliocca (2013) noted:

> This sentence would be the legal basis for the Supreme Court's subsequent decisions desegregating the public schools, securing equality for women, and creating the right to sexual privacy. Bingham also said that his text would also extend all of the protections of the Bill of Rights to the actions of state governments, which is largely, though not completely, the law today (para. 15).

Passed on July 9, 1868 and based on the Civil Rights Bill of 1866, the 14th Amendment had five sections:

- State and federal citizenship for everyone, no matter of race, who were born or naturalized in the United States.
- States are not permitted to limit "privileges and immunities" of citizens.
- No citizen is denied life, liberty, or property without "due process of law."
- No citizen can be denied "equal protection of the laws."
- Congress has the power to enforce these laws (Faragher, et. al., 2011, p. 505).

### Suggested Learning Activities

- **Research and Report**
  - How did the 14th Amendment serve as the basis for the following landmark Supreme Court decisions?
    - *Brown v. Board of Education* (1954): School desegregation
    - *Mapp v. Ohio* (1961): Illegal search and seizures
    - *Gideon v. Wainwright* (1963): Right to access to an attorney
    - *Griswold v. Connecticut* (1965): Right to privacy
    - *Loving v. Virginia* (1967): Interracial marriage
    - *Regents of the University of California v. Bakke* (1978): Affirmative action

The National Constitution Center has overviews of more Supreme Court cases involving the 14th Amendment.

### Online Resources for the 14th Amendment

- The Meaning of the 14th Amendment, PBS Learning Media
- How Supreme Court Decisions Affect History, Thirteen.org
- Congress Debates the Fourteenth Amendment, Facing History and Ourselves

## 3. ENGAGE: What Are Students' Rights at School?

Students "do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" declared the Supreme Court in the 1969 *Tinker v. Des Moines* case (the details of the case are in Topic 5/Standard 6 of this book).

At the same time, the law permits schools to set their own rules and policies about what students can and cannot do in school buildings (First Amendment Rights for Student Protestors). As a result, in many instances, students do not have the same rights in school buildings that they have outside them (Student Rights at School:  Six Things You Need to Know).

Schools can restrict students' rights to free speech when whar students are saying can cause a "substantial disruption" to school activities or impinges on the rights of others. Schools can also restrict student speech that is lewd, happening at school-sponsored events, or promotes illegal drug use (Johnson, 2021).

Additionally, students do not have a right to wear racially or religiously threatening images (such as

swastikas or confederate battle flags) in school nor can they post racist or degrading comments about classmates on their outside-of-school social media accounts (National Education Association, 2018). Student actions can be restricted by school officials when those officials believe there is a significant threat to orderly educational practices or other peoples' legal rights.

**Minnesota High School Students Walked Out of School to Demand Changes to Gun Laws, March 7, 2018** by A1Cafel is licensed by CC BY 2.0

The rights of students are subject to shifting legal interpretations and intensified political debates over the ongoing issues of speech, privacy, social media, dress codes, discipline procedures, disability rights, gender expression, bathroom access, health, pregnancy, and more. Legal scholar Catherine J. Ross (2015) contends that courts have retreated from the broad protections that granted student speech in the 1940s through the 1960s.

Students attending private schools (that is, schools not funded by local, state, or federal government) do not automatically have the same rights as their peers in public schools. Constitutional protections do not necessarily apply. Instead, student rights are determined by the legal contract that families sign to send children to those schools (Student Rights in Private Schools). Private schools therefore have broad discretion about the rules and behaviors they want to enforce and students must follow them or they can be punished or expelled for violating the contract signed by their families to attend.

### Suggested Learning Activities

- **Analyze Data & Conduct Research**
  - Conduct a class poll: What do students in your class or school believe are their rights in school?
  - Conduct research on what legal rights students have in school (see Student Rights at School: Six Things You Need To Know).
  - Compare and contrast the findings from the poll with the findings from your research.
- **Design a Students Bill of Rights Digital Poster**
  - The Rights of the Child, Teaching Tolerance
  - 11 rights that all students (should) have from the Student Bill of Rights
  - Student Bill of Rights, National Youth Rights Association
- **Record a Video or Podcast**
  - Create a video or podcast that summarizes students rights in schools.
  - Explore the following resources:
    - Freedom of Speech - The First Amendment in Schools:  A Resource Guide, National Coalition Against Censorship
    - Dress Codes - School Dress Codes & School Dress Code Pamphlet, ACLU of Rhode Island
    - School Discipline - School Discipline Pamphlet, ACLU of Rhode Island
    - Social Media - Student Social Media Rights, ACLU Northern California
    - Student Protests - Student Walkouts and Protest at School, ACLU Maine
- **Media Amendment to the Constitution**
  - Write an proposed new amendment to the US Constitution, in plain English, that spells out the rights of the government in regards to modern media (ex. Social media, tv news, Internet, etc.)
  - Explain if your amendment will expand or lessen the power of the government regulation in regards to media and publishing rights.

### Online Resources for Student Rights at School

- Boston Student Rights, Board & Boston Student Advisory Council
- My School My Rights: Know Your Rights**,** ACLU of California
- Know Your Rights: Students' Rights Scenarios, ACLU
- Legal Guidance on Students Rights: Discrimination and Harassment Based on Race, Religion, National Origin, and Immigration Status, National Education Association (March 2018)

## Standard 4.4 Conclusion

American political and civic life rests on a series of fundamental principles and broadly shared values. **INVESTIGATE** explored the meanings of four of those principles and values: equality, rule of law, limited government, and representative government. **UNCOVER** discussed how the 14th Amendment to the Constitution has over time extended America's fundamental principles and values to African Americans and other marginalized individuals and groups. **ENGAGE** asked what are the protections and limits of students' rights at school.

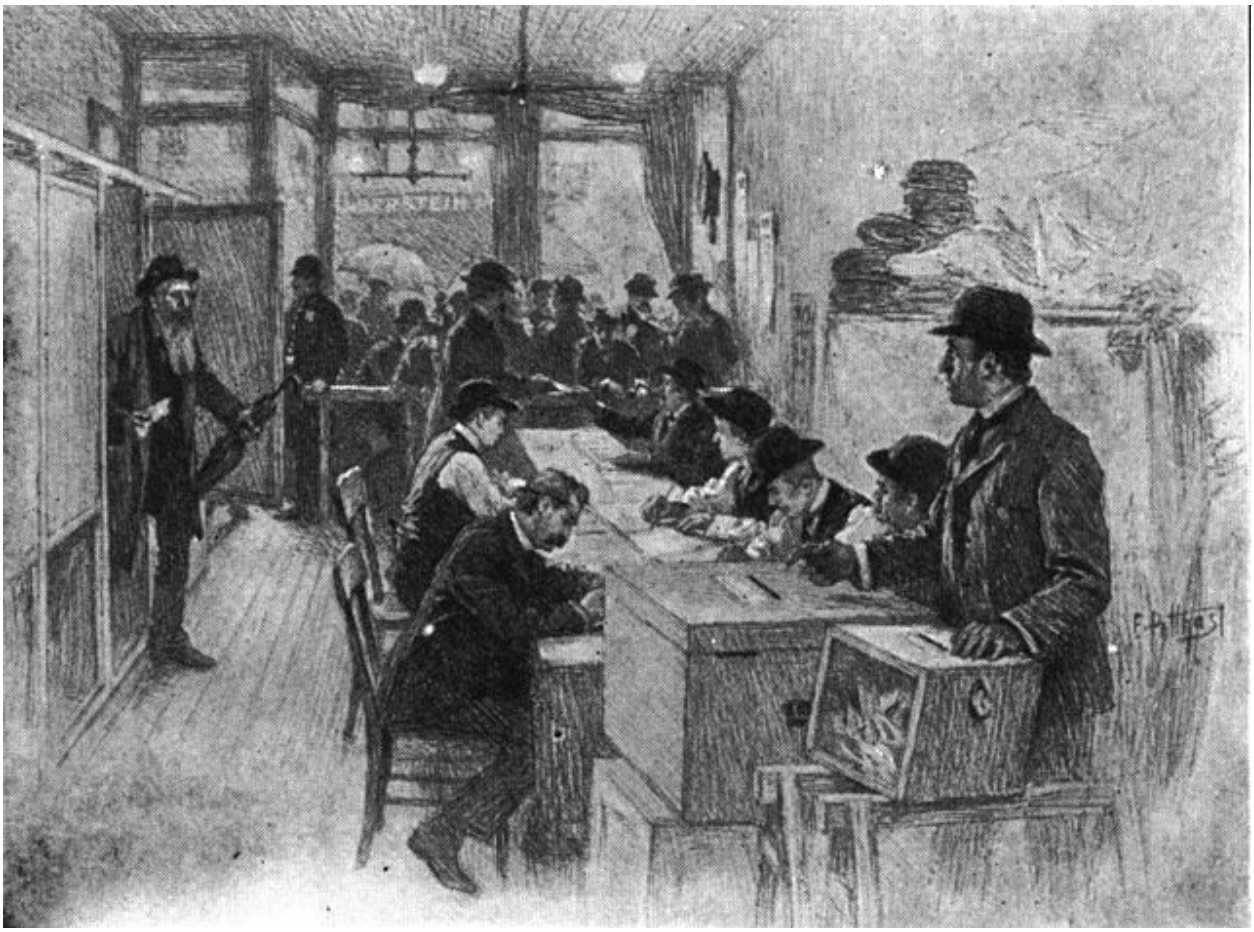
4.5

# Voting and Citizen Participation in the Political Process

## Standard 4.5: Voting and Citizen Participation in the Political Process

*Describe how a democracy provides opportunities for citizens to participate in the political process through elections, political parties and interest groups.* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.5]**

## FOCUS QUESTION: How Have the Rights and Opportunities for Americans to Vote Changed Over Time?



**Polling Place, New York City, 1912**
Image from E. Benjamin Andrews - Andrews, *History of the United States*, volume V. Charles Scribner's Sons, New York. 1912 | Public Domain

Democracies depend on the active and informed involvement of their members, what Standard 4.5 calls "**citizen participation in the political process**." If only a limited number of people participate, then democracy gives way to a system of government where elites, powerful special interests, and unrepresentative coalitions make decisions for everyone else.

### Who Do Voters Vote For

How many elected officials do people vote for in the United States? The number may surprise you. Beyond one President, 100 senators and 435 members of the House of Representatives, there are some 7000 state legislatures, 3000 counties, and 19,000 cities and towns, all with multiple elected offices from mayors, selectboards, and judges to coroners, register of deeds, mosquito-control boards, and in one Vermont town, dogcatcher. Political scientist Jennifer L. Lawless (2012) puts the number of elected officials at 519,682, although that number substantially undercounts all the other organizations that elect people from political parties to worker-owned companies and local co-opts.

### Who Was Allowed and Not Allowed to Vote in U.S. History

Although there is no right to vote explicitly set forth in the Constitution, **voting is the most commonly recognized form of citizen participation**. Yet, since the first colonists arrived in North America, women, people of color, and even groups of men have struggled to gain the right to vote.

Before 1790, mainly only **White male property owners 21-years-old** and older could vote, although free men of color could vote in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, and Rhode Island before 1790, and New Jersey allowed some women to vote until 1807.

**Voter participation expanded dramatically in the early 19th century** when White men no longer had to hold property in order to vote. To learn more, go to The Expansion of Democracy during the Jacksonian Era.

Voting rights for **African American males** were established by the 15th Amendment in 1870 which declared "the right of citizens cannot be denied or abridged by the United States or by any state by race, color, or previous condition of servitude" (Voting Rights for African Americans, Library of Congress).

**Native Americans** gained the right to vote in 1924, although the final state to allow Indians to vote was New Mexico in 1962 (Voting Rights for Native Americans, Library of Congress). The 26th Amendment established the right to vote for **18 to 21-year olds** in 1971.

**Voting Rights for Women** were established by the ratification of the 19th Amendment in 1920, but small numbers of women had been voting in some places for a long time. Women voted in New Jersey from 1797 to the early 1800s. They were granted the right to vote in the territories of Wyoming (1869) and Utah (1870). The history of voting rights for women are explored at Rightfully Hers: Woman Suffrage Before the 19th Amendment from the National Archives.

***Minor v. Happersett* (1875)**

During the 1872 Presidential election, **Virginia Minor**, an officer in the National Women's Suffrage Association, challenged in court voting restrictions against women.

Virginia Louise Minor Between 1850 and 1893
Credit: Wikimedia Commons | Public Domain

The first part of Virginia Minor's case was heard in the same courtroom in St. Louis, Missouri where the Dred Scott case was argued in 1847. ***Minor v. Happersett* (1875)** eventually went to the Supreme Court that ruled the Constitution did not grant women the right to vote (Virginia Minor and Women's Right to Vote). Still, Virginia Minor's activism added momentum to the suffrage movement. By the time of the passage of the 19th Amendment, women were already voting in 15 states (Centuries of Citizenship: A Constitutional Timeline).

Learn more at a U.S. Voting Rights Timeline (Northern California Citizenship Project, 2004), a timeline of the History of Voting in America (Office of the Washington Secretary of State), and by visiting the *resourcesforhistoryteachers* wiki page about Voting Rights in Early 19th Century America.

**Voting Today and the 2020 Presidential Election**

Today, even given the long struggles to gain the opportunity to vote, a surprisingly low percentage of people actually participate in national elections. Just **55.7% of the voting-age population cast ballots in the 2016 Presidential Election** (Pew Research Center, 2018) while 53% voted in the 2018 mid-term elections - the highest number in four decades (United States Census Bureau, April 23, 2019). Turnout is often lower in state, local, or primary elections. Since 1948, Massachusetts has varied between a high of 92% in 1960 (when John F. Kennedy ran for President) to a low of 51% in 2014 (Voter Turnout Statistics, Massachusetts Secretary of State Office, 2020).

The **2020 Presidential election saw 66.5% of the voters casting a ballot**, the highest percentage since 1900 (NPR, November 25, 2020). Joe Biden became the first candidate running for President to win more than 80 million votes, the most votes ever cast for a Presidential candidate and 14 million more votes than Hillary Clinton received in 2016. Donald Trump received 11 million more votes than he did in winning the Presidency four years ago.

**The Myth of Voter Fraud**

Despite repeated claims by the defeated 2020 Presidential candidate Donald Trump and his supporters, **voter fraud** is "exceedingly rare" in United States elections (Brennan Center for Justice, January 6, 2021). The U.S. Cybersecurity & Infrastructure Security Agency declared the 2020 Presidential election the "most secure" in American history, adding there was "no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised" (Joint Statement, November 12, 2020).

In legal terms, voter fraud is defined as votes cast illegally by an individual such as voting twice, impersonating another voter, or voting when or where one is not registered to vote. There is also a broader category known as **election fraud** where individuals or organizations seek to interfere with a free and fair election through systematic voter suppression or intimidation, such as buying votes, forging signatures, misinforming voters about polling places and times, deliberately not counting certain votes, or interfering with the collection and counting or mail-in and absentee ballots.

Election fraud also includes violations of campaign finance laws (FindLaw, March 18, 2020). In 2018, Michael Cohen, Donald Trump's former lawyer, pled guilty to multiple counts of tax evasion and campaign finance violations involving unlawful campaign contributions. Donald Trump (known as "Individual 1") was an unindicted co-conspirator in the case (United States Attorney's Office, Southern District of New York, August 21, 2018).

**Modules for this Standard**

What influences citizens to participate in the political process through voting? The modules for this standard examine this question by first assessing why people do and do not vote before reviewing how secret ballots, poll taxes, literacy tests and modern-day voter suppression laws have impacted people's voting behaviors and voting rights. A third module asks how the United States might get more people to vote, especially young people.

### Modules for this Standard Include:

1. INVESTIGATE: Who Votes and Who Does Not Vote in the United States?
2. UNCOVER: Voter Suppression and Barriers to Voting
3. ENGAGE: Voting by Mail and How Would You Get More People, Especially Young People to Vote?
    - MEDIA LITERACY CONNECTIONS: Playing Digital Games to Learn about Voting and Civic Participation

## 1. INVESTIGATE: Who Votes and Who Does Not Vote in the United States?

Elections in the United States are decided not only by **who votes**, but by **who does not vote** and **who is not allowed to vote**. FairVote, an election advocacy organization, estimates only about 60% of eligible voters cast a ballot in a presidential election while as few as 30 to 40% vote in midterm elections. Turnout is generally even lower in local or off-year special elections (Voter Turnout Rates, 1916-2018, FairVote).

Voting Sign, Taft Texas, 2016

Vote Here Sign by Jay Phagan is licensed under CC BY 2.0

In 2016, Donald Trump won the Presidency even though he lost the popular vote to Hillary Clinton by 2,864,974 votes (other candidates received 7,804,213 votes as well). These vote totals mean he was elected President by a little more than a quarter of the eligible voters. View the election results on this **interactive map**.

In many districts around the country, the number of non-voters actually exceeded the number of people who actually voted. Here is a **map of the United States that shows non-voters in the 2016 election**.

Voter participation in the United States is lower than in many other countries around the world—Belgium, Sweden and Denmark all have voter turnout rates of 80% or higher. However, Switzerland however consistently has a very low voter turnout—in 2015, less than 39% of the Swiss voting-age population cast ballots for the federal legislature (Pew Research Center, 2018).

Those who vote in this country tend to have more education, higher income, are older in age, and are more likely to be married. Young people, ages 18 to 30, are the least likely group to vote with a rate of 44%. By contrast 62% of 31- to 60-year-olds and 72% of those 60 and older vote.

Other facts of note include:

- Nearly 30% of the electorate is Black, Hispanic, Asian-American, or some other ethnic minority (quoted from David W. Blight, "On the Election," *The New York Review of Books*, November 5, 2020, p. 4)
- Individuals with more education are more likely to vote than those with less education.
- Whites are more likely to vote than African Americans, Latinos, and Asians, and citizens of color also lag behind Whites in voter registration rates.
    - Nevertheless, **Black Voters are credited with helping to deliver three key electoral college states to Joe Biden** in the 2020 Presidential elections, accounting for 50% of all Democratic votes in Georgia (16 electoral votes); 20% of Democratic votes in Michigan (16 electoral votes); and 21% of Democratic votes

in Pennsylvania (20 electoral votes), effectively making the difference between victory or defeat for Biden in those states (*Brookings*, November 24, 2020).

**Women Voters and the Gender Gap**

Today, **women are more likely to vote than men**, part of a marked **voting gender gap**. The 1980 Presidential election was a milestone for women voters. It was the first election in which women and men cast the same share of votes. At the same time, only 47% of women voted for Republican winner Ronald Reagan compared to men, 55% of whom supported Reagan. It was the first observable gender gap in Presidential voting, and trend that has continued with women increasingly likely to vote for the Democratic presidential candidate (Women Won the Right to Vote 100 Years Ago. They Didn't Start Voting Differently from Men Until 1980, *FiveThirtyEight*, August 19, 2020).

Since 1980, women have continued to expand their participation in voting. In every presidential election before 1980, the proportion of men voting exceeded women; in every presidential election since 1980, the proportion of women voting for President has exceeded that of men (Center for American Women and Politics, 2019).

Stated differently, in 2012 and 2016 presidential elections, women outvoted men by 10 million ballots, a number equaling all the votes cast in the state of Texas in 2016. As one commentator noted, "The United States of Women is larger than the United States of Men by a full Lone Star State" (Thompson, 2020, para. 2).

**Non-Voters**

Non-voters give different reasons for staying away on election day. According to a 2015 report from the Public Policy Institute of California, the reasons why registered voters do not always vote include:

- Lack of interest (36%)
- Time/schedule constraints (32%)
- Confidence in elections (10%)
- Other (10%)
- Process related (9%)
- Don't know (2%)

Just before the 2020 presidential election, FiveThirtyEight researchers found that non-voters tend to have lower incomes, are young, do not belong to a political party, and are predominantly Asian American or Latino. Among the major reasons given for not voting were missing the registration deadline, not being able to get off work or find where to go to vote, and feeling that the system is broken and their vote will not matter (Why Many Americans Don't Vote, October 28, 2020).

But the FiveThirtyEight pollsters also found other reasons for not voting besides disinterest or alienation. Many people want vote but cannot. Some reported being unable to access a polling location because of a physical disability. Others said they did not receive an absentee ballot on time, were told their name was not on the registered voter list, did not have an accepted form of identification, or could not receive help filling out a ballot.

Do these reasons apply to people in Massachusetts? What other reasons might people have for not voting?

## Suggested Learning Activities

- **Investigate Online Data**
  - Investigate online data from:
    - Interactive maps and cinematic visualizations of how Americans have voted in every election since 1840, *Voting America*, a website developed by the University of Richmond
    - How Many Voted in Your Congressional District in 2018? United States Census Bureau
    - Voter Turnout, MIT Election Data & Science Lab
  - What did you uncover about how and why people vote?
- **Civic Action Project**
  - Design a proposal, podcast series, social media campaign, or PSA to encourage more people - especially more young people - to vote.
- **State Your View**
  - Is Voter Apathy or Lack of Voter Access the greatest barrier to people voting in this country?
  - What evidence can you cite to support your opinion?
- **Analyze Election Results**
  - Political scientists have identified multiple reasons why people voted for Donald Trump in 2016. What is your view?
    - People voted for Trump in response to issues of race and religion. Studies show support for Trump strongly correlated with negative views and overt racial hatred toward Black and Muslim Americans as well as immigrants.
    - People voted for Trump in response to issues of economic and technological change. Studies show strong support for Trump in communities hard hit by declines of manufacturing jobs.
    - People voted for Trump in response to media coverage of the election.
    - People voted for Trump based on religious views. 84% of evangelicals voted for Trump as did 60% of White Catholics.

## Online Resources for Women's Suffrage, Voting, and Not Voting

- Learn more about the *Minor v. Happersett* case and women's suffrage using the following resources:
  - Virginia Minor and Women's Right to Vote, Gateway Arch, National Park Service
  - Newspaper Coverage of Minor v. Happersett, April 3, 1875
  - The Legal Case of Minor v. Happersett, from the Women's History Museum
  - The Suffragist, Smithsonian lesson plan and media
- Voting Resources
  - State-by-State Voter Turnout Maps from FairVote for the 2018, 2016, 2014 and 2012 elections
  - Top Ten States with Highest Voter Turnout, ThoughtCo. (March 7, 2019)
  - Why Vote? Map-based learning activity from the Boston Public Library
  - LEARNING PLAN: The True History of Voting Rights, *Teaching Tolerance*

### Teacher-Designed Learning Plan: Voting From Ancient Athens to Modern America

Voting from Ancient Athens to Modern America is a learning unit developed by Erich Leaper, 7th-grade teacher at Van Sickle Academy, Springfield Massachusetts, during the spring 2020 COVID-19 pandemic when schools went to all remote learning. The unit covers one week of instructional activities and remote learning for students. It addresses both a Massachusetts Grade 7 and a Grade 8 curriculum standard as well as Advanced Placement (AP) Government and Politics unit.

- Massachusetts Grade 7
    - Explain the democratic political concepts developed in ancient Greece: a) the "polis" or city state; b) civic participation and voting rights; c) legislative bodies; d) constitution writing; d) rule of law.
- Massachusetts Grade 8
    - Describe how a democracy provides opportunities for citizens to participate in the political process through elections, political parties and interest groups.
- Advanced Placement: United States Government and Politics
    - Unit 5: Political Participation
        - 5.2: Voter Turnout

This activity can be adapted and used for in-person, fully online, and blended learning formats.

## 2.UNCOVER: Voter Suppression and Barriers to Voting

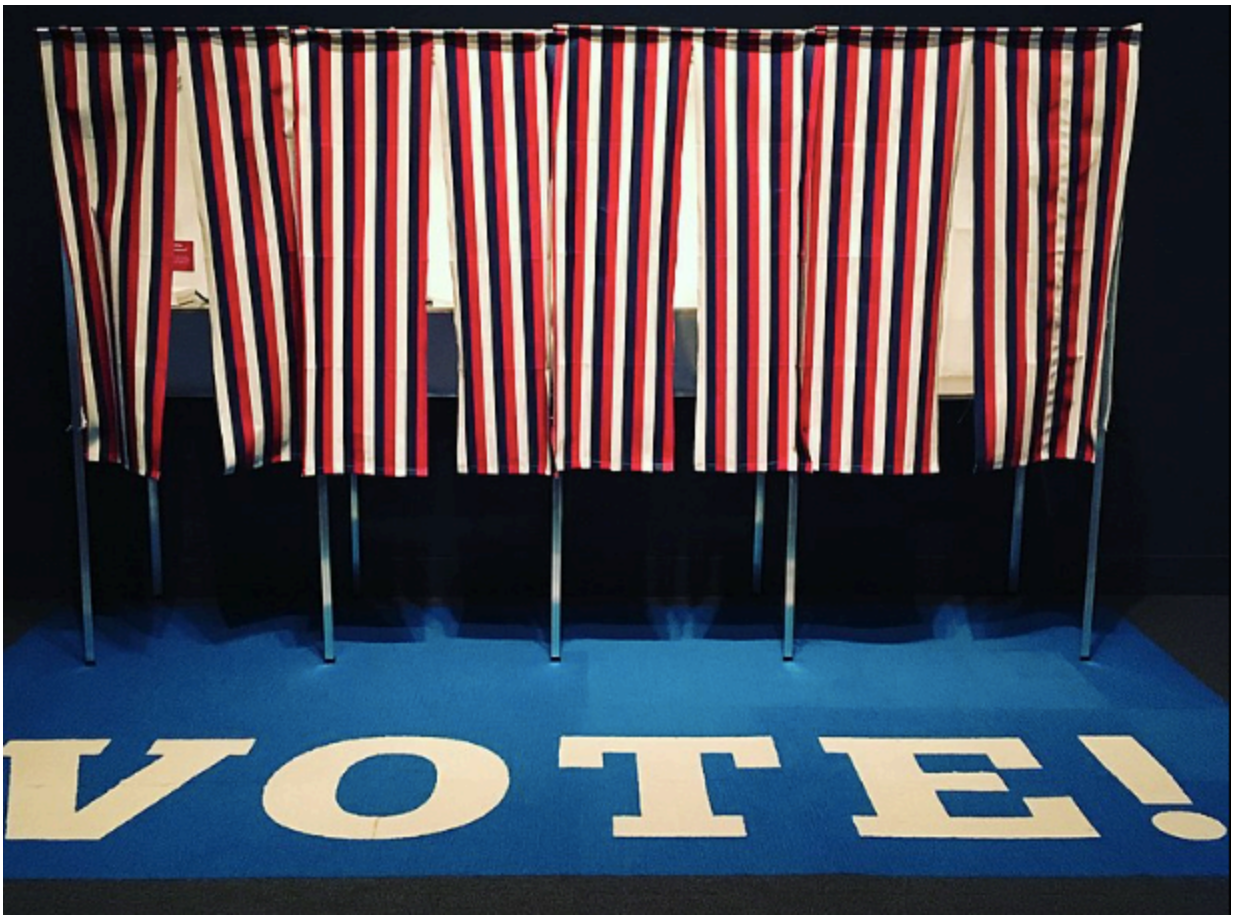
**Voter suppression** has been defined as "an effort or activity designed to prevent people from voting by making voting impossible, dangerous or just very difficult" (quoted in The True History of Voting Rights, *Teaching Tolerance*). Voter suppression and barriers to voting can legal and organized, illegal and organized, or illegal and unorganized.

Throughout U.S. history and even while constitutional amendments, court cases, and state and federal laws expanded the right to vote, Poll Taxes, Literacy Tests, and more recently, Voter Restriction Policies, including Voter Identification (ID) laws were used to limit voting by African Americans and other people of color in many states (Berman, 2015).

Carol Anderson (2019) has documented this history in her book, *One Person, No Vote: How Voter Suppression is Destroying Our Democracy*.

Link here to find out Which states make it hardest to vote?

In this UNCOVER section, we look more closely at how secret ballots, poll taxes, literacy tests, and current day voter restriction laws have made it harder for many people to vote, in the past and today.




Voting Booths for an American Election
Public Domain Image from the George W. Bush Presidential Library

## Secret Ballots

The modern-day image of a solitary citizen going behind a screen or curtain at a voting booth (like the one pictured below) to cast a secret ballot is not the way voting happened for much of United States history (The Institute for Advanced Technology in the Humanities, 2020).

In the 18th and 19th centuries, noted historian Jill Lepore (2008, 2018), voting was done in public, sometimes by voice, or by a show of hands, or by tossing beans or pebbles into a hat. Paper ballots were only used in some states - Kentucky had voice voting until 1891.

Paper ballots, noted Lepore, were known as "party tickets," printed by political parties (Lepore, 2008, para. 3). Fraud and intimidation were rampant, especially in urban centers where political bosses dominated local politics. According to Lepore, "In San Francisco, party bosses handed out “quarter eagles,” coins worth $2.50. In Indiana, tens of thousands of men sold their suffrages for no more than a sandwich, a swig, and a fiver" (para. 23).

Reform came with the introduction of the **Australian ballot or secret ballot**. In 1856, the country of Australia began requiring the government to print ballots and local officials to provide voting booths where individuals could vote in private and in secret. The Australian ballot made its way first to England and then to the United States.

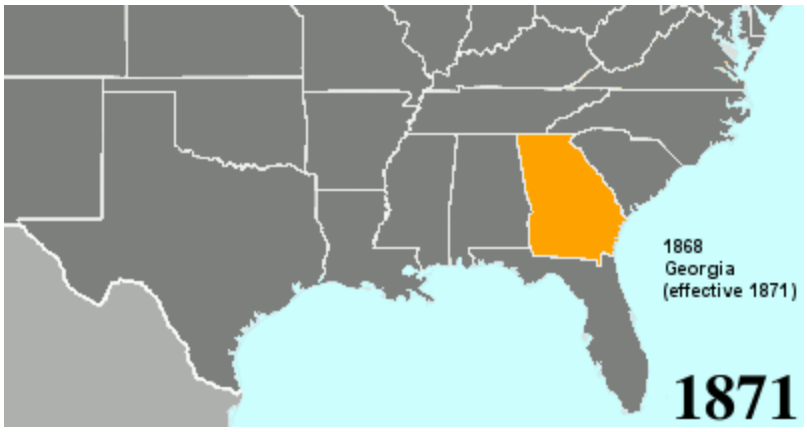
Massachusetts passed the nation's first statewide Australian ballot law in 1888. By 1896, "thirty-nine of forty-five states cast secret, government-printed ballots" (Lepore, 2008, para. 27). At that time, 88% of the nation's voters voted. The numbers of people voting have been declining ever since.

Paradoxically, government printed ballots as part of secret balloting were harder to read "making it more difficult for immigrants, former slaves and the uneducated poor to vote" (Lepore, 2008, para. 25). Many southern states embraced the reform, helping to limit Black men from voting.

Watch on YouTube https://edtechbooks.org/-qIj

## Poll Taxes

A **Poll Tax** is a fee charged to anyone seeking to vote in an election. Poll taxes have been used as a way to keep people who could not afford to pay the tax, particularly African Americans in the South, from participating in local, state and national elections. Poll taxes were outlawed by the 24th Amendment in 1964.




**The Poll Tax in the United States, 1868-1966**
Posted on Wikimedia Commons by SnowFire and licensed CC BY-SA 3.0

Learn more about poll taxes in United States history:

- White Only: Jim Crow in America discusses ways African Americans were denied the vote
- Edward M. Kennedy Poll Tax Amendment (1965) - Senator Kennedy unsuccessfully sought to extend the 24th Amendment to state and local elections.

## Literacy Tests

In political settings, a **literacy test** is an exam used to assess a potential voter's reading and writing skills as well as civic and historical knowledge. Officials made the questions so difficult that hardly anyone could pass.

Connecticut was the first state to require a literacy test; it was intended to keep Irish immigrants from voting. In the American South, literacy tests were used to prevent African Americans from registering to vote.

The Voting Rights Act of 1965 ended the use of literacy tests (Literacy Tests and the Right to Vote).

## Voter Restriction Policies

Although restrictions on voting by race or gender is no longer allowed by law, **voter restriction policies** are in place in many states that limit people's access to voting.

**New Hampshire Voting Place Sign, 2013**
Posted on Wikimedia Commons by Mark Buckawicki | No Copyright

Widely used voter restriction practices include **Voter and Photo Identification (ID) Laws**, cutbacks in early voting times and days, and reduced opportunities for people to register to vote.

Proponents claim these laws are needed to prevent **voter fraud**, although virtually no evidence of such fraud exists (Voter Fraud?  Or Voter Suppression?).

For a 2018 example of voter suppression practices, read the following news story: After Stunning Democratic Win, North Dakota Republicans Suppressed the Native American Vote. A Federal Court found North Dakota's voter identification laws were disproportionately burdensome to Native Americans.

In the aftermath of the 2020 Presidential election, representatives from both political parties began proposing state-level voting reform legislation, filling hundreds of bills in states throughout the country ("After Record Turnout, GOP Tries to Make It Harder to Vote," *Boston Sunday Globe*, January 31, 2021). Democrats sought to **expand ballot access** (such as allowing felons to vote or automatically registering voters at motor vehicle bureaus) while Republicans seek to **limit voting** (repealing no-excuse absentee ballots or restricting the mailing of absentee ballots to voters).

Interested in learning more? Check out KQED Learn's "Is Voting Too Hard in the U.S.?" video (below)

and discussion activity.

Watch on YouTube https://edtechbooks.org/-mDp

## Suggested Learning Activities

- **Take a Literacy Test**
  - Can You Pass a Literacy Test? from PBS
  - 1965 Alabama Literacy Test
  - Consider: Would you be eligible to vote based on your test score?
- **Propose a National Felony Voting Policy**
  - Watch the video: Should People Convicted of a Crime Be Allowed to Vote? from KQED Learn
    - In some states, individuals convicted of a crime can vote while in prison; in other states, a felon is barred from ever voting (Felony Voting Rights, National Conference of State Legislatures, October 2020).
    - Draft a proposal for a national policy on felony voting
    - Pros and Cons for Felony Voting
- **State Your View**
  - Do you support a Right to Vote Amendment to the Constitution? Why or Why Not?
- **Construct a Voting Rights Timeline**
  - Use the following Supreme Court cases to design an interactive multimodal timeline (using Tiki-Toki, Timeline JS, Canva, or another tool) showcasing the history of voting rights:
    - *Leser v. Garnett* (1922) - This decision by the Supreme Court reaffirmed the 19th Amendment that women had the right to vote. Supreme Court Upholds Voting Rights for Women, February 27, 1922
    - *Guinn v. United States* (1915)
    - *Baker v. Carr* (1962)
    - *Oregon v. Mitchell* (1970)
    - *Crawford v. Marion County Election Board* (2008)
    - *Shelby County v. Holder* (2013)
    - *Evenwel v. Abbott* (2016)
    - What Other Cases Would You Add?

## Online Resources for Voting, Poll Taxes, Literacy Tests, and Voter Restriction Laws

- BOOK: *Making Young Voters: Converting Civic Attitudes into Civil Action*. John B. Holbein & D. Sunshine Hillygus. Cambridge University Press, 2020.
- BOOK: *Blackballed: The Black Vote and US Democracy*. Darryl Pickney. New York Review Books, 2020.
- Future Voters Project, Teaching Tolerance Magazine
- Expansion of voting and women's suffrage after the Civil War
- Voting Rights and Voter Suppression
- Learning Plans:
  - Barriers to Voting, Pennsylvania Bar Association
  - Who Gets to Vote? Washington State Legislature

# 3. ENGAGE: Voting by Mail and How Would You Get More People, Especially Young People, to Vote?

Getting more people, especially young people, to vote is a complex public policy and educational problem. There are many proposals and no easy solutions. For an overview, read To Build a Better Ballot: An Interactive Guide to Alternative Voting Systems.

**Michelle Obama Co-Founded the Voter Participation Organization "When We All Vote" in 2018**
Credit: Wikimedia Commons/Public Domain

The following section provides an overview of voting reform proposals. What changes are you prepared to support and why?

### Expanded Vote by Mail (Vote at Home) and Universal Mail-In Voting

**Mail-in voting** (then called absentee voting) first began during the Civil War when both Union and Confederate soldiers could mail in their votes from battlefields and military encampments. Again, during World War II, soldiers were allowed to vote from where they were stationed overseas. States began allowing absentee voting for civilians who were away from home or seriously ill during the 1880s. California became the first state to permit no excuse absentee voting (voting by mail for any reason) during the 1980s (Absentee Voting for Any Reason, MIT Election Data Science Lab).

The COVID-19 pandemic renewed calls for the United States to expand **vote by mail** options for American elections.  Presently, there are two ways to vote by mail: 1) **universal vote by mail** (also

known as **vote at home**) where the state mails ballots to all enrolled voters and 2) **absentee balloting** where those who are unable to vote in person on election day must request an absentee ballot and state their reasons for doing so.

- In 2016, 33 million people (one-quarter of all votes) voted using one of these procedures. The 2020 election had **60 million** people vote by mail, doubling previous totals and accounting for as much as **45 percent** of the total voter turnout (Bazelon, 2020, p. 14, 18).

Five states - Colorado, Hawaii, Oregon, Utah and Washington - have universal vote by mail in place. In Colorado, which has had its universal vote by mail system in place since 2014, fewer than 6 percent vote in person on election day; everyone else votes by mail.

Some states with absentee ballot rules have strict deadlines for getting a ballot and when a deadline is missed, the individual cannot vote.

Voting by mail does not give an advantage to either major political party nor does it increase chances for election fraud (How Does Vote-By-Mail Work and Does It Increase Voter Fraud? Brookings, June 22, 2020). There is emerging evidence that mail-in voting does increase participation: 1) The vote at home states of Colorado, Oregon and Washington were among the top ten in states in voter turnout nationwide; 2) Utah, another vote at home state, had the most growth in voter turnout nationally since 2104; 3) Vote at home states outperformed other states by 15.5 percentage points in the 2018 primaries (Nichols, 2018, para. 14). Researchers acknowledge that other factors beside voting by mail might have contributed to increased turnout in those states.

Expanded vote by mail proposals include no-excuse absentee voting and extending all-mail elections to every state so everyone receives a ballot in the mail which can be returned by mail or in-person at a voting center (All-Mail Elections: aka Vote-by-Mail, National Conference of State Legislatures).

Read Voting by Mail? an excerpt from the book *Democracy in America? What Has Gone Wrong and What Can We Do About It* by political scientists Benjamin I. Page and Martin Gilens (2020).

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### Compulsory Voting and Universal Civic Duty Voting

In Australia, Argentina, Belgium, Mexico and 18 other countries around the world, it is against the law not to vote. Non-voters face fines and other penalties (22 Countries Where Voting is Compulsory).

Some observers believe that voting should be made compulsory in the United States to get more people involved in the democratic process. Other commentators focus on getting more people registered to vote as a way to increase voter turnout at election time. Presently, in every state except North Dakota, a person must be registered to vote in order to cast a ballot in an election. It is estimated that more than 20% of potentially eligible voters nationally are not registered to vote (Pew Issue Brief, 2017).

Other commentators believe that instilling a ethos that voting is a civic duty is the way to promote greater participation in local, state and national elections. This is known as **universal civic duty voting**. While advocates of this idea may favor small fines for not voting, they recognize that it is a person's right not to vote if they so choose. The goal is to develop from young ages the disposition that voting is one of the duties or responsibilities that a person has in the democracy. For more, read Lift Every Voice: The Urgency of Universal Civic Study Voting, Brookings (July 20, 2020).

**Ranked Choice Voting or Instant Runoff Voting (IRV)**

Ranked Choice or Instant Runoff Voting is being adopted by communities around the country as well as the state of Maine - it is also discussed in Topic 3.4 in this book. The Committee for Ranked Choice Voting explains how it works:

> Ranked choice voting gives you the power to rank candidates from your favorite to your least favorite. On Election Night, all the ballots are counted for voters' first choices. If one candidate receives an outright majority, he or she wins. If no candidate receives a majority, the candidate with the fewest first choices is eliminated and voters who liked that candidate the best have their ballots instantly counted for their second choice. This process repeats and last-place candidates lose until one candidate reaches a majority and wins. Your vote counts for your second choice only if your first choice has been eliminated. (para. 1)

**Expanded Early Voting**

Early voting means that people can vote on specified days and times before an actual election day, making it possible to fit voting into busy schedules while avoiding long lines and delays at the polls. State laws governing early voting vary across the country; includes a state-by-state early voting time chart.

**Automatic Voter Registration (AVR)**

As of 2020, in 16 states and the District of Columbia, a person is automatically registered to vote when registering for a driver's license (known as Motor Voter Registration) or interacting with some other government agency—unless that person formally opts-out. Voter Rolls are Growing Owing to Automatic Voter Registration, NPR (April 11, 2019).

**Letting Students Miss School to Vote**

Under a law passed in Illinois in 2020 that was initiated by the efforts of high school student activists, students may be excused from classes for up to 2 hours on election day or any day that early voting is offered to vote in general, primary, or special elections. Text of Public Act 101-0624.

**Lower the Voting Age to 16 or 17**

Lowering the Voting age follows from the fact that in most states, 16 year-olds can get married, drive, pay income tax, get a passport, leave school, work full time, and join a union, among other activities (Teenagers are Changing the World. They Should Be Allowed to Vote). In one third of the states, 17-year-olds can register to vote if they turn 18 by election day. There is more information at The Case for Allowing 16-year-olds to Vote.

**Additional Proposals**

Additional ideas include same-day voter registration, online voter registration, text alerts reminders to vote, registering young voters at rock concerts and other youth-related events, making voting day a national holiday, and extending voting rights for ex-prisoners. Some observers believe becoming a voter begins at school, as in the following example:

**Democracy Prep Public Schools**

The founders of the Democracy Prep public school network believe they have a successful model for increasing civic participation, including voting, by students. Democracy Prep serves students in New York City, Camden, New Jersey, Baton Rouge, Las Vegas and San Antonio. Students are admitted to these schools by randomized lotteries which allow for statistical comparisons between student groups. One study found "Democracy Prep increases the voter registration rates of its students by about 16 percentage points and increases the voting rates of its students by about 12 percentage points" (Gill, et al., 2018, para. 1).

The National Education Policy Center urges caution in interpreting these results. Students chose to apply to Democracy Prep so they may have been inclined toward civic participation before attending. The school had abundant resources from federal grants to develop a strong curriculum.

Still, it is important to ask: How Democracy Prep did promote civic participation and voting among its students? Students were encouraged to “feel an obligation to be true and authentic citizens of a community” (DemocracyPrep, 2020, para. 3). As part of their education, students get to visit with legislators, attend public meetings, testify before legislative bodies, discuss essays on civics and government, participate in “Get Out the Vote” campaigns, and develop a senior level “Change the World” capstone project.

**How many of those actions are happening or could happen at your school?**

## Suggested Learning Activities

- **Propose a Change in Your School or Your Classroom**
  - What changes in school curriculum and activities do you believe would increase civic participation and voting by young people?

- **Evaluate Voting Reform Proposals**
  - Assess and then rank the voting reform proposals in this section according to your first to last priorities, explaining your reasons why.
  - What other voting reform proposals would you propose?

- **CIVIC ACTION PROJECT: Design Ways to Improve Voting for People with Disabilities**
  - Listen to NPR Podcast, Voters with Disabilities Fight for More Accessible Polling Places
    - About 1 in 6 -- more than 35 million -- eligible voters have a disability, a third of whom report difficulties in be able to vote
    - Commonly cited barriers include seeing and writing ballots, using voting equipment, traveling to voting locations, getting inside polling places and more.
  - Design ways to address these and other potential barriers facing voters with disabilities

## Media Literacy Connections: Playing Digital Games to Learn about Voting and Civic Participation

Watch on YouTube https://edtechbooks.org/-okN

**Focus Question: Can digital games increase voting and civic participation among young people?**

Growing numbers of youngsters from elementary school to high school and college play digital games for entertainment on gaming devices, computers, and smartphones. But can game play influence young people to become voters and actively-engaged democratic citizens?

Many educators and game platforms believe so, and are developing serious games to promote civic awareness and participation. iCivics, founded in 2008 by former Supreme Court Justice Sandra Day O'Connor, offers a wide-ranging collection of online games about all aspects of American government and law. In the run-up to the 2020 Presidential election, the organization Rock the Vote created the game Build the Vote in Minecraft. The United Nations Office for Disaster Risk Reduction published Stop Disasters! - games that challenge players to take governmental and environmental actions to prevent floods, earthquakes, and other natural calamities. Spent is an online game about surviving poverty and homelessness.

**Activity 1: Evaluate a Politically-Themed Digital Game**

- Choose a digital game from iCivics, Minecraft, Stop Disasters! or another source and play it enough so you understand its purpose and structure.
- What do you think young people will learn from the game?
- Do you believe this game or any game can influence young people to vote or to become more involved in their communities?

**Activity 2: Design Your Own Game about Voting and Politics**

- Imagine you have been asked to design a game for elementary, middle, or high school students that would influence their thinking about voting and politics.
- How would that game function? How would you balance competition for points with social problems to solve? Would you have badges for achievements, multiple levels of game play, engaging characters that interact with game players?

**Additional Resources**

"Children's Engagement with Digital Devices, Screen Time," Pew Research Center, July 28, 2020).

## Standard 4.5 Conclusion

Voting offers citizens the opportunity to participate directly in democratic decision-making, yet voter turnout in the United States is low with only about 60% of eligible voters casting a ballot in presidential elections, 40% in midterm elections, and often even lower percentages in local elections. **INVESTIGATE** looked at whether voter apathy or lack of voter access impacts who votes and who does not. **UNCOVER** examined how poll taxes, literacy tests, and more recently, voter restriction laws, have limited voting by African Americans and members of other diverse groups in American society. **ENGAGE** asked what steps can be taken to get more people, especially younger people, to vote?

# 4.6

# Election Information

## Standard 4.6: Election Information

*Evaluate information related to elections.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.6]**

## FOCUS QUESTION: How do Students Access and Assess Information about Elections and Politics?

**Congress of Industrial Organizations poster by Ben Shahn (1946)**
Library of Congress (164) "Ben Shahn and a Fight for Rights" | Public Domain)

**Elections** are essential to democratic systems of government. They give substantive meaning to the phrase "of the people, by the people, for the people."

Through elections, people make known their choices between candidates, policies, and political parties. Elections decide who will lead cities, towns, states, and the nation. In his "Dissertation on the First Principles of Government" (1795), the American revolutionary Thomas Paine declared that "the

right of voting for representatives is the primary right by which other rights are protected" (para. 11).

To participate in elections, voters need accurate and unbiased information. Without information to critically analyze the candidates and the issues, people cannot adequately assess the differences of the candidates and issues and understand the results of these for themselves or their communities.

**How can students learn to critically evaluate information related to elections so they can participate fully as voters, citizens, and engaged community members?**

The modules for this standard address that question by examining the impact of **persuasion, propaganda,** and **political language** in political campaigns, the role of Presidential debates in American politics, and the question of public versus private financing of elections.

### Modules for this Standard Include:

1. INVESTIGATE: Persuasion, Propaganda, and Political Language in Elections
    - MEDIA LITERACY CONNECTIONS: Using Social Media in Political Campaigns
2. UNCOVER: Presidential Debates in U.S. Politics
    - MEDIA LITERACY CONNECTIONS: Assessing Media Coverage of Political Debates
3. ENGAGE: Should There Be Public Financing of Elections?

## 1. INVESTIGATE: Persuasion, Propaganda, and Political Language in Elections

Understanding how persuasion, propaganda, and political language are used in elections and politics is essential to being an informed and engaged member of a democratic society.

- **Persuasion** means "to influence." Persuading is convincing someone to do or believe something that you want them to.
- **Propaganda** means "the spreading of ideas, information, or rumor for the purpose of helping or injuring an institution, a cause, or a person" (Merriam-Webster Dictionary, para. 2).
- **Political language** refers to how words, symbols, and images are used to influence people's thinking about public policy issues and topics.

The goal of propaganda is persuasion, and to fully understand the impacts of propaganda on elections in a democracy, it is important to explore how politicians and political campaigns use political language is used to motivate voters and supporters.

There are different kinds of propaganda, ranging from "selfish, deceitful, and subversive effort to honest and aboveboard promotion of things that are good" (American Historical Association, 1944, para. 5). To participate in elections and public policy debates, people must be able to separate harmful misinformation that is propaganda from fairly presented and accurate persuasive information that is meant to educate.

**1939 Soviet propaganda poster depicting the Red Army killing an oppressive Polish eagle**
Image from Wikimedia Commons | Public Domain

Propaganda has a long negative history. Dictators and totalitarian regimes have **used propaganda to manipulate and control their citizens**. Democratic governments, including the United States, have used propaganda to build public support for wartime policies and actions that the people might otherwise NOT want to do. Politicians also use propaganda to market themselves - make themselves appealing - to voters.

Manufacturers and corporations also use **propaganda techniques to sell their products** - sometimes through deceptive commercials and false advertisements. For many years, cigarette companies hid the harmful effects of tobacco in ads that featured smoking as a healthy and part of a fun-filled lifestyle. Political language can be used to obscure, hide, or misrepresent, rather than inform as George Orwell (1946) famously said, “Political language is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind" (as cited in New Oxford Review, 2016, para. 2).

**George Orwell and Political Language**

Image of George Orwell | Public Domain

Orwell's novels *1984* and *Animal Farm* are examples of how powerful interests use information to control people and direct how they think and behave.

In *1984*, an all-powerful dictator named Big Brother (modeled after the totalitarian Soviet leader Joseph Stalin) rules society through propaganda, political language, telescreens,Thought Police, and mind control. The ever-present state government relies on **doublespeak**, a form of language that deliberately distorts the meaning of words.

In *Animal Farm*, a group of barnyard animals revolt against their oppressive owner, a farmer named Mr. Jones. Over time, however, human-like greed causes the animals' revolutionary society to lose its commitment to values of freedom and justice, leaving in place only one principle: "All animals are equal, but some animals are more equal than others."

A Doublespeak Award has been given every year since 1974 by the National Council of Teachers of English as an ironic tribute to "public speakers who have perpetuated language that is grossly deceptive, evasive, euphemistic, confusing, or self-centered" (para. 3).

**Trump and Twitter**

Twitter has become a powerful tool for political persuasion and propaganda. Looking at the first two years of the Trump Presidency (which included the Mueller Investigation into Russian interference in 2016 presidential election), researchers found that whenever a politically uncomfortable or potentially unfavorable issue appeared in the media, Trump's Twitter account responded with tweets about unrelated topics, emphasizing his strengths as President and using language that appealed to his base of voters (Lewandowsky, et.al. 2020).

Terms like "jobs," "China," and "immigration" were used to signal how his administration was creating jobs for American workers while opposing China internationally and blocking immigration domestically. This pattern of diversion was not found to be present when the media was covering topics not related to or favorable to the Trump agenda.

Interestingly, Trump himself does not write many of this tweets. In 2018, NPR reported that Dan Scavino, the President's former golf caddie from 1990 and White House social media director, is the author of much of the content on the site @realDonaldTrump. Scavino also takes dictation and then crafts the message into grammatically correct language, further evidence of how Twitter was used to convey political information.

## Media Literacy Connections: Using Social Media in Political Campaigns

**Focus Question: How do politicians and political campaigns use political language to influence voters?**

Democracies depend on the active and informed involvement of their members. The development of social media provides expansive new opportunities for politicians to use political language as propaganda to influence voters. As Pinar Yildirim of the University of Pennsylvania points out, social media platforms like Twitter, Facebook, and Instagram allow political figures, particularly newcomers, to reach millions of people at little or no cost (How Social Media is Shaping Political Campaigns, Knowledge@Wharton, August 17, 2020).

It is estimated that 72% of U.S. voters actively use social media (Social Media Could Determine the Outcome of the 2020 Election, Forbes, October 26, 2020). Accordingly, the 2020 Presidential election has seen an enormous investment in social media by candidates and political parties. Donald Trump alone has 87 million followers on Twitter.

### Activity 1: Evaluate Political Social Media Campaigns

- Choose a political candidate or political party in the 2020 election. It can be a candidate for President, Senate, House of Representatives, or a state or local office.
- Evaluate the political candidate's use of political language, visuals, and propaganda techniques in their social media posts for how it might influence the partisan brain.
- Create an interactive image or screen recording in which you deconstruct the meaning behind the words and visuals and share your digital media product with the public to inform their thinking.

### Activity 2: Design a Political Campaign Poster or Social Media Campaign

- Explore the History of Presidential Campaign Posters, a video from the Library of Congress and Political Commercials from 1952 to 2016 from the Museum of the Moving Image.
- Decide what propaganda techniques or political language you are going to use to persuade others to vote for you.
- Design a political campaign poster or social media campaign (series of tweets, memes, videos, Tik Toks, posts, etc...) to support your run for political office.

### Additional Resources:

- Documentary: The Social Dilemma on Netflix
- Ted talk: How a handful of tech companies control billions of minds every day | Tristan Harris
- Challenging confirmation bias lesson plan (for teacher)
- 2020 social media voter scorecard
- Is breaking news broken on social media lesson plan (for teacher)
- 5 Things to Check Before Sharing News About Politics
- How to Find Credible Information About the Election (and Avoid Getting Duped)

### Suggested Learning Activities

- **Design a Propaganda Graphic or Poster**
  - Review:
    - 50 Powerful Examples of Visual Propaganda and the Meanings Behind Them
    - Winning Over Hearts and Minds: Analyzing WWII Propaganda Posters
    - Powers of Persuasion: Poster Art from World War II
  - Then, create your own propaganda graphic or poster art to change people's thinking and/or behavior about a candidate for political issue.
- **Invent an Example of Doublespeak**
  - An example of DoubleSpeak is the use of the term "Downsizing" instead of "layoffs."
  - Explore examples of Doublespeak at yourdictionary.com
  - Then, create your own Doublespeak terms and incorporate them into a short persuasive essay.

### Online Resources for Persuasion, Propaganda and Political Language

- Use of Propaganda During World War II from NebraskaStudies.org
- Propaganda 101: What You Need to Know and Why
- Propaganda: What's the Message? from iCivics.
- Nazi Propaganda from the United States Holocaust Museum.
- Totalitarianism and the Rise of the Dictators, 1920s - 1930s

## 2.UNCOVER: Presidential Debates in U.S. Politics

**Debates** are one of the major ways that candidates seek to gain the support of voters. They serve as a way for people to learn about the views and personalities of the candidates who are running in a primary or general election.

The idea of debates between candidates is famously associated with Lincoln/Douglas debates over slavery in 1858, but debate was a central feature of American politics since the Constitutional Convention. In the decades before the Civil War, candidates debated face-to-face, ordinary citizens took debating classes, and debating societies could be found in cities and small towns - although women were not allowed to debate (Lepore, 2018).

Debates by Presidential contenders is a 20th century development. In 1948, Republican Party presidential hopefuls Thomas Dewey and Harold Stassen were the first to debate one another on radio. 1960 marked the first televised Presidential debates between John F. Kennedy and Richard M. Nixon.

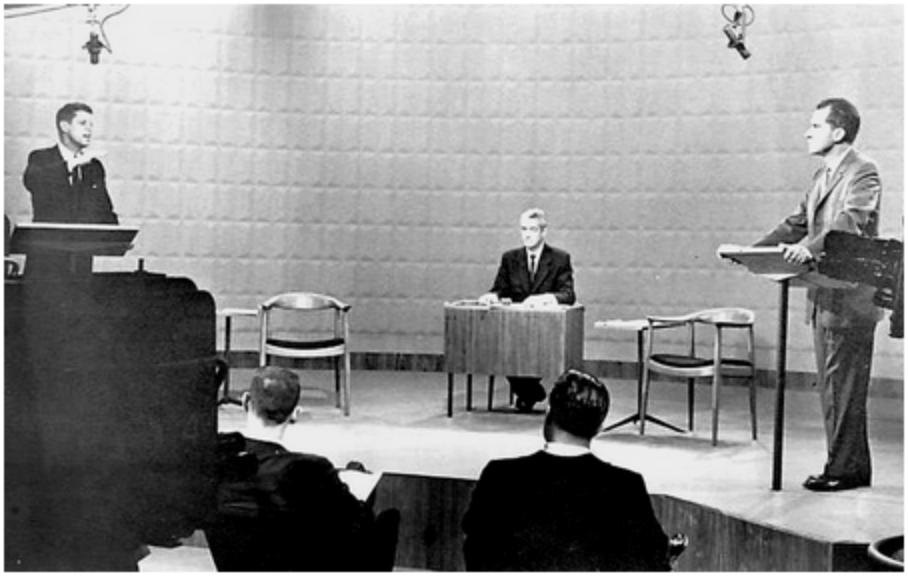

**Photo of the first Kennedy/Nixon presidential debate, September 26, 1960**
"First 1960 presidential debate" by Associated Press | Public Domain

Following the Kennedy/Nixon debates of 1960, there were no presidential debates until 1976. The Commission on Presidential Debates was established in 1987. Since then, debates among Presidential candidates have become made-for-television, and more recently, highly anticipated social media events. Millions of people watch them live. Commentators and supporters comment online about who said what and why, making debates fascinating events for learning about how elections now happen in this country.

How much do political debates matter in terms of who gets elected? Political scientists are undecided. The general consensus is that primary debates "help voters evaluate candidates and can change minds" (FiveThirtyEight, 2019, para. 5).

Presidential debates are another matter, particularly after what happened in the 2016 election. Virtually every poll indicated that Hillary Clinton won each one of the three debates with Donald Trump, yet although she won the national popular vote, she did not receive enough electoral college votes to become President.

It may be that the way the media covers the debates and comments on them after the fact is more important than the actual debates in influencing how voters subsequently respond at the polls. In one study, based on the 2004 debate between John Kerry and George W. Bush, participants who watched the debate on CNN thought Kerry won while those who watched on NBC thought Bush won (The 2004 Presidential Debate in Tempe).

Learn more about the history of debates at the *resourcesforhistoryteachers* wiki page American Presidential Debates.

## Media Literacy Connections: Assessing Media Coverage of Political Debates

### Focus Question: How do the media re-frame and package the message of political debates for viewers?

Political debates provide politicians with a platform to share ideas and information with their constituents and potential voters. Meanwhile, news outlets seek to capture and maintain audience attention. How do these different agendas influence the way messages are framed to viewers?

#### Activity 1: Identify Media Bias

- Group students in groups of 3-4.
- Ask students to watch the 2020 vice presidential debate, then find news articles from different sides that discuss the performance of Vice President Mike Pence and Senator Kamala Harris.
- Examine how the media frame the performance of both candidates. Discuss the following questions:
    - **Production**: Who wrote this? What is the article's message?
    - **Language**: What words are used to tell the story? What do the stories say? How do you know? Give some examples of language showing the author's bias.
    - **Audience**: Who is this story aimed at? How do you know? How do people access this story?

#### Activity 2: Produce a Biased Media Report

- In groups of 3, ask one student to write a news report (including a headline) purposefully favorable to VP Pence (Fox News style); one student to write news report (including a headline) purposefully favorable to Senator Harris (MSNBC style), and one student to write an objective presentation for a major newspaper (New York Times).
- Have the students explain how they purposely used or did not use biased language and discuss who they aimed their news story at. Answer the following questions:
    - **Production**: What is your news report's message?
    - **Language**: What words did you choose to tell the story? Give examples of language showing the author's bias.
    - **Audience**: Who is your story aimed at? How do you know? How will people access this story?

### Suggested Learning Activities

- **Learn Online**
  - Play the game Win the White House, iCivics

- **Conduct a Mock Political Debate**
  - Choose an issue of importance in the school or community to debate with peers or another class/school.

- **State Your View**
  - Do you think participating in or listening to a debate causes people to change their minds or does it just reinforce already held viewpoints?
  - Which do you think has more influence on viewers: The actual debate or the media coverage of the debate?

### Online Resources for Presidential Debates

- Policies and Events Leading to the Civil War offers background information on the Lincoln/Douglas Debates
- The Role of Presidential Debates, Bill of Rights Institute
- Political Debates: Advising a Candidate, John F. Kennedy Presidential Library and Museum

## 3. ENGAGE: Should the United States Adopt Public Financing of Elections?

**Public financing of elections** has been proposed as a system for limiting the influence of wealthy donors and dark money on candidates and the political process. In theory, publicly funded elections mean that candidates would not have to raise enormous amounts of money from wealthy contributors and special interests.

Public financing means that candidates receive government funds to help pay the costs of running for political office. One version of publicly financed elections is **small donor matching funds.** In this approach, people who give small amounts of money to political candidates would have those contributions matched by the government. Learn more: The Case for Small Donor Public Financing in New York.

There is more about the role of money in politics in Topic 4.13 of this book.

### Suggested Learning Activity

- **Argue Pro and Con**
  - Should there be public financing of elections?
    - Pro: The Small-Donor Antidote to Big-Donor Politics, Center for American Progress (June 11, 2018)
    - Con: Three Problems with Taxpayer Funding of Election Campaigns, CATO Institute (January 16, 2019)

### Online Resources for Public Financing of Elections

- Small Donor Public Financing **from Brennan Center for Justice**
    - Small donations are matched and multiplied to help re-direct candidates' attention away from wealthy donors to ordinary citizens. A $50 donation in a six-to-one matching system, for example, is worth $300 to the candidate.
- Overview of State Laws on Public Financing of Elections
- The Case for a New Small Donor Public Matching Funds System

## Standard 4.6 Conclusion

In a democracy, free and fair elections require that voters have access to reliable and understandable information about candidates and issues. **INVESTIGATE** examined how persuasion, propaganda, and political language can be used to influence voters and determine elections. **UNCOVER** explored the history of presidential debates in American politics. **ENGAGE** asked whether there should be public financing of elections.

4.7

# Leadership and the Qualities of Political Leaders

## Standard 4.7: Leadership and the Qualities of Political Leaders

*Apply the knowledge of the meaning of leadership and the qualities of good leaders to evaluate political leaders in the community, state, and national levels.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.7]**

## FOCUS QUESTION: What is Effective Political Leadership?

Image from Pixabay

Standard 4.7 addresses **political leadership** and the qualities that people seek in those they choose for leadership roles in democratic systems of government.

Leadership involves multiple skills and talents. It has been said that an effective leader is **someone who knows when to lead, when to follow, and when to get out of the way** (the phrase "lead, follow or get out the way" is attributed to the American revolutionary Thomas Paine). In this view, effective leaders do much more than give orders. They create a shared vision for the future and viable strategic plans for the present. They negotiate ways to achieve what is needed while also listening to

what is wanted. They incorporate individuals and groups into processes of making decisions and enacting policies by developing support for their plans.

Different organizations need different types of leaders. A commercial profit-making firm needs a leader who can grow the business while balancing the interests of consumers, workers, and shareholders. An athletic team needs a leader who can call the plays and manage the personalities of the players to achieve success on the field and off it. A school classroom needs a teacher-leader who knows the curriculum and pursues the goal of ensuring that all students can excel academically, socially, and emotionally. Governments—local, state, and national—need political leaders who can fashion competing ideas and multiple interests into policies and practices that will promote equity and opportunity for all.

The Massachusetts learning standard on which the following modules are based refers to the "qualities of good leaders," but what does a value-laden word like "good" mean in political and historical contexts? "Effective leadership" is a more nuanced term. **What is an effective political leader?** In the view of former First Lady Rosalynn Carter, “A leader takes people where they want to go. A great leader takes people where they don’t necessarily want to go, but ought to be.”

Examples of effective leaders include:

- Esther de Berdt is not a well-known name, but during the Revolutionary War, she formed the Ladies Association of Philadephia to provide aid (including raising more than $300,000 dollars and making thousands of shirts) for George Washington's Continental Army.
- **Mary Ellen Pleasant** was an indentured servant on Nantucket Island, an abolitionist leader before the Civil War and a real estate and food establishment entrepreneur in San Francisco during the Gold Rush, amassing a fortune of $30 million dollars which she used to defend Black people accused of crimes. Although she lost all her money in legal battles and died in poverty, she is recognized today as the "Mother of Civil Rights in California."
- Ida B. Wells, born a slave in Mississippi in 1862, began her career as a teacher and spent her life fighting for Black civil rights as a journalist, anti-lynching crusader and political activist. She was 22 years-old in 1884 when she refused to give up her seat to a White man on a railroad train and move to a Jim Crow car, for which she was thrown off the train. She won her court case, but that judgement was later reversed by a higher court. She was a founder of National Association for the Advancement of Colored People (NAACP) and the founder of the National Association for the Advancement of Colored Women.
- Sylvia Mendez, the young girl at the center of the 1946 *Mendez v. Westminster* landmark desegregation case; Chief John Ross, the Cherokee leader who opposed the relocation of native peoples known as the Trail of Tears; and Fred Korematsu who challenged the internment of Japanese Americans during World War II are discussed elsewhere in this book.

The INVESTIGATE and UNCOVER modules for this topic explore five more women and men, straight and gay, Black and White, who demonstrated political leadership throughout their lives. ENGAGE asks who would you consider are the most famous Americans in United States history?

### Modules for this Standard Include:

1. INVESTIGATE: Frances Perkins, Margaret Sanger, and Harvey Milk - Three Examples of Political Leadership
2. UNCOVER: Benjamin Banneker, George Washington Carver and Black Inventors' Contributions to Math, Science, and Politics
3. ENGAGE: Who Do You Think Are the Most Famous Americans?
    1. MEDIA LITERACY CONNECTIONS: Contextualizing Political Roles for Celebrities

# 1. INVESTIGATE: Frances Perkins, Margaret Sanger, and Harvey Milk - Three Examples of Political Leadership

Three individuals offer ways to explore the multiple dimensions of political leadership and social change in the United States: one who was appointed to a government position, one who assumed a political role as public citizen, and one who was elected to political office.

- *Appointed:* An economist and social worker, **Frances Perkins** was appointed as Secretary of Labor in 1933, the first woman to serve in a President Cabinet.
- *Assumed:* **Margaret Sanger** was a nurse and political activist who became a champion of reproductive rights for women. She opened the first birth control clinic in Brooklyn in 1916.
- *Elected:* **Harvey Milk** was the first openly gay elected official in California in 1977. He was assassinated in 1978. By 2020, a LGBTQ politician has been elected to a political office in every state.

### Frances Perkins and the Social Security Act of 1935

An economist and social worker, Frances Perkins was Secretary of Labor during the New Deal—the first woman member of a President's Cabinet. Learn more: Frances Perkins, 'The Woman Behind the New Deal.'

**Portrait of Frances Perkins**
"Frances Perkins" by Jean MacLane | Public Domain

Francis Perkins was a leader in the passage of the Social Security Act of 1935 that created a national old-age insurance program while also giving support to children, the blind, the unemployed, those needing vocational training, and family health programs. By the end of 2018, the Social Security trust funds totaled nearly $2.9 trillion. There is more information at a *resourcesforhistoryteachers* wiki page, Frances Perkins and the Social Security Act.

## Margaret Sanger and the Struggle for Reproductive Rights

**Margaret Sanger** was a women's reproductive rights and birth control advocate, who throughout a long career as a political activist, achieved many legal and medical victories in the struggle to provide women with safe and effective methods of contraception. She opened the nation's first birth control clinic in Brooklyn, New York in 1916.

**Margaret Sanger (1921)**
by Underwood & Underwood | Public Domain

Margaret Sanger's collaboration with Gregory Pincus led to the development and approval of the birth control pill in 1960. Four years later, in *Griswold v. Connecticut* (1965), the Supreme Court affirmed women's constitutional right to use contraceptives. There is more information at a *resourcesforhistoryteachers* wiki page, Margaret Sanger and Reproductive Rights for Women.

However, Margaret Sanger's political and public health views include disturbing facts. In summer 2020, Planned Parenthood of Greater New York said it would remove her name from a Manhattan clinic because of her connections to eugenics, a movement for selective breeding of human beings that targeted the poor, people with disabilities, immigrants and people of color.

## Harvey Milk, Gay Civil Rights Leader

In 1977, **Harvey Milk** became the first openly gay man to be elected to public office in California by winning a seat on the San Francisco Board of Supervisors, the city's legislative body.

"CA Hall of Fame Harvey Milk Exhibit" by Jacob Rodriguez is licensed under CC BY-SA 4.0

To win that election, Harvey Milk successfully built a coalition of immigrant, elderly, minority, union, gay, and straight voters focused on a message of social justice and political change. He was assassinated after just 11 months in office, becoming a martyr for the gay rights movement. There is more information at a *resourcesforhistoryteachers* wiki page, Harvey Milk, Gay Civil Rights Leader.

## Suggested Learning Activities

- **State Your View**
  - What personal qualities and public actions do you think make a person a leader?
  - Who do you consider to be an effective leader in your school? In a job or organization in the community? In a civic action group?

- **Set a Personal Leadership Goal**
  - How can you become a leader in your school or community?

## Online Resources for Frances Perkins, Margaret Sanger, and Harvey Milk

- Frances Perkins

    - Frances Perkins, FDR Presidential Library and Museum
    - Her Life: The Woman Behind the New Deal, Frances Perkins Center
- Margaret Sanger
    - Margaret Sanger Biography, National Women's History Museum
    - Margaret Sanger (1879-1966), *American Experience* PBS
- Harvey Milk
    - Harvey Milk Lesson Plans using James Banks' Four Approaches to Multicultural Teaching, Legacy Project Education Initiative
    - Harvey Milk pages from the *New York Times*
    - Teaching LGBTQ History and Why It Matters, Facing History and Ourselves
    - Official Harvey Milk Biography
    - Harvey Milk's Political Accomplishments
    - Harvey Milk: First Openly Gay Male Elected to Public Office in the United States, Legacy Project Education Initiative.

## 2. UNCOVER: Benjamin Banneker, George Washington Carver's and Black Inventors' Contributions to Math, Science, and Politics

### Benjamin Banneker

**Benjamin Banneker** was a free Black astronomer, mathematician, surveyor, author, and farmer who was part of the commission which made the original survey of Washington, D.C. in 1791.

**Benjamin Banneker Poster - with Biographical Paragraphs**
"BENJAMIN BANNEKER - ASTRONOMER-CITY PLANNER" by Charles Henry Alston | Public Domain

Benjamin Banneker was "a man of many firsts" (Washington Interdependence Council, 2017, para. 1). In the decades before and after the American Revolution, he made the first striking clock made of indigenous American parts, he was the first to track the 17-year locust cycle, and he was among the first farmers to employ crop rotation to improve yield.

Between 1792 and 1797, Banneker published a series of annual almanacs of astronomical and tidal information with weather predictions, doing all the mathematical and scientific calculations himself (Benjamin Banneker's *Almanac*). He has been called the first Black Civil Rights leader because of his opposition to slavery and his willingness to speak out against the mistreatment of Native Americans.

## George Washington Carver

Born into slavery in Diamond, Missouri around 1864, **George Washington Carver** became a world-famous chemist and agricultural researcher. It is said that he single-handedly revolutionized southern agriculture in the United States, including researching more than 300 uses of peanuts, introducing methods of prevent soil depletion, and developing crop rotation methods.

Statue of the young George Washington Carver
"George Washington Carver National Monument, Missouri"
National Park Service | Public Domain

A monument in Diamond Missouri of Carver as a young boy was the first ever national memorial to honor an African American (George Washington Carver National Monument).

Benjamin Banneker and George Washginton Carver are just two examples from the long history of Black Inventors in the United States. Many of the names and achievements are not known today -

Elijah McCoy, Granville Woods, Madame C J Walker, Thomas L. Jennings, Henry Blair, Norbert Rillieux, Garrett Morgan, Jan Matzeliger - but with 50,000 total patents, Black people accounted for more inventions during the period 1870 to 1940 than immigrants from every country except England and Germany (**The Black Inventors Who Elevated the United States: Reassessing the Golden Age of Invention**, Brookings (November 23, 2020).

You can learn more details about these innovators at our **African American Inventors of the 19th Century** page on the resourcesforhistoryteachers wiki.

### Suggested Learning Activities

- **Design 3D Artifacts**
  - Create 3D digital artifacts (using TinkerCad or another 3D modeling software) that represent Banneker's and Carver's contributions to math, science, and politics.
  - Bonus Points: Create a board (or digital) game that incorporates the 3D artifacts and educates others about Banneker and Carver.
- **Write a People's History**
  - Using the online resources below and your own Internet research findings, write a people's history for Benjamin Banneker or George Washington Carver.

### Online Resources for Benjamin Banneker, George Washington Carver and Black Inventors

- Benjamin Banneker
  - Benjamin Banneker from *Mathematicians of the African Diaspora*, University of Buffalo
  - Mathematician and Astronomer Benjamin Banneker Was Born November 8, 1731, Library of Congress
  - Benjamin Banneker, African American Author, Surveyor and Scientist, *resourcesforhistoryteachers* wiki page
- George Washington Carver
  - George Washington Carver from National Peanut Board
  - George Washington Carver, State Historical Society of Missouri
  - 16 Surprising Facts about George Washington Carver, National Peanut Board

## 3. ENGAGE: Who Do You Think Are the Most Famous Americans?

In 2007 and 2008, Sam Wineburg and a group of Stanford University researchers asked 11th and 12th grade students to write names of the most famous Americans in history from Columbus to the present day (Wineburg & Monte-Sano, 2008). The students could not include any Presidents on the list. The students were then asked to write the names of the five most famous women in American history. They could not list First Ladies.

To the surprise of the researchers, girls and boys from across the country, in urban and rural schools, had mostly similar lists: Martin Luther King, Jr., Rosa Parks, Harriet Tubman, Susan B. Anthony, and Benjamin Franklin were the top five selections. Even more surprising, surveys of adults from an entirely different generation produced remarkably similar lists.

The researchers concluded a broad “cultural curriculum” conveyed through media images, corporate advertising, and shared information has a far greater effect on what is learned about people in history than do textbooks and classes in schools.

## Suggested Learning Activities

- **Compare and Contrast**
  - As a class or with a group of friends, write individual lists of the 10 most famous or influential Americans in United States history?
  - Explore similarities and differences across the lists.
  - How many women or people of color were on the lists
  - Investigate the reasons for the similarities and differences.

- **State Your View**
  - Returning to the Sam Wineburg study, "Why were Hispanic Americans, Asian Americans, Native Americans, and LGBTQ individuals left of the lists?" (see the full study here: “Famous Americans”: The Changing Pantheon of American Heroes)

### Media Literacy Connections: Contextualizing Political Roles for Celebrities

**Focus Question: How do celebrities influence young people's thinking about politics?**

Celebrities from the fields of music, movies, sports, and television hold a considerable influence over everyone, but this might be especially true for youth. During an election, celebrities might endorse a political candidate or issue in hopes that their fans will follow in their footsteps. Oprah Winfrey's endorsement of Barack Obama for President in 2008 has been cited as the most impactful celebrity endorsement in history (U.S. Election: What Impact Do Celebrity Endorsements Really Have? *The Conversation*, October 4, 2016).

Can you think of some examples of celebrities who have shared their political views or endorsements on social media? Who are these celebrities? In what ways did they influence politics?

**Activity: Analyze a Celebrity Endorsement**

- Find an example of a celebrity endorsement of political figure or a political issue.
- The example can be a piece of media content (e.g., website, clip from a TV program or movie, a description or trailer from a video game, social media post, YouTube video), an article from the news, a scholarly study or reading, an item or object, or anything else that you can think of that ties in to this question.
    - How did the celebrity use media and persuasive language to communicate their message?
    - What impacts, if any, do you think will result from this endorsement?
    - Do you think it will encourage young people to think and/or act differently about this topic?

**Additional Resources:**

- iHeartRadio's podcast "Why I'm Voting"
- The Taylor Swift effect: Nashville sounds off on singer's political endorsements
- From Sinatra to Taylor Swift: 100 Years of Celebrity Political Endorsements, CBC Radio (October 12, 2018)

## Standard 4.7 Conclusion

Effective political leadership is an essential ingredient of a vibrant democracy. Unlike dictators or despots, effective leaders offer plans for change and invite people to join in and help to achieve those goals. Effective leaders work collaboratively and cooperatively, not autocratically. **INVESTIGATE** looked at three democratic leaders who entered political life in different ways: Frances Perkins who was appointed to a Presidential Cabinet; Margaret Sanger who assumed a public role as an advocate and activist; and Harvey Milk who was elected to political office. **UNCOVER** reviewed the life and accomplishments of Benjamin Banneker and George Washington Carver. **ENGAGE** asked who people think are the most famous Americans in United States history.

# 4.8

# Cooperation Between Individuals and Elected Leaders

## Standard 4.8: Cooperation Between Individuals and Elected Leaders

*Explain the importance of individuals working cooperatively with their elected leaders.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.8]**

## FOCUS QUESTION: How can Everyday People Communicate Effectively With Their Political Leaders?

**"Save Freedom Speech"** by Norman Rockwell (created between 1941 and 1945)
Public Domain

The idea that a single individual can contact their elected senator or representative to influence and change public policy is part of how many people think American government should work. **The Constitution's First Amendment includes the right "to petition the government for a redress of grievances."** The image of a highly motivated, civic-minded person making a difference (like the speaker in Norman Rockwell's famous Freedom of Speech painting) is deeply ingrained in popular culture.

The reality of an individual citizen being able to contact elected leaders is quite different. Members of Congress receive enormous amounts of correspondence every day, particularly about hot-button political issues. In **2016, the Senate received more than 6.4 million letters**. In 2017, New York Senator Chuck Schumer's office reported receiving as many as 1.5 million phone calls a day. Much of this correspondence comes from advocacy groups engaging in mass communications.

Do elected leaders really listen to and respond to the everyday people who contact them or do people need other ways to make their voices heard by elected leaders? The modules for this topic examine both how citizens, young and old, can influence their elected representatives by engaging in movements for change.

### Modules for this Standard Include:

1. INVESTIGATE: Contacting Congress
2. UNCOVER: Youth Activists and Change Makers
    - MEDIA LITERACY CONNECTIONS: Engaging in Social Media Activism
3. ENGAGE: Would You Join a Consumer Boycott or Buycott to Promote Change?

# 1. INVESTIGATE: Contacting Congress

Once Congress installed its first telephone switchboard in 1898, people started calling their elected representatives and they have not stopped since, observed Kathryn Schulz (2017) in *The New Yorker* magazine. In today's world of social media and mass communication, people not only call, they write, email, tweet, fax, post on representative's social media pages, send videos, and otherwise try to influence their elected representatives. One group estimates that members of the Congress post more than 1300 times a day on Twitter, Facebook, and Instagram (How to Engage Members of Congress on Social Media, *Quorum*).

Schulz distinguishes between how members of Congress think about **constituent services** and **constituent demands**. Elected representatives, she notes, are more likely to help solve a particular problem (a constituent service) than change their vote on a politically contentious issue (a constituent demand).

Most educators agree that learning how to contact one's elected leaders is a core skill for citizens interested in expressing ideas and promoting change in our democratic society. There are many ways to do so, from writing letters to sending emails to meeting face-to-face. The Union of Concerned Scientists believes that phone communications are an effective way to contact and influence elected officials (How to Have a Productive Phone Call with Your Legislator's Office).

What is it like to be a Congresswoman or Congressman? Here is one view of A Day in the Life of a Member of Congress (*Junior Scholastic*, September 2, 2019). Watch as well A Day in the Life of John Lewis: The Congressman Shares His Personal Journey.

## Suggested Learning Activities

- **Describe, Analyze, and Create**
    - What are the meanings and messages in Norman Rockwell's 1943 Freedom of Speech painting in the *Saturday Evening Post*?
    - Create a painting or a collage showing how you would make your voice heard in your community.
- **Civic Action Project**
    - Select an issue you care about and write an email or letter to a local, state, or national elected official.
        - Writing Congress FAQs, American Physical Society
        - How to Write a Letter or Email to Congress, American Psychological Association
        - Tips for Writing Effective Letters to Congress, *ThoughtCo*. (February 13, 2018)

### Online Resources for Contacting Congress

- The Psychologist's Guide to Advocacy
- How to Effectively Engage Your Elected Officials, *ReThink* (February 15, 2017)
- How To Be a Political Influence—As An Average Citizen, College of the Environment, University of Washington

## 2. UNCOVER: Youth Activists and Change Makers

On August 28, 2019, 16-year-old **Greta Thunberg**, a Swedish activist, arrived in New York City to attend a United Nations summit on the climate crisis. She had sailed to the United States on a zero-carbon, solar-powered yacht, refusing to fly because airplanes use so much fossil fuel. She had risen to international prominence by starting a series of school strikes called **Fridays for Future** to raise awareness for the need for urgent action to save the planet. More than 100,000 schoolchildren have joined those strikes (Climate Change Activist Greta Thunberg, 16, Arrives in New York After Sailing Across the Atlantic).

In August 2018, outside the Swedish parliament building, Greta Thunberg started a school strike for the climate. Her sign reads, "Skolstrejk för klimatet," meaning, "school strike for climate."
Image posted on Wikimedia Commons by Anders Hellberg is licensed under CC BY SA 4.0

Decades earlier, in 1960, six-year-old **Ruby Bridges** of New Orleans, Louisiana became the first African American student to integrate into a formerly all-white elementary school in the American South. Four federal marshals escorted her to class every day past crowds of White protestors.

U.S. Marshals escorting Ruby Bridges to school, 1960

"US Marshals with Young Ruby Bridges on School Steps" | Public Domain)

She was the only student in her class - white families had withdrawn their children from the school. She ate lunch alone. Her teacher, Barbara Henry, originally from Boston, Massachusetts, sometimes played with her at recess. She never missed a day of school all year long. Her courageous actions were celebrated in Norman Rockwell's famous 1963 painting "The Problem We All Live With." Watch Freedom's Legacy, a video where Ruby Bridges reflects on her life and activism in 2019.

Watch on YouTube https://edtechbooks.org/-XDE

Greta Thunberg and Ruby Bridges are just two recent and prominent examples of young people taking bold and impactful steps to promote political change and social justice by seeking to influence elected officials. As Dawson Barrett, author of *Teenage Rebels* (2015) noted, activism by young people in this country has been going on for a long long time (The History of Student Activism in the United States). Here are just a few of many important, but less-well known examples:

- Four years of efforts by students in an AP Government class at Hightstown New Jersey High School led to the passage of the **Civil Rights Cold Case Collection Act**. It was the first time high schoolers wrote a law that was passed by Congress (High School Students Lobby Congress - And Win).

- Beginning during their freshman year, students from the Oakland Technical High School - known as the "Apollos" - spent four years **lobbying elected representatives to make Dr. Martin Luther King's birthday a California state holiday**. Their efforts helped lead to the first MLK Day in California in 1982, four years before it became a national holiday. In 2019-2020, current students at the school wrote and performed a stage play honoring the Apollos and their public policy achievement (California High School Students Who Lobbied for State MLK Holiday Honored in Oakland Tech Play).

- In Massachusetts, **students have joined community members to lobby state legislators to create a new state flag and seal honoring Native Americans** to replace the current one with its image of a sword over the head of an American Indian figure. Student activism to honor Native Americans is not new in the state. In 1989, a letter writing campaign by second graders from the Fort River Elementary School in Amherst helped influence the Massachusetts Turnpike Authority to redesign its highway signs that showed a Pilgrim hat with an Indian arrow shot through it.

There are many more occasions of youth activism and civic action throughout United States history, though most remain hidden histories and untold stories: the Lowell Mill Girls, the March of the Mill Children, the Newsboys Strike, the Little Rock Nine, the Birmingham Children's Crusade, and more. All these occasions of youth activism demonstrate how young people (elementary, middle, high school, and college-age) can exercise power and agency in community and political life. Youth have the power to create change, sometimes individually or locally, and sometimes on national and international scales.

## Media Literacy Connections: Engaging in Social Media Activism

### Focus Question: How can young people engage in activism using social media?

Social media is an important tool for advocacy and change. Political leaders use social media to connect to the public and advance their policy agendas. In this activity, students will explore how to use social media to engage community members around a topic of personal interest while also considering the following questions: What might be the upsides and downsides of online activism? How do individuals evaluate the impact of their activism through social media?

### Activity 1: Young People and Change

- Locate a piece of media content (e.g., a website, a clip from a TV program or movie, a description or trailer from a video game), an article from the news, a scholarly study or reading, or an item or object that show young people engaged in social, economic, or political change.
    - 10 Picture Books to Introduce Young Readers to Activism
- Explain its relevance to how young people get involved in politics and social change.

### Activity 2: Civic Action Project

- Students research an issue they care about.
- Then, students follow the social media guide and use a social media platform (Twitter, Facebook, Instagram) to do online advocacy for this issue by addressing local, state, or national elected officials and/or community members.
- Invite students to share with the whole class their media advocacy strategy, how it made them feel, and what impact they think their actions had on the larger community.

### Additional Resources

- Young People, the Internet, and Civic Participation: An Overview of Key Findings from the CivicWeb Project
- UNICEF report: Digital civic engagement by young people
- For Teachers
    - A Unit on Teaching Student Activism
- For Students
    - 6 Youth-Led Political Movements to Inspire You to Vote
    - Six tips to advocate socially

## Suggested Learning Activities

- **Make a Video about an Issue That Matters to You**
  - Record a video to influence an elected official's opinion about a local, national, or global issue.

- **Write & Present a Speech**
  - Write a two-minute speech about the changes you want to see happen in society and how might you go about making them happen.
    - Examples of student presentations can be found at Project Soapbox and on its Vimeo channel.
  - Present your speech in-person or record it on video and send it to an elected official.

- **Create a Youth Activism in History Digital Poster**
  - Choose one of the following events or individual change-makers for your poster; information is available at Youth Activists and Change Makers in History
    - The Lowell Mill Girls
    - Teenage Soldiers in the Civil War
    - The March of the Mill Children
    - Newsboys Strike of 1899
    - Shirtwaist Makers Strike of 1909
    - The American Youth Congress
    - Port Chicago Mutiny and the Port Chicago 50
    - *Mendez v. Westminster*
    - Barbara Rose Johns and the Morton School Strike
    - The Little Rock Nine
    - The Greensboro Four
    - Student Non-Violent Coordinating Committee
    - Birmingham Children's Crusade
    - *Tinker v. Des Moines*
    - Students for a Democratic Society
    - Berkeley Free Speech Movement
    - East LA Walkouts/Chicano Blowouts

**Youth Activists Choice Board**

**(click here to make your own copy of the choice board)**

Youth Activists and Change Makers Choice Board by Robert W. Maloy, Ed.D. & Torrey Trust, Ph.D., College of Education, University of Massachusetts Amherst.
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### Online Resources for Youth Activism

- 100 Years of Youth-Led Social Activism from the Center for Community Change
- Global Nonviolent Action Database
- We Had Sneakers, They Had Guns: The Kids Who Fought for Civil Liberties, Library of Congress, 2009
- Meet the Young Pioneers Using Tech to Make the World a Better Place, *Forbes* (June 17, 2019)

## 3. ENGAGE: Would You Join a Consumer Boycott or Buycott to Promote Change?

Given the difficulties of contacting members of Congress, many people consider consumer boycotts and buycotts to be more effective in promoting change than contacting elected representatives.

A **boycott** is an ongoing decision **NOT** to purchase goods or services from a specific individual or company. A **buycott** works in the opposite way. It is an ongoing action **TO** purchase goods and

services from a specific individual or company.

**South African Goods Boycott Sign, 1986**
by Djembayz is licensed under CC BY-SA 3.0

For example, a coffee drinker might decide to stop purchasing coffee from one store in protest over that store's actions or policies (boycott) while also deciding to get coffee from only a fair trade store (buycott), even if it meant spending more time and/or money to do so.

**Boycotts** have a long and compelling history. **Rosa Parks**' brave actions launched the Montgomery Bus Boycott in 1955; **Cesar Chavez** and the National Farm Workers organized a national grape boycott in the 1960s. In the 1980s, the United States and other nations in the world boycotted South Africa for its apartheid system of racial segregation. Boycotts by professional and collegiate sports teams helped in the 2017 repeal of a North Carolina law dictating that transgender people must use a particular bathroom.

In 2020, in the aftermath of the killing of George Floyd in 2020 and ongoing racist postings on social media by white supremacist groups, Civil rights organizations including the NAACP, Color of Change, and the Anti-Defamation League urged advertisers to boycott Facebook till the company adopts more stringent measures to block hate speech on the site (Civil Rights Organizations Want Advertisers to Dump Facebook). Beginning in late June, hundreds of major companies including Verizon, Ben & Jerry's, Patagonia, Starbucks and Coca-Cola announced they were pausing advertising on Facebook to protest hate speech and misinformation on the site.

To further extend the approach, commentator Eric Alterman (2020,p. 8) writing in *The Nation*, has suggested users boycott the ads on Facebook by refusing to click on them. Facebook's business model is based on getting users to visit advertisers' websites; the data generated by those visits enable companies to more precisely target potential customers, or in the case of politically-minded groups, potential followers.

Another boycott campaign is the #GrabYourWallet Alliance that focuses on getting people to stop doing business with companies associated with Donald Trump, his family or the Trump Organization. Companies including Papa John's, Uber, United Airlines, Target, Starbucks, New Balance and Chick-Fil-a have faced recent consumer boycotts. In 2019, conservative groups called for a boycott of Dick's Sporting Goods after the retailer decided to stop selling guns in many stores nationwide. GrabYourWallet added a listing of companies engaging in questionable business practices during the COVID-19 pandemic.

Meanwhile, buycotts may be emerging as an even more widely favored change strategy for citizen activists (Battle of the Wallets: The Changing Landscape of Consumer Activism). There is research that shows consumers are willing to pay the extra costs associated with not buying a product from one company if they perceive that company was engaged in misdeeds and exploitative behaviors (Hahn, 2018). Rewarding another company by only buying their products because that company is "doing the right thing" is an extension of this type of thinking.

### Suggested Learning Activities

- **State Your View**
  - Would you join a consumer boycott or buycott?
  - If so, what would you boycott or buycott and why?
- **Compare and Contrast Boycotts and Buycotts**
  - Are boycotts or buycotts more effective in achieving goals and promoting change?
  - The Ethical Consumer website based in the United Kingdom lists current boycotts along with ethical ratings for more than 10,000 companies.
- **Start an Online Petition**
  - Go to petition-generating section of Moveon.org
  - Define an Issue that matters and what you want people to do to create change
  - Explain why this change is important
    - Sample Petition: Do Not Destroy the 10,000 Year Old Ancient Village in Northampton, MA

### Online Resources for Boycotts and Buycotts

- The American Tradition of Consumer Politics, *The American Historian*
- Q & A: Here's When Boycotts Have Worked - And When They Haven't, *Los Angeles Times* (March 1, 2018)
- The Delano Grape Strike and Boycott, 1965 - 1970 at the Latino Civil Rights Movement wiki page
- Democratic Decision-Making in Cooperative Organizations and Worker-Owned Companies (Chapter 6.10)
- An Open Letter to the Companies That Advertise on Facebook, Anti-Defamation League (June25, 2020)

## Standard 4.8 Conclusion

The United States has a representative form of democracy. Citizens vote to decide who will represent them at every level of government. Once an election is over, however, voters typically find themselves

far removed and unable to contact the individuals they elected to represent them. **INVESTIGATE** looked at strategies citizens can use to go about contacting Congress. **UNCOVER** explored modern day and historical examples of youth activism for change. **ENGAGE** asked whether consumer boycotts and buycotts are an effective way for people to express their preferences for goods, services, and social and economic change.

# 4.9

# Public Service as a Career

## Standard 4.9: Public Service as a Career

*Explain the importance of public service and identify career and other opportunities in public service at the local, state and national levels.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.9]**

## FOCUS QUESTION: What Are Students' Career Opportunities in Public Service?

**2016 National Park Service Proof Half Dollar**
Public Domain

"What do you want to be when you grow up?" Adults are constantly asking young people this question as if teens and tweens could easily answer it. Far less often are children asked if they want a career in public services which involve jobs and roles "offered or controlled by a government" (Spacey, 2019, para. 1).

Imagining themselves in the future, many youngsters say they want to be famous. But fame is an elusive concept, not easily achieved. To calculate the odds of fame, one mathematician divided the number of living people with a Wikipedia page by the world's total population of over 7 billion and found that one's likelihood of fame was 0.0086% (The Fraction of Famous People in the World, *Wired*, January 22, 2013).

When asked about their dream job, younger children tend to say to want to be a dancer, actor,

musician, teacher, scientist, or athlete (Top 15 Kids' Dream Jobs, May 2020). College students have dream jobs too, but tend to recognize there are the practical choices to be made between one's desires, the costs of higher education, and what jobs and careers will generate a living salary. Questions such as "If college were free to everyone, who would go?" and "If every job paid the same, would your dream job be different?" provoke wide-ranging responses from teenagers and college students alike.

Amazon is country's fastest-growing employer, only Walmart has a larger workforce. But are Amazon jobs good jobs for workers? Working at Amazon is akin to the industrial factory jobs of the past - it's an option for high school or community college graduates who lack specific professional, managerial, or technical skills. While jobs in Amazon warehouses pay $15 an hour, they are physically demanding, often dangerous, and psychologically isolating as workers spend large amounts of their work day interacting mainly with robots.

We live in a time of rapid technological and social change that makes planning for future life and career uncertain. Many new jobs will require at least some postsecondary education. Instead of deciding on a single career in high school or college, today's graduates are much more likely to change jobs than earlier generations. The Bureau of Labor Statistics (2019) reported that workers born between 1957 and 1964 had an average of 12.3 jobs between ages 18 and 52, although many of those jobs were in the same career field.

Adding to the uncertainty of the future, there are an **untold numbers of careers that have not even been created yet.** According to the World Economic Forum (2016), "A projected 65% of children entering grade school will work in jobs that do not exist today" (p. 6). Just ten years ago, who would have thought of becoming a digital marketing specialist, an app developer, a podcast producer, a data scientist, an online content moderator, or a telemedicine physician? As such, ISTE, the International Society for Technology in Education (2016), urges educators to use technology to "amplify and even transform teaching and learning" (p. 2). To do so enables students to learn the skills of communication, creativity, critical thinking, and collaboration, which are necessary for success in the dynamic and changing workforce of today.

Young people should focus on careers where they **can do what they love to do**, recommended the authors of a special section of the *New York Times Magazine for Kids* (Craig, 2020, p. 6-7). Their "What Should You Be When You Grow Up" chart displayed current and future careers in six broad categories: 1) Move your body and travel; 2) Create new things and travel; 3) Get hands dirty and move your body; 4) Help people and get your hands dirty; 5) Help people and learn how the world works; and 6) Learn how the world works and create new things.

What are career opportunities in public service? The modules for this topic explore working for local, state, and federal government, including becoming a teacher.

## Modules for this Standard Include:

1. INVESTIGATE: Working for Local, State, and Federal Government
   MEDIA LITERACY CONNECTIONS: Recruiting Workers for Public Sector Jobs
2. UNCOVER: A Short History of American Public Education
3. ENGAGE: Is Teaching a Career for You?
   MEDIA LITERACY CONNECTIONS: Creating Images of Teachers and Teaching

# 1. INVESTIGATE: Working for Local, State, and Federal Government

**Public services** include people and organizations in **Government and Diplomacy** (elected officials, agency workers, diplomats), **Education and Teaching** (public school teachers, school administrators), **Public Safety** (police officers, firefighters, health workers), **Non-Profit Organizations**, and **Environment and Conservation.**

Approximately **15% of all jobs are in the public sector**, although the number varies from state to state and can be as high as 25% of the labor force.

More than 2 million people work for the United States Federal Government:

- In the armed forces (Army, Navy, Air Force, Marines and Coast Guard);
- In the Departments of State, Defense, Labor, Energy, Agriculture, Labor, Homeland Security, Health and Human Services, Education, Commerce, Transportation, Housing and Urban Development, Veterans Affairs, and the Post Office;
- In federal agencies including the Social Security Administration, the Internal Revenue Service (IRS), National Park Service, Fish and Wildlife Service, Census Bureau, Federal Bureau of Investigation (FBI) National Aeronautics and Space Administration (NASA), and more.

Millions more people work in state and local governments as teachers, police officers, firefighters, and health and human service personnel. While there are fewer public sector jobs than private sector jobs, many public sector jobs pay more than the national average of $905 a week or $47,060 a year. Public service jobs have good benefits and there is a sense that one is working for the betterment of society.

You can read a more complete overview at What Are Public Sector Jobs and Are They Right for You?

## Media Literacy Connections: Recruiting Workers for Public Sector Jobs

State and local governments are experiencing enormous challenges in recruiting workers for public sector jobs. An ongoing **"silver tsunami"** (the steady retirement of older baby boom-age workers) combined with a decline in job applications due to the COVID-19 pandemic has created public sector employment openings throughout the country. And, as the economy re-opens after vaccinations, the public sector is facing increasingly stiff competition from the private sector organizations for highly talented professional, managerial, and technical workers, especially those with two- and four-year college degrees.

### Activity 1: Design a Public Sector Job Recruitment Commercial

Imagine you work for a state government where there is a large shortage of people working in a certain public service sector (education, agriculture, transportation, etc.). In this activity you will create a TV or online commercial to recruit young adults to jobs and careers in a public service area.

- Start by critically analyzing current TV and online commercials for public service and corporate (or private sector) jobs for their appeal and influence to young American teens and adults.
    - What type of visuals, audio, and language do they use?
    - What is the goal of the commercial? Who do you think designed the commercial?
    - Is there a difference between ads for public and corporate jobs? If so, how are they different?
- Then, design your own job recruitment commercial.
    - Select a public service sector and conduct research to learn more about who works in that field and why they work there (what are their goals?).
    - Next, write a script and design a storyboard. Consider, why is the job important to this country? What might happen if there is a shortage of workers (how will that influence people/society?)? What is the projected future landscape of the job (is it expected to grow significantly?)?
- Finally, use digital tools or apps to turn your script and storyboard into a TV or web commercial.

### Activity 2: Post Your Career Goals on Social Media

- Read the article What Are Public Service Jobs (And Are They Right For You)?
- Create a tweet, TikTok, Snapchat, Instagram, or other social media post in which you discuss whether a public service job is right for you.
- What other careers outside of public service are you considering and why?

**Resources**:

- GovernmentJobs.com is the leading online job board for public sector employment
- What Are Public Sector Jobs and Are They Right for You?
- AISNE (Association of Independent Schools New England)

### Suggested Learning Activities

- **Create a Low Wage Workers Infographic**
  - 53 million people (44% of all workers) earn low wages: A person making $10.22 an hour will earn about $24,000 a year (A Closer Look at Low-Wage Workers Across the Country, Brookings, March 2020).
  - What information about low-wage workers did you find by examining the Brookings site?
  - Design an infographic to present your findings.

- **Evaluate Your Employability Skills**
  - Conduct research and identify the top 10 skills that are beneficial in public sector jobs.
    - 21st Century Skills: Developing Today's Public Sector Workforce
    - The 21st Century Public Servant
    - The 21st-century public servant needs new skills
  - Assess your level of strength for each skill on the list.
  - Identify at least one way to improve one or more of your employability skills.

## 2. UNCOVER: A Short History of American Public Education

"Educate and inform the whole mass of the people," Thomas Jefferson wrote in 1787, adding: "Enable them to see that it is their interest to preserve peace and order, and they will preserve them. And it requires no very high degree of education to convince them of this. They are the only sure reliance for the preservation of our liberty" (quoted in From Thomas Jefferson to Uriah Forrest with Enclosure, 31 December 1787).

Jefferson was expressing what has become a long-standing American ideal that going to school and getting an education under the guidance of dedicated teachers is essential to the successful functioning of a democratic society. Without knowledge, the people cannot govern. Jefferson also believed the government had a vital role in providing that education. What is distinctive of the United States, noted Alexis de Tocqueville in 1835, "it is by the attention it pays to Public Education" (2002, p. 23). It is through education "that the original character of American civilization is at once placed in the clearest light" (2002, p. 31).

#### Early Schooling

But history shows that the United States has not always sought to educate every person nor has teaching been highly valued as a public service. The earliest public schools were in Puritan New England (Massachusetts, Connecticut, and New Hampshire). They were "small, their curriculum uniform, and their students homogeneous" (Axell, 1974, pp. 286-287). They focused on teaching religious values and learning from the Bible. Besides the Bible, the first book used in schools was **The New England Primer** which introduced each alphabet letter in a religious phrase and then illustrated the phrase with a woodcut.

The Boston Latin School, founded in 1635, is the oldest school in America; the Roxbury Latin School, the oldest school in continuous operation in North America was founded in 1645. Four years later, Harvard was established as the first American college. In 1657, the Massachusetts Bay Colony passed a law requiring a community of 50 or more families to hire a schoolteacher. However, the concept of public education in Puritan New England did not spread; private schooling was the norm throughout

the colonies.

From early colonial times to the late 18th century, most school teachers were men in their 20s, many of whom used teaching as a stepping-stone to careers in law or the church. Women ran "Dame Schools" in their homes for young children. Women in rural areas managed groups of students during the summer when men were farming. Schools were only open a few months of the year when children were not needed to work at home or in the fields.

**The Common School**

The nature and structure of schools and teaching began to change in the 1820s and 1830s with the arrival of the **Common School**, an early version of today's public school. Massachusetts education reformer **Horace Mann** (1796-1859) saw common schools as the means to provide a system of free, universal, non-religious-based schooling. These schools would be funded by taxes and special fees paid by parents and would provide education for all children, regardless of religion or social class. These schools would teach basic literacy and arithmetic and a philosophy of democratic citizenship. The emergence of common schools created the need for more teachers, and to meet this demand, women were hired, although paid one-third of their male counterparts. By the 1850s, a majority of the nation's teachers were women. Today, about four out of five teachers are women (Loewus, 2017).

**Education for African Americans**

From the outset, education for African Americans was blocked first by the system of slavery and then by institutional segregation and White racism. South Carolina passed the first law prohibiting the education of slaves in 1740 following the Stono slave rebellion. Many other southern states passed similar laws banning education for slaves. During the years before the Civil War, a small number of slaves would learn to read and write in secret from other educated slaves, or from 'benevolent' slave owners or slave owning family members. Frederick Douglass describes in his memoir how he learned to read and write during his time as a slave.

After the Civil War, many educators promoted education for former slaves and their children, and schools were set up for African American children. But these schools faced the immense challenges of poor funding, lack of proper resources, and the ever-present threat of violence from White community members.

Shaping the life experiences of Blacks were **Jim Crow laws**, oppressive policies instituted by white southerners designed to restrict the rights and opportunities (including education) of African Americans by segregating Blacks and Whites while Whites maintained access to institutions of power and control. The Supreme Court's 1896 *Plessy v. Ferguson* decision made racial segregation constitutional, establishing the doctrine of "separate but equal" as the law of the land until it was overturned by the 1954 *Brown v. Board of Education* decision.

**School Integration**

The struggle to integrate public schools before and after the *Brown v. Board* decision includes some of the most compelling stories of the 20th century Civil Rights Movement. In 1951, a 16-year-old girl, **Barbara Rose Johns** led a student strike to protest the substandard educational facilities at her all-Black high school in Prince Edward County, Virginia.

New York City Mayor Robert Wagner greeting the Little Rock Nine, the teenagers who integrated Central High School, Little Rock, Arkansas
"Robert F. Wagner with Little Rock students NYWT" | Public Domain

The **Little Rock Nine** were a group of African American students who enrolled in Little Rock Arkansas Central High School in 1957. The state's White segregationist governor deployed National Guard soldiers to block the students from attending classes until President Dwight Eisenhower, yielding to pleas from Martin Luther King, Jr. and other civil right leaders, sent in troops from the Army's 101st Airborne Division to ensure that the students could go to school.

**Ruby Bridges** was only six-years-old and living in New Orleans when she became the first Black student to attend a previously all-White elementary school in the Southern United States. Four federal marshalls accompanied her to school everyday for an entire school year where she was the only student in her class.

**Impacts of Redlining and Housing Segregation on Education**

Even after the *Brown v. Board of Education* decision, school integration was stymied by the practice of redlining. **Redlining** refers to the discriminatory practice of withholding home loan or home insurance funds from buyers in certain areas of a city (outlined on maps in red). Mortgage lenders redlined areas (predominantly low-income African American neighborhoods) where they did not want to make loans.

Redlining as a formal practice began with the National Housing Act of 1934. It served to prevent African Americans from home ownership and helped create communities where people from different races lived and went to school in isolation from one another. It was not made illegal till the Fair Housing Act, Title VIII of the Civil Rights Act of 1968.

Learn more at a wiki page Redlining and Housing Segregation Against African Americans and watch the NPR video: Housing Segregation In Everything.

Watch on YouTube https://edtechbooks.org/-DFZu

Today, in 21st century America, Black students continue to face racial bias in every aspect of the educational system. Black students are more likely to attend under-resourced public schools; score lower than White students on standardized tests; graduate from high school and from college at lower rates than Whites; are subject to higher rates of disciplinary action and school suspensions and are more likely to be placed in special education classes than other students. Housing segregation produced by redlining restricts Black families to poor neighborhoods where most schools lack the resources to provide a quality education for all students.

## Suggested Learning Activities

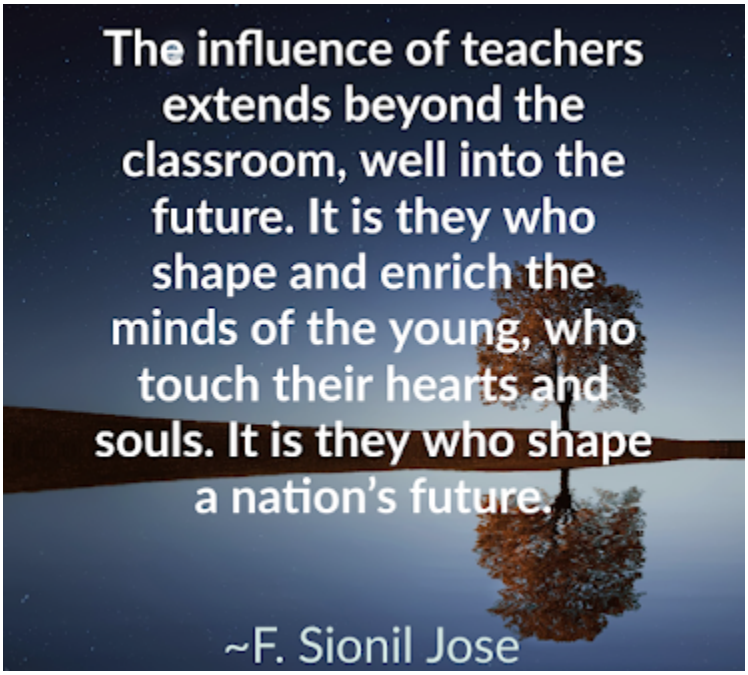
- **Write a People's History of School Integration**
  - April 23, 1951: 16-Year-Old Barbara Johns Leads a Student Strike
  - The Little Rock Nine
  - After 50-Year Legal Struggle, Mississippi School Distrct Ordered to Desegregate, NPR (May 17, 2016)

- **Civic Action for School Improvement**
  - Identify at least one way to improve the educational experiences of Black students in schools today.
  - Create a PSA or write a letter to a local or national elected official to convince others to implement your idea.

## 3. ENGAGE: Is Teaching a Career for You?

**Christa McAuliffe**, the astronaut who was also a high school social studies teacher once said, "**I touch the future, I teach.**" Her quote frames teaching as a career that matters.

Through teaching, adults engage students in developing their talents as learners, creators, thinkers, and doers who can shape their futures with the knowledge and skills they gain in school. Effective teachers are major keys to the success of students in schools at all grade levels.




School enrollments in the United States are continuing to increase. In fall 2019, 50.8 million public school students attended prekindergarten through grade 12, and that figure is projected to surpass 52 million by 2027.

American schools now enroll a majority of minority students. In 2019, there were 23.7 million White students and 27.1 million non-White students, distributed as followed: 7.7 million Black students, 13.9 million Hispanic students, 2.7 million Asian students, 0.2 Pacific Islander students, 0.5 million American Indian/Alaska Native students, and 2.1 million students of two or more races (Bustamante, 2019).

All these students need teachers. There were 3.7 million teachers in fall 2019 (Bustamante, 2019) and that number is projected to rise to 3.9 million by 2027. But many observers believe there is a current and growing teacher shortage. The Economic Policy Institute forecast a shortage of some 200,000 teachers by 2025 (Garcia & Weiss, 2019).

Teachers have been at the center of the nation's response to the COVID-19 pandemic. In late August, 2020, the Trump Administration's Department of Homeland Security declared teachers are **essential workers**, joining other public and private sector employees in areas such as medicine, energy, transportation, agriculture, and retail who provide services that are crucial to the nation's health and

economy (Who Are Essential Workers? Economic Policy Institute, May 19, 2020).

Is teaching a possible career choice for you?

## Media Literacy Connections: Creating Images of Teachers and Teaching

One of the most interesting educational studies of the past 50 years has involved asking children to **draw a scientist** (Edutopia, May 22, 2019). In the 1960s and 1970s, nearly every youngster, girls and boys alike, drew a male scientist. Gradually the pattern shifted and about 58% of girls are now more likely to draw a woman scientist. Nevertheless, despite progress toward gender equity in many fields, at the high school level, across all students and genders, drawings of male scientists outnumber drawings of female scientists 4 to 1. Longstanding educational and career stereotypes about women in science remain entrenched, but what about gender images in other fields such a teaching?

### Activity 1: Draw a 21st Century Teacher

1. Create a sketch or drawing of a 21st century teacher. You can use pencil and paper, markers, digital drawing tools, or any other materials you'd like.
2. Next, complete Activity 2 (below).
3. Then, return to your drawing and determine whether you want to revise it based on what you learned during Activity 2.

### Activity 2: Evaluate Drawings of American Teachers

- View the following images of teachers taken from different media sources during the past 100 years.
    - 1910 imagines what 2020 will look like
    - Image of teaching, 1920s
    - 1957 stamp from the National Education Association
    - The American teacher, 2020-2021 by Art of Al Abbazia
- Describe these images: What do they look like? Who is pictured? Who is *not* pictured? What medium is used to create the image?
- Is there a change over time in how teaching is presented? What differences do you notice?
- Are the images positive/negative? How did you determine this? What are the word choices, especially the adjectives, used to describe the image? What is emphasized in the image?
- Can you tell if the image has been technologically modified? If so, why do you think that happened?
- If the image is a photograph, where was the picture taken and what is its current context/placement?
    - Why was this photograph taken? How was the image created? Why (and where) was this photograph/image published?
- Consider - Do you think such images might impact how students in K-12 schools think about teaching as a career?

## Suggested Learning Activities

- **Envision a Dream Job and Your Career Plans**
  - If you could do anything you want to do, what you would be your dream job?
  - Compare your dream job with those of children: Kids Dream Jobs
  - Were any of the children's choices the same as your when you were in elementary or middle school?
  - How close do your career plans relate to your dream job?

- **Analyze Job Market Trends and Realities**
  - Choose 3 jobs from the list of occupation groups and assess how much money people earn in different jobs and occupations using information from the Bureau of Labor Statistics Occuptational Outlook Handbook
  - What did you learn? What surprised you?
  - In what fields do you think workers should be making more money and why?

- **Think and Act as a Teacher**
  - Listen to the audio and read the text for an NPR podcast One Teacher's Quest to Build Language Skills ... And Self-Confidence
    - The podcast describes how Mr. Whaley heightens 2nd graders' self-confidence by enhancing their self-image as highly capable achievers. He does this for ESL students and native English speakers.
  - What three strategies is he doing to help students believe in themselves as successful learners.
  - What other strategies would you adopt if you were the teacher in the classroom?

- **Design a School Where You Want to Teach**
  - Consider the following questions:
    - What aspects of school curriculum interest you and propel your learning in academic classes?
    - What three methods of classroom instruction by teachers best support you as a learner?
    - What have been your experiences learning with technology in schools?
    - Was technology used by teachers in ways that were interesting to you? Why or why not?
  - In groups, design a school that you would like to work at.

- **Teacher Twitter**
  - Review this article and interview on "Twitter for Teachers". Visit some of the Twitter hashtags and educators listed until you get a feel for Twitter's teacher community. Then, choose between the following tasks.
    - Find 5 education-related accounts that are not listed here that think would be valuable to a teacher.
    - Find 5 education-related hashtags that are not listed here that think would be valuable to a teacher.
    - Reply to 3 tweets within a listed chat (in real-time, or not) and share your thoughts.

- **High Demand Public Jobs**
  - Explore this site of federal jobs in high demand. Choose one from the list and create an

infographic that includes:

- A job description and common tasks within this job
- The average job wage/salary
- Educational requirements to meet job requirements

## Standard 4.9 Conclusion

Public service careers including working in government, education, law enforcement and public safety, non-profit organizations, and environment and conservation. **INVESTIGATE** discussed working for local, state, and federal government. **UNCOVER** examined the history of American public schooling. **ENGAGE** asked whether teaching is a career for you.

# 4.10

# Liberty in Conflict with Equality or Authority

## Standard 4.10: Liberty in Conflict with Equality or Authority

*Analyze issues involving liberty in conflict with equality or authority, individual rights in conflict with the common good, or majority rule in conflict with minority rights.* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.10]**

## FOCUS QUESTION: When Were Times That American Realities Conflicted with American Ideals?

**First Avenue Bridge mural in Los Angeles depicts the first female Mexican American union leader, Dolores Huerta**
"Dolores Huerta Mural" by Yreina Cervántez is licensed under CC BY 2.0

Tensions between equality and authority, individual rights and the common good, and majority rule and minority rights have marked every period of United States history and they persist in politics and society today.

The nation's founding documents set forth the ideals of **"life, liberty, and the pursuit of happiness"** (a phrase from the Declaration of Independence). The Pledge of Allegiance declares there is **"liberty and justice for all."** But political, social, and economic realities for women, people of color, LGBTQIA individuals, workers and other disenfranchised minority groups have not matched American ideals. Epic struggles have been fought to realize the rights and protections guaranteed to everyone under the Constitution.

At the center of the conflicts outlined in this Standard 4.10 is the interplay between **majority rule and minority rights**.  This concept is central to democracy—here and around the world. In theory, through open elections and the political process, the majority decides what policies and practices will become law while minority groups with alternative viewpoints and proposals are protected as they seek to create new majorities for their ideas. As Thomas Jefferson said during his First Inaugural Address, "All. . . will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect and to violate would be oppression" (as quoted in Majority Rule and Minority Rights, para. 1).

How have the tensions between majority rule and minority rights been expressed in United States history? The modules in this standard explore that question in the context in the civil rights movements of African Americans, women, LGBTQIA individuals, and workers as well as in the nation's foreign policy and current struggles of transgender students rights in schools.

### Modules for this Standard Include:

1. INVESTIGATE: Movements for Civil Rights in United States History
2. UNCOVER: Queen Liliuokalani and the American Annexation of Hawaii
3. ENGAGE: What are Transgender Students' Rights at School?
    - MEDIA LITERACY CONNECTIONS: Representing Trans Identities

## 1. INVESTIGATE: Movements for Civil Rights in United States History

**Civil Rights** are the freedoms guaranteed to every American under the Constitution and the Bill of Rights. They are rights that protect individuals "against unfair treatment based on certain personal characteristics like race, gender, age, or disability" (Longely, 2019, para. 1).

Throughout our history, individuals and groups who have not had those rights have organized to gain them. African Americans, Latinos/Latinas, Native Americans, Asian/Pacific Islanders, women, workers, disabled individuals, and LGBTQIA people have struggled and fought for their liberties and freedoms as citizens of the United States.

**Picture of the AIDS quilt in front of the Washington Monument**
"Aids Quilt" by National Institutes of Health | Public Domain

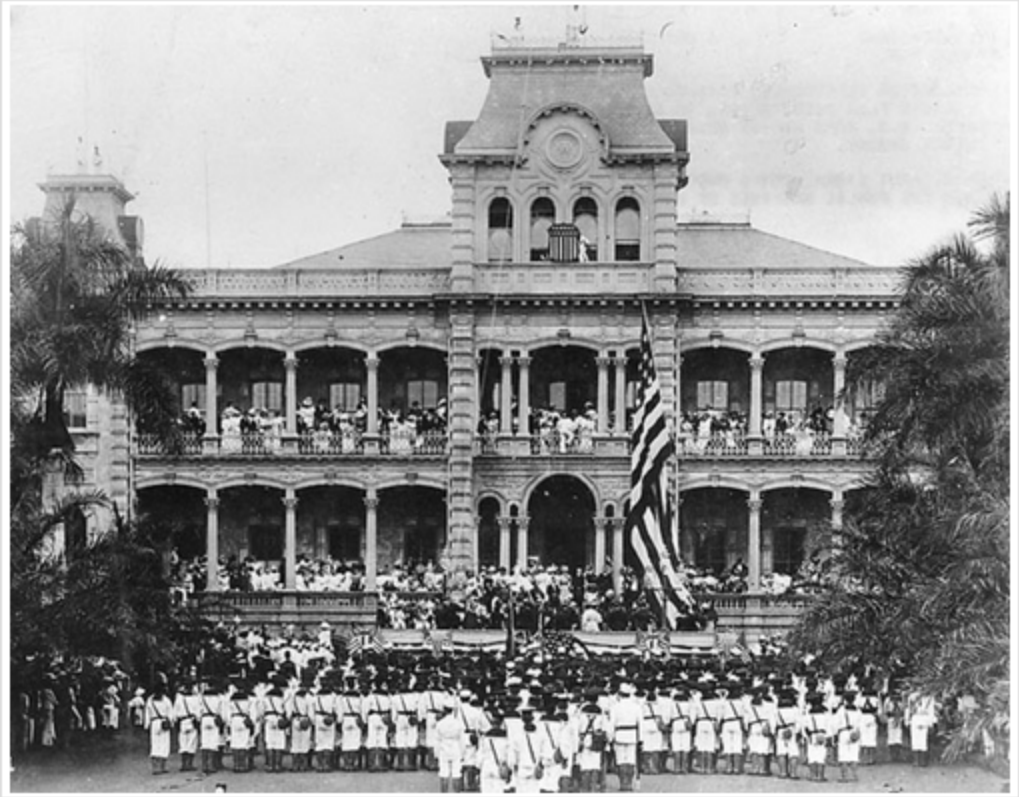
Exploring civil rights movements provides insights into how people have created change in government, law, and society. Watch The Civil Rights Mixtape from the Student News Network for an historical overview of African American struggles for freedom and justice.

### Suggested Learning Activities

- **Create a Digital Media Product**
  - Design a poster or sketchnote that displays the causes, successes, and consequences for one of the civil rights movements listed below, OR
  - Produce a video that compares and contrasts two of the civil rights movements listed below.
    - **African American and Latino Civil Rights Movements**
      - Accomplishments of the Civil Rights Movement
      - The African American Odyssey: A Quest for Full Citizenship
      - The Latino Civil Rights Movement
      - Latino Civil Rights Timeline, 1903 to 2006
    - **The Women's Rights Movement**
      - Post Civil War Women's Rights Movement
      - Post Civil War Roles for Women
      - The Women's Rights Movement of the 1960s and 1970s
    - **The LGBTQIA Rights Movement**
      - LGBTQIA Civil Rights Movement
      - The Lavender Scare
      - The Stonewall Uprising
      - Bayard Rustin, Civil Rights and Gay Rights Activist
      - LGBTQ Rights Supreme Court Cases
      - The HIV/AIDS Epidemic in the US and the World
    - **The Labor Movement**
      - Lowell Mill Girls Strikes, 1834 & 1836
      - The Great Railroad Strike of 1877
      - Atlanta Washerwomen Strike of 1881
      - The Pullman Strike of 1894
      - Shirtwaist Makers Strike of 1909 and Bread and Roses Strike of 1912

- **State Your View**
  - How did American realities conflict with American ideals during each of the Civil Rights movements?

## 2. UNCOVER: Queen Liliuokalani and the American Annexation of Hawaii



Raising American Flag at 'Iolani Palace, Honolulu, Hawaii, August 12, 1898

"Raising of American flag at Iolani Palace with US Marines in the foreground"
by Frank Davey | Public Domain

On January 17, 1893, **Queen Liliuokalani**, the ruler of Hawaii, was overthrown by an American-backed group of businessmen and sugar planters (Hawaiian Monarchy Overthrown by America-Backed Businessmen). Historians have concluded that the interests of the Dole Food Company and the growing global Pineapple trade played a key role in the annexation. A *resourcesforhistoryteachers* wiki page, Annexation of Hawaii provides more on connections between the Dole Food Company, pineapples, and American Foreign Policy.

Prior to the overthrow, the islands had only been unified as the **Kingdom of Hawaii** since 1795 (Europeans first arrived there in 1778). Liliuokalani was the last monarch before Hawaii became an American territory and eventually the nation's 50th state on August 21, 1959. In 1993, the United States Congress passed a resolution formally apologizing to Native Hawaiians for American actions nearly a century before (103d Congress Joint Resolution 19: Apology to Native Hawaiians).

**Queen Liliuokalani** was the last Monarch of Hawaii
"Liliuokalani sitting on chair draped with feather cloak"
by James J. Williams
Hawaii State Archives. Call Number: PP-98-12-002 | Public Domain

The annexation of Hawaii launched an era of expansion and imperialism that many historians refer to as an American empire (Immerwahr, 2019; Hoganson, 2017). The U.S. acquired the Philippines, Puerto Rico, and Guam in 1898 at the end of the Spanish-American War. This resulted in the Philippine-American War of 1898-1900, a bloody struggle that cost the lives of 4,200 American and 20,000 Filipino fighters along with some 200,000 civilian deaths. Samoa was annexed in 1899. The Virgin Islands were acquired in 1917.

The annexation of Hawaii was a time when the nation's commitment to liberty, freedom, and individual rights came into conflict with its desire for international expansion and economic gain, a pattern that has been evident throughout United States history. In a sweeping study, *The United States of War*, historian David Vine (2020) states that from its beginnings, the US has engaged in nearly continuous series of military interventions and conflicts around the globe that has produced not only a collection of territories, but some 750 military installations in other countries -- what he calls an "**empire of bases**" that has "actually made aggressive and offensive war *more likely*" (Vine, 2020, p. 13).

In recent years, America's involvements abroad include military missions in Afghanistan, Iraq, and Syria as well as conflicts in Chad, Kenya, Mali, Niger, Nigeria, Somalia, and South Sudan. One reviewer of Vine's book concludes that there have been only two years in the past seven and half decades --1977 and 1979--when the United States was not invading or fighting in some foreign country (quoted in "Fort Everywhere," Daniel Immerwahr, *The Nation*, December 14.21, 2020, p. 34). Vine (2020, p. xxii) states "the total effects of the post-2001 wars have been so disastrous that words can't capture the calamity." Death, destruction, economic and social collapse abroad and at home, the expenditure of more than $70 billion every year that could have gone instead to improving health

care, education, and the environment for all Americans.

### Suggested Learning Activities

- **State Your View**
  - How did the imperialist actions of the United States cause conflict (at the time and regarding issues today) with the American ideals of liberty, freedom, and individual rights?
- **Complete a WikiQuest**
  - Summarize American Foreign Policy in Different Parts of the World using the following wiki pages:
    - The Barbary Pirates
    - Building the Panama Canal
    - The Great White Fleet
    - The Manhattan Project
    - A Vietnam War WikiQuest

### Online Resources for the Annexation of Hawaii

- America Becomes a Pacific Nation: Hawaiian Annexation
- Summary of Hawaiian Annexation from Digital History
- Queen Liliuokalani wrote over 160 songs including the classic "Aloha Oe" (History Biography: Liliuokalani).
- Annexation of Hawaii has multiple primary sources, including Hawaii Statehood in 1959 and a Congressional Apology to Native Hawaiians in 1993.

## 3. ENGAGE: What are Transgender Students' Rights at School?

**Transgender** is a term for individuals whose “gender identity differs from the sex they were assigned at birth” (Transgender FAQ, n.d., para. 1). Transgender people may also refer to themselves as “non-binary” or “gender non-conforming.”

A 2018 study by the Centers for Disease Control and Prevention found that nearly 2% of high school students identify as transgender. The study also found that transgender students face widespread prejudice and discrimination in school and society - 35% of those students have attempted suicide in the past year.

The rights of transgender and gender non-conforming people is a complex and contested issue, with laws varying greatly from state to state. The Transgender Law Center has an interactive online map showing LGBTQ equality by state (including sexual orientation and gender identity by state). The map shows the number of laws and policies that promote equality for LGBTQ people in each state.

The story at the federal level is similarly complex. Title VII of the Civil Rights Act of 1964 bares employers with 15 or more employees from discriminating on the basis of sex (Know Your LGBTQ Rights, American Civil Liberties Union). There is no federal law prohibiting discrimination based on sex, gender, or sexual orientation in public accommodations (Know Your Rights: Public

Accommodations). Minnesota was the first state to bar gender-based discrimination at the state level in 1993, and in 2009, President Obama issued an executive order baring gender discrimination in hiring within the federal government's executive branch. Since 2016, however, despite growing public opinion support for LGBTQ rights, the Trump Administration has sought to curtail rights for transgender Americans.

Court cases involving transgender student rights at school center around three main areas: restrooms, preferred pronouns, and athletic participation (The Complex and Dynamic Legal Landscape of LGBTQ Student Rights, Brookings, October 19, 2020). The following resources outline the state of transgender student rights at school:

- Fact Sheet on U.S. Department of Education Policy Letter on Transgender Students
- Legal Guidance on Transgender Students' Rights, National Education Association
- Students & LGBTQ Rights at School, Southern Poverty Law Center

## Media Literacy Connections: Representing Trans Identities

"Unique Adams" is licensed under CC-BY-SA

**Focus Question: Have you seen people who identify as transgender included/depicted in movies, TV series, or other media form** (e.g. Unique Adams in TV drama *Glee*)?

How are trans people depicted in different media? Do you think it is important for people of different gender identities to be represented? Why or why not?

If you were (or are) a part of a minority group or stigmatized community, would you want a more realistic representation that could victimize your group or an idealistic representation that could present a new reality for your group? Do media producers have a responsibility to make sure that their portrayals of marginalized groups are accurate?

**Activity 1: Analyze Transgender Representation in TV and Movies**

- Have students read through the description of transgender characters included in this handout and examine the conclusions in the 2020 GLAAD Studio Responsibility Index that maps the quantity, quality, and diversity of lesbian, gay, bisexual, transgender, and queer (LGBTQ) characters in films released by eight major motion picture studios during the 2019 calendar year.
- Are transgender characters portrayed differently than other characters on TV or in the movies?
- Create a media campaign to illuminate the differences in media portrayals of trans characters.

**Activity 2: Create Trans Character**

- Divide students into groups of 3-4 and have each group select a movie or TV show and create a trans character appropriate to that genre (i.e., romantic comedy, thriller, sitcom).
- As students are developing these characters, ask them to think about:
    - What kinds of challenges would your trans main character face - both related and unrelated to their gender identity?
    - How does the conflict between majority attitudes and individual goals influence trans individuals' daily lives?
    - How can you create characters that are more realistic and complex?
    - What misconceptions and stereotypes would you include or leave out? Why?
- Then, write a script for a new TV episode or movie sequel featuring the transgender character as they navigate the issue of their individual rights/liberty conflicting with majority attitudes and perspectives.

**Additional Resources**

- Victims or Villains: Examining Ten Years of Transgender Images on Television

## Suggested Learning Activity

- **Design a Transgender Student Rights in School Infographic**
    - What are My Rights at School? from the National Center for Transgender Rights
    - Transgender Rights from the ACLU
    - Transgender Bathroom Rights
    - Transgender Student Rights: The Basics
- **Learn Online**
    - Explore the Interactive Equality Maps from Transgender Law Center

## Online Resources and Media Gallery

- Lesson Plans to Help Students Understand Gender and to Support Transgender and Non-Binary Children, Welcoming Schools, Human Rights Campaign Foundation
- The Rights of Transgender People in Washington State, Washington State ACLU
- Know Your Rights, Lambda Legal
- Transgender History in the United States (2014), from Trans Bodies, Trans Selves (Oxford

University Press)
- Celebrating Transgender Awareness Week, *Teaching Tolerance*

## Conclusion to Standard 10

This standard has focused on times in United States history—and during the present day—when individuals and groups struggled to overcome oppression to gain the freedoms they need to be full participants in a democratic society. **INVESTIGATE** explored movements for civil rights by African Americans, Latinos, women, workers, and LGBTQ people. **UNCOVER** examined the gaps between American ideals and realities in American foreign policy using a case study of the 1893 Annexation of Hawaii when the islands' monarch Queen Liliuokalani was overthrown by the United States, an action for which Congress formally apologized a century later. **ENGAGE** asked what are the rights of transgender students in K-12 schools.

4.11

# Political Courage and Those Who Affirmed or Denied Democratic Ideals

## Standard 4.11: Political Courage and Those Who Affirmed or Denied Democratic Ideas

*Examine the varied understandings of the role of elected representatives and discuss those who have demonstrated political courage or those whose actions have failed to live up to the ideals of the Constitution.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.11]**

## FOCUS QUESTION: When and How Have Politically Courageous Individuals and Groups Worked to Realize Democratic Ideals?

**Copper sculpture "Full Circle: Profile of Courage" in the John F. Kennedy Federal Building, Boston, Massachusetts**
Photo by Carol M. Highsmith from a Library of Congress collection

**Political courage** is the act of standing up for and affirming democratic ideals no matter how popular or unpopular those ideas may be at a given time in history.

Women and men who demonstrate political courage are essential to a democracy, for as the 35th President John F. Kennedy wrote in the 1957 Pulitzer Prize winning book, *Profiles in Courage*: "The true democracy, living and growing and inspiring, puts its faith in the people – faith that the people will not simply elect men who will represent their views ably and faithfully, but also elect men who will exercise their conscientious judgment – faith that the people will not condemn those whose devotion to principle leads them to unpopular courses, but will reward courage, respect honor and ultimately recognize right" (quoted from About the Book: Profiles in Courage, John F. Kennedy Presidential Library and Museum).

United States history is filled with times when political figures and everyday people **affirmed the ideals of democracy and the nation's Constitution**. The INVESTIGATE and UNCOVER modules for this standard offer examples of individuals who had the political courage to affirm the ideals of freedom and justice for all during crucial times on the nation's past, including the Amistad Case, the Scopes Trial, and Delano Grape Strike and Boycott.

Sadly, and most recently during the January 6, 2021 attack on the nation's Capitol by a pro-Trump mob seeking to overturn the 2020 Presidential election (Rampage at the Capitol, *The New York Times*, January 7, 2021), our history also has many occasions where individuals, policymakers, and groups engaged in **actions that contradicted and suppressed American ideals**. So that those unAmerican actions will not be forgotten, an ENGAGE module discusses the Reconstruction Era, the

Indian Wars of the American West. McCarthyism, the Red Scare, and the Lavender Scare.

### Modules for this Standard Include:


1. INVESTIGATE: When American Ideals Were Affirmed
   1.1. Joseph Cinque, John Qunicy Adams, and the Amistad Case
   1.2. The Scopes Trial and the Debate Over Darwin's Origin of the Species
   1.3. Cesar Chavez, Dolores Huerta, Larry Itliong and the Delano Grape Strike and Boycott
2. UNCOVER: Claudette Colvin, the *Browder v. Gayle* case and the Struggle to Desegrgate Public Transportation
3. ENGAGE: When and How Were American Ideals Denied?
   3.1. The January 6, 2021 Insurrection at the Capitol
   3.2. The 1898 Wilmington Massacre
   3.3. The Reconstruction Era
   3.4. The Indian Wars of the American West
   3.5. McCarthyism, the Red Scare, and the Lavender Scare
      MEDIA LITERACY CONNECTIONS: Framing the Events of January 6, 2021


# 1. INVESTIGATE: When American Ideals Were Affirmed

Political courage is illustrated by the actions of those who stand up for the ideals of liberty and justice in sharp contrast to those who do not.

United States history is filled with examples of courageous women and men who, facing discrimination, injustice, and hatred, worked ceaselessly to build a better, more equitable society. African American leaders Harriet Tubman, W.E.B. Du Bois, and Shirley Chisholm; women activists Alice Paul and Helen Keller; labor organizer Mother Jones; socialist presidential candidate Eugene Debs; and gay civil rights pioneers Bayard Rustin and Harvey Milk are highlighted in other chapters of this book.

There are also several little-known individuals who exhibited great political courage throughout our history. Elizabeth Peratrovich, a Tlingit Nation member, led a campaign that led to the passage of the nation's first anti-discrimination law in Alaska in 1945. She was honored with a Google Doodle on December 30, 2020.

What other examples of hidden histories and untold stories of political courage can you find? Writing About Politically Courageous Elected Officials a video from John F. Kennedy Presidential Library provides an opportunity to learn more about courageous Americans. You can view the **The Struggle for Justice,** an exhibition from the National Portrait Gallery or read Teaching about Unsung Heroes: Encouraging Students to Appreciate Those Who Fought for Social Justice, a chapter in Bill Bigelow's *A People's History for the Classroom*(2008).

Here are three more examples of political courage where the actions of individuals affirmed American ideals:

## 1.1. Joseph Cinque, John Quincy Adams, and the Amistad Case

Joseph Cinque (Sengbe Pieh) led a slave revolt aboard the ship *Amistad* in 1839 and was defended in

court by the former President, John Quincy Adams.

**A portrait of Cinque (Sengbe Pieh), the leader of the Mende revolt aboard the *Amistad***
"Sengbe Pieh" by Nathaniel Jocelyn | Public Domain

There is more information at a *resourcesforhistoryteachers* wiki page for Sengbe Pieh (Joseph Cinque), John Quincy Adams and the Amistad Case.

## 1.2. The Scopes Trial and the Debate Over Charles Darwin's *Origin of the Species*

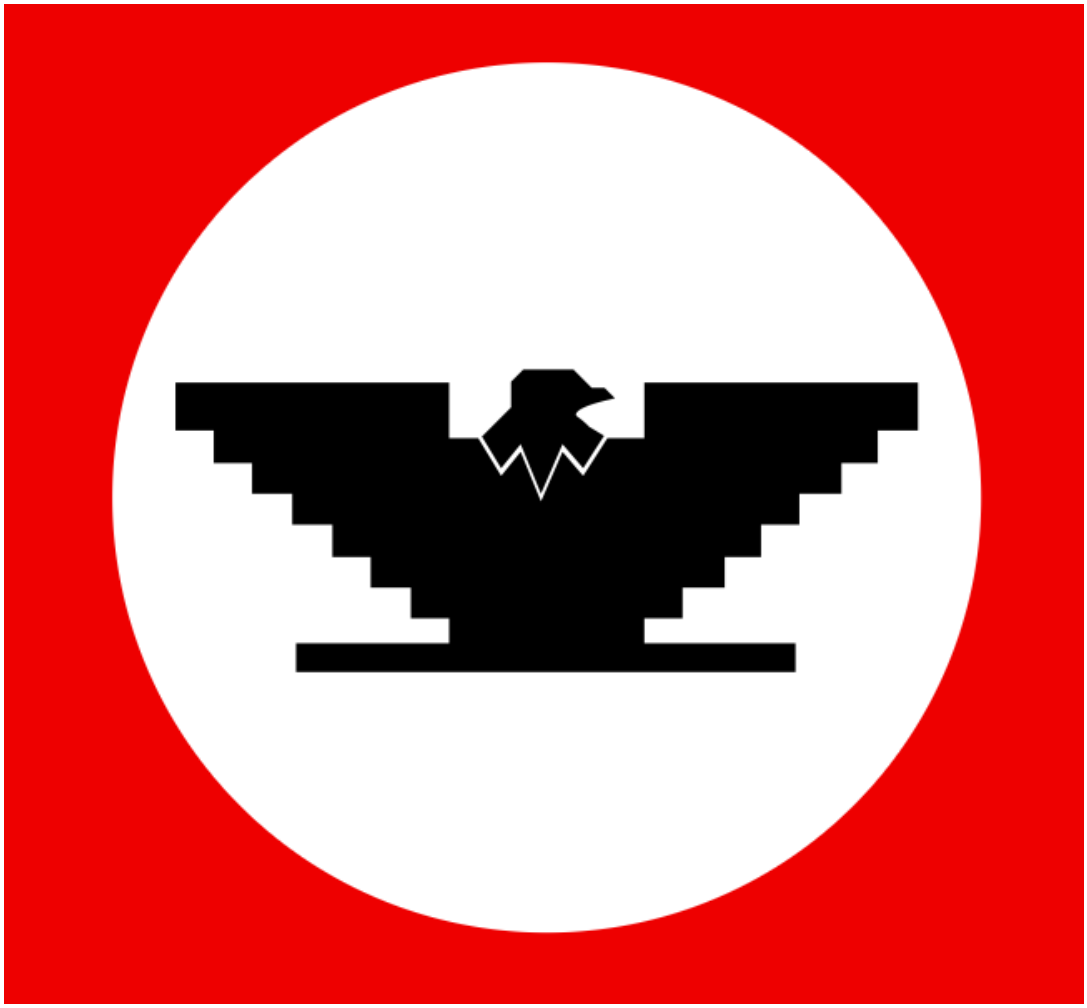
In a famous court case, John Scopes, a public school science teacher, went to jail because he taught the theory of evolution in a Tennessee school in 1925.

William Jennings Bryan (seated at left) being interrogated by Clarence Darrow during the Scopes Trial, July 20, 1925
"Tennessee v. John T. Scopes Trial"

There is more information about the evolution controvesy at *resourcesforhistoryteachers* wiki pages for The Scopes Trial and the Debate Over Charles Darwin's Origin of the Species and Charles Darwin and the Theory of Evolution.

## 1.3. Cesar Chavez, Dolores Huerta, Larry Itliong, and the Delano Grape Strike and Boycott

The five-year-long Delano Grape Strike and Boycott (1965-1970) was a transformative moment in the American Labor Movement. The strike began on September 8, 1965 when Filipino-American grape workers in California's San Joaquin Valley went on strike against poor pay and deplorable working conditions. Initially led by Larry Itliong and Philip Vera Cruz, the strikers hoped for a 15 cents an hour raise. California celebrates Larry Itliong Day every year on October 25.



**United Farm Workers Black Eagle Flag Containing the Huelga Bird on a White Disc on a Red Field**
Public Domain

Soon after, Mexican American labor activists **Cesar Chavez** (An American Hero: Biography of Cesar E. Chavez**)** and **Dolores Huerta** (Biography from Dolores Huerta.org) joined the strike. They organized Filipino and Mexican-American workers into the United Farm Workers union. Promoting nonviolent tactics in the face of violence from supporters of the grape producers, the Farm Workers Union began a national boycott and millions of Americans stopped eating grapes in support of the strikers.

When the strike ended in 1970, farm workers everywhere were able to receive higher wages and better benefits. However the original Filipino strikers have been largely forgotten for their role in launching the strike. Learn more: The 1965-1970 Delano Grape Strike and Boycott.

One outgrowth of the strike is a movement to create a **Cesar Chavez National Holiday**. Presently, Cesar Chavez is honored with a state holiday in California and an optional holiday in Colorado and Texas. Additionally, there are yearly celebrations in Arizona, Michigan, Nebraska and New Mexico.

There is more information about the Cesar Chavez and the Grape Strike at a *resourcesforhistoryteachers* wiki page for the Latino Civil Rights Movement.

### Suggested Learning Activities

- **Write Your Opinion**
  - The examples in this section showcase the actions of those who stood up for the ideals of liberty and justice. What, or who, would you stand up for?

- **State Your View**
  - Do you support the movement to create the Cesar Chavez National Holiday?
    - Read Senator Barack Obama Statement for a Cesar Chavez National Holiday (March 2008)
    - Learn about the movement for a Cesar E. Chavez National Holiday

### Online Resources for the Delano Grape Strike and the United Farm Workers Union

- The Grape Strike and Boycott, from United Farm Workers
- The United Farm Workers and the Delano Grape Strike.
- Legacy of the Delano Grape Strike, 50 Years Later, San Francisco Chronicle (September 16, 2015)
- Delano Grape Strike and Boycott, 1965 from Records of Rights, National Archives

## 2. UNCOVER: Claudette Colvin, the *Browder v. Gayle* case (1956), and the Struggle to Desegregate Public Transportation

Nine months before Rosa Parks' famous protest, a fifteen-year-old high school student named **Claudette Colvin** refused to give up her seat on a Montgomery Alabama city bus. She was dragged from the vehicle and arrested by white police officers becoming the first person arrested for resisting bus segregation in Montgomery.

Claudette Colvin, aged 13, in 1953
Public Domain

Claudette Colvin subsequently joined three other women—Aurelia Browder, Susie McDonald, and Mary Louise Smith—in the ***Browder v. Gayle*** court case challenging segregation on the city's public buses.

A district court ruled that segregation on buses inside the state of Alabama was unconstitutional because it denied African Americans equal protection of the law under the 14th Amendment. On December 17, 1956, the United States Supreme Court affirmed the district court's decision. Three days later an order for integrated buses ended the Montgomery Bus Boycott (Browder v. Gayle The Women Before Rosa Parks).

Watch on YouTube https://edtechbooks.org/-djx

## Others Who Refused to Give Up Their Seats

Claudette Colvin and Rosa Parks were not the only African Americans who refused to give up their seats on streetcars, railroad cars, and buses as a form of protest against discrimination. As the website *Teaching for Change* has documented, the struggle for the racial desegregation of transportation has a long history of courageous individuals taking great risks for social and racial justice (Transportation Protests: 1841 to 1992).

- **Frederick Douglass** refused to leave a Whites-only train car in 1841.
- **Elizabeth Jennings Graham** was forcibly expelled from a New York City bus in 1954 (she was defended in court by the future President of the United States, Chester Arthur.
- **Charlotte Brown** began a legal suit against a company that three times forced her off a horse-powered streetcar in San Francisco in 1863.
- In 1884, **Ida B. Wells** refused to give up her seat in a ladies railroad car and was removed by force from the train; she filed suit against the Chesapeake, Ohio and Southwestern Railroad Company. She won, but the decision was reversed on appeal.
- The future baseball hall of fame star **Jackie Robinson** faced an Army court-martial in 1944 after he refused to move further back in a bus (he was acquitted at the trial). Learn more at Jim Crow, Meet Lieutanant Robinson: A 1944 Court Martial.
- The 1956 **Tallahassee (Florida) Bus Boycott** happened after two Black students were arrested for sitting in the Whites-only section of a segregated bus.

And these are some of the stories of political courage, resistance and action by African Americans in response to discrimination in transportation.

### Suggested Learning Activity

**Construct a People's History or Interactive Timeline of Those Who Refused to Give Up Their Seats**

- Find information about courageous individuals in Transportation Protests:1841 to 1992
- What was the importance of the actions of these individuals in promoting change?

## Online Resources for Claudette Colvin and *Browder v. Gayle*

- Claudette Colvin: The 15-Year-Old Who Came Before Rosa Parks
- Civil rights pioneer Claudette Colvin honored for bus protest
- Before Rosa Parks, There Was Claudette Colvin
- The Other Rosa Parks: Now 73, Claudette Colvin Was First to Refuse Giving Up Seat on Montgomery Bus, YouTube video
- Claudette Colvin: The Original Rosa Parks, YouTube video
- **BOOK**: *The Rebellious Life of Mrs. Rosa Parks*, Jeanne Theoharis (Beacon Press, 2015)

# 3. Engage: When and How Were American Ideals Denied?

United States history is filled with occasions when undemocratic and oppressive policies fueled by political and financial gain and racist and sexist attitudes negated the ideals of freedom, liberty, and social justice. Examples include the January 6, 2021 Insurrection at the nation's Capitol, the 1898 Wilmington Massacre, White southerners responses to Reconstruction; the Indian Wars of the American West; and the 1950s McCarthy Era in American politics with its accompanying the Anti-Communist Red Scare and the Anti-Gay Lavender Scare.

## 3.1. The January 6, 2021 Insurrection at the Capitol

Shortly after noon on January 6, 2021 following a inciteful speech by President Donald Trump, a mob of thousands of White supremactists, Neo-Nazis, election conspiracy adherents, MAGA supporters and other far-right insurrectionists attacked the nation's Capitol as Congress was meeting to certify the results of the 2020 Presidential election. Their goal was to shut down and take over the government by preventing Congress from approving Joe Biden as the 46th President and Kamala Harris at the 49th Vice-President.

Pipe Bombs in DC | Public Domain

The ensuring riot resulted in people's deaths, destruction of property, and debasement of democratic norms. Members of Congress, their staffs, reporters and media people were forced into lockdown, fearing for their lives and safety. The event was shown live on television cable news networks and streamed on social media. Rioters carried Confederate and Trump flags, broke into Congressional offices, and for a time occupied the floor of the House of Representatives - one even posed sitting in the seat of the Speaker of the House, Nancy Pelosi. Two bombs were found. Violent confrontations happened between rioters and police officers.

Alarming evidence of an organized assault rather than a spontaneous riot emerged almost immediately afterwards. There had been tours of the Capitol building the day before the attack despite pandemic restrictions on public access to the building. The President was apparently not rushed to a secure location, but remained in the White House watching events on television. The acting Department of Defense secretary delayed sending in the National Guard to assist Capitol police as they were being overrun by the mob. Attackers had information of where to find different Congressional offices. Members of the mob were communicating and coordinating in real time on social media during the assault. While many rioters took selfies and videos, others carefully hid their faces from cameras and authorities to avoid recognition.

Reporting by *The New York Times* found connections between the Trump Campaign and the insurrectionists who attacked the capital, concluding that: “For 77 days between the election and the inauguration, President Donald J. Trump attempted to subvert American democracy with a lie about election fraud that he had been grooming for years.” Members of the campaign and the former President himself worked to organize not only a rally on January 6, but the march that led to the

attack on the Capitol.

The Coup D'état Project at the Cline Center of the University of Illinois determined that the storming of the Capitol "was an attempted **coup d'état**: an organized, illegal attempt to intervene in the presidential transition by displacing the power of the Congress to certify the election."

Further evidence of deliberate and planned intent to disrupt the election and the government was provided by FBI Director Christopher A. Wray in testimony before the Senate Judiciary Committee on March 2, 2021. Wray stated the Bureau had determined that there were three groups involved on January 6: 1) those who protested lawfully and without violence; 2) those who committed minor, non-violent offenses after getting caught up in the actions of the mob; and 3) those who arrived in paramilitary gear, carrying weapons, and planning to stop the certification of electoral college ballots by any means. He called these individuals domestic terrorists, adding that inside-the-United States White supremacist organizations are, along with ISIS, the country's top national security threats.

In March 2021, the Office of the Director of National Intelligence issued a report - Domestic Violent Extremism Poses Heightened Threat in 2020 - warning of the ongoing threat from violent individuals and organized militia groups who are using social media platforms to spread hate, promote the superiority of the white race, and mobilize and radicalize members to commit violence against the local, state, and national government.

## 3.2. The 1898 Wilmington Massacre

The Insurrection at the Capitol echoed one of the darkest events in U.S. history, the **1898 Wilmington Massacre** (also known as the Wilmington Insurrection) in which a heavily armed mob of 1500 white men attacked and killed Black citizens and took over the legally elected government of Wilmington, North Carolina (Zucchino, 2020). You can learn more about this event at Nov. 18, 1898: Wilmington Massacre from the Zinn Education Project website.

Both events were political coups intended to overturn duly elected governments, making them completely anti-democratic actions. In the aftermath of the events in Washington, D.C., members of the media struggled to label what had happened: Was it a ramage, a riot, a protest, an insurrection, a conspiracy, an assault, a siege? Were those involved rioters, insurrectionists, extremists, conspirators?

Historians concluded that mob actions and violence are a recurring pattern in American history, as Eric Foner noted: "In other ways, it is not unprecedented at all. It represents something deeply rooted in the American experience, which is actually hostility to democracy" (quoted in "Was the Assault on the Capitol Really 'UnPrecedented'? Historians Weigh In," National Geographic, January 8, 2021).

There was also the troubling differences in how law enforcement responded to these right-wing, largely White rioters as compared with Black Lives Matter (BLM) protestors during the summer of 2020. BLM protestors were met with tear gas, flash bangs, low-flying helicopters, and many more arrests. Researcher Roudabeth Kishi examined recent marches and protests and found police more than twice as likely to attempt to break-up left-wing protests than those by right-wing groups, and using force more often (The Police's Tepid Response to the Capitol Breach Wasn't an Aberration, *FiveThirtyEight*, January 7, 2021).

You can find more information at 6 Ways to Help Students Make Sense of the Capitol Siege from Education Week.

## 3.3. The Reconstruction Era

**Reconstruction**, what historian Eric Foner (2014) has called "America's unfinished revolution," is an example of a time when American ideals were both affirmed or denied within the same historical event. Between the end of the Civil War and 1877, there was the creation of policies that affirmed and extended American ideals - the passage of the 13th, 14th, and 15th Amendments; the election of Blacks to local, state, and national offices throughout the South (there had only been five African Americans elected officeholders in the entire country prior to 1877); the redistribution of land to freed Blacks by the Freedmen's Bureau; the Civil Rights Act of 1866; and the establishment of Black schools and colleges across the South.

But the Reconstruction Era also saw actions that fundamentally negated America's constitutional freedoms. The Klu Klux Klan emerged in Tennessee in 1866 before spreading to every state in the South. Along with other white supremacy organizations in southern states, the Klan engaged in murder, lynchings, church bombing, and other acts of domestic terror, including the Colfax Massacre on Easter Sunday 1873.

There was the passage of Black Codes that helped establish a system of agricultural sharecropping that left Black families in debt for life. To learn more about white supremacy, read Henry Louis Gates Jr.'s book, *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow* (2019) (see the *New York Times* Book Review: In 'Stony the Road,' Henry Louis Gates Jr. Captures the History and Images of the Fraught Years After the Civil War) The sharp contrasts of the Reconstruction era sets the stage for exploring other times in our history when the actions of individuals and groups served to affirm or deny the ideals of the Constitution and the Bill of Rights.

You can learn more at a **Jim Crow Era** wiki page on the resourcesforhistoryteachers wiki.

## 3.4. The Indian Wars of the American West

The **Indian Wars** of the American West were a series of armed conflicts between native peoples, settlers, and the U.S. Army that lasted from the end of the Civil War to about 1890 (Cozzens, 2016).

Photo of a marker at Bosque Redondo, Fort Sumner, in New Mexico
" Bosque Redondo" by Phil Konstantin | Public Domain

These wars included some of the most lasting and complex stories and personalities in the history of the American West: The Little Bighorn or Greasy Grass Fight; the Transcontinental Railroad; African American Buffalo Soldiers; Gernonimo; Wounded Knee; the Dawes Act; and reservations for native tribes. Learn more from the Western Indian Wars page on the Museum of American History.

There is more information about another dramatic event at a *resourcesforhistoryteachers* wiki page for The Navajo War and the Long Walk of the Navajos, 1848 to 1868.

## 3.5. McCarthyism, the Red Scare, and the Lavender Scare

McCarthyism, an anti-Communist **Red Scare,** and the anti-Gay **Lavender Scare** happened in the early 1950s during a time of intensifying Cold War tensions between the United States and the Soviet Union.

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**Example of AntiCommunist Literature in the 1950s**
"Anticommunist Literature 1950s" | Public Domain

### McCarthyism

At the beginning of the 1950s, Wisconsin Senator Joseph McCarthy was convinced that the American government was being taken over by members of the American Communist Party who were under the control of Soviet leaders. A fear-monger and demagogue, McCarthy launched a series of televised hearings that ruined many careers through threats, innuendos, and blacklists, although "no one McCarthy investigated was ever convicted of anything" (Menard, 2020, p. 73). McCarthyism did not end till 1954 when President Eisenhower told members of the government that they did not have to testify before McCarthy's Senate committee. The *resourcesforhistoryteachers* wiki has primary sources and more historical information about McCarthyism and the Red Scare.

McCarthy was an extraordinary, but not singular, example of an uniquely American strain of political demagoguery, notes biographer Larry Tye in his book *Demogogue: The Life and Long Shadow of Senator Joe McCarthy* (2020, p. 2). A **demagogue** is an politician who rises to power through lying, attacking opponents, and appealing to people's prejudices and fears, and in Tye's analysis, these are exactly the kind of activities that Donald Trump has used to gain and hold power.

### The Red Scare

Historian Louis Menard, writing in the *New Yorker* (2020), notes that the **Red Scare of the 1940s and 1950s**, a product of the Cold War between the United States and the Soviet Union, preceded McCarthy's hearings. Menard cites President Harry Truman as the figure who launched the Scare, first with the aggressive anti-communist Truman Doctrine and then with the establishment of the Employee Loyalty Program in which 4,765,705 federal employees had to forms that initated loyalty investigations (Menard, 2020, p. 73). Congress followed with hearings by the House Un-American Activities Committee (HUAC), and the Red Scare also produced the censorship of artists, writers, and musicians known as **The Hollywood Blacklist**. Charlie Chaplin, Langston Hughes, Orson Wells, Lena Horne, Dalton Trumbo, Leonard Bernstein and Dorothy Parker were among the individuals who were denied work in the entertainment industry.

McCarthyism and the Red Scare has primary source materials including comic book covers, posters, audio recordings, and documents.

### Anti-Gay Lavender Scare of the 1950s

The **Lavender Scare** was a campaign against federal employees who were suspected of being gay or lesbian. People's civil rights and civil liberties were violated by surveillance, interrogations, and rumors. Thousands lost their jobs or resigned from the government. One historian noted that at the time "many politicians, journalists, and citizens thought that homosexuals posed more of a threat to national security than communists" (Johnson, 2004, p. 2).

It took decades, but in January 2017, outgoing Secretary of State John Kerry issued a formal apology to the LGBTQ+ community for decades of discrimination from the State Department (State Department Apologizes for the Lavender Scare). Still today, the Lavender Scare remains a little-taught history in many school curriculums.

## Media Literacy Connections: Framing the Events of January 6, 2021

The activities for Topic 4.11 are designed to contrast the actions of those in U.S. history who demonstrated political courage in defending the ideals of American democracy with those who failed to live up to those ideals.

2021 storming of the United States Capitol by

In that context, what happened on January 6, 2021 at the U.S. Capitol and how will it be discussed in history and civics classes not only today, but 10, 20, 30 or more years from now? Was it a protest, a riot, an insurrection, a siege, or something else? Was it done by a mob, a few bad actors, lawful people, political opportunists, or a group of carefully planned conspirators?

Defenders of the people who marched on the Capitol claim they were living up to the ideals of the Declaration of Independence and the Constitution by demonstrating against what they regarded as an unfair election. Critics claim nothing could be further from what actually happened. They contend that a crowd, intentionally inflamed by speeches and leaders, became a mob and sought to overturn the results of a free and fair presidential election, and so doing, turned against the ideals and values of American democracy.

Our understanding of January 6 depends in large part on how the media chooses to frame it. **Media framing** is how reporters and editors present what happened -- the words used in stories, the images shown in videos, the pictures that accompany news bulletins, the choice of who to interview to gain information and insights.

Different media outlets offer very different framing, as evidenced by this report from PBS Newshour (There's a Battle of Words to Describe January 6, 2021. Here's Why It Matters). The following resources from AllSides.com offer a further perspective on different media framing: Capitol Breach Coverage Demonstrates Media Bias and Capitol Chaos.

In this activity, you will compare and contrast media framing of the event at the Capitol and its aftermath. In so doing, you will evaluate how the media portrayed political leaders and/or people who were part of the riots and decide whether they demonstrated political courage or failed to live up to

the ideals of the Constitution?

**Step 1:** Choose any two media outlets, preferably one that is text-based (like a print newspaper or online news site) and one that is visual (like a television or streaming news show).

**Step 2:** Examine their latest coverage of the events of January 6 and record what you find. How do they continue to describe what happened? What images do they use to accompany their coverage? How much space is devoted to stories about the event and the people involved?

**Step 3:** Using a search engine, go back and examine their coverage of the events on January 6 and the days immediately following the event and record what you find. Ask the same questions about how it was described, what images were used, and how much coverage was given.

**Step 4:** Present your conclusion by having students remix news/media footage to show your conclusions, or design a podcast or video to educate others about how media portrayal of the actions of different people during the January 6 events at the capitol breach relates to the ideals of the constitution.

### Suggested Learning Activities

- **Write Your Statement Responding to Anti-Democratic Actions**
  - Link here for statements by four former Presidents condemning the January 6, 2021 attack on the U.S. Capitol

- **Design a History Learning Plan for Students**
  - Use the following links to teach students the ways were American ideals neglected or denied in one of these events?
    - The Indian Wars - The Navajo War and the Long Walk of the Navajos, 1848 to 1868
    - The Red Scare - Anticommunism and McCarthyism in the 1950s
    - The Lavender Scare - The Lavender Scare
    - Lord Jeffrey Amherst and His Relationship with First Americans

- **Write a People's History of The Hollywood Blacklist**
  - Video: What is the Hollywood Blacklist?
  - The Great American Songbook Blacklist, Indiana Public Media (July 23, 2018)
  - The Hollywood Blacklist, ColdWar LA

- **State Your View:** For whom should a School be Named?
    - In Education Week, Corey Mitchell (2020) reported that as of June 2020, there were 174 schools in 16 states named for historical figures connected to the Confederay during the Civil War; most commonly, Robert E. Lee, Stonewall Jackson, and Sidney Lanier. There are over 1,700 Confederate monuments still standing.
    - Activists have demanded, and many community leaders have agreed, that Confederate-themed school names deeply offend African Americans and inaccurately portray the history of slavery and the Civil War.
    - Whose heritage does the name of your school honor?
  - Should students, teachers, and community members go about renaming schools to honor individuals who stood for American ideals?
    - Whose Heritage? Public Symbols of the Confederacy, Southern Poverty Law Center (February 1, 2019)

## Standard 4.11 Conclusion

Political courage is an essential quality in a democracy. **INVESTIGATE** profiled three examples of courageous individuals who affirmed American ideals through their actions: Joseph Cinque, John Quincy Adams, and the Amistad Case; John Scopes and the Scopes Evolution Trial; and Cesar Chavez, Dolores Huerta, Larry Itliong and the Delano Grape Strike. **UNCOVER** reviewed the history of Claudette Colvin and the *Browder V. Gayle* case. **ENGAGE** asked what American ideals were denied during the Indian Wars of the American West, McCarthyism and the Anti-Communist Red Scare, and the Anti-Gay Lavender Scare of the 1950s.

# 4.12

# The Role of Political Protest

## Standard 4.12: The Role of Political Protest

*Examine the role of political protest in a democracy.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.12]**

## FOCUS QUESTION: What are the Different Ways That Political Protest Happens in a Democracy?

**Rosa Parks being fingerprinted by Deputy Sheriff D.H. Lackey after being arrested for boycotting public transportation, Montgomery, Alabama, February, 1956**
Public domain photograph from The Plain Dealer newspaper

The **right to protest** is essential in a democracy. It is a means for people to express dissatisfaction with current situations and assert demands for social, political, and economic change. Protests make change happen and throughout the course of United States history it has taken sustained protests over long periods of time to bring about substantive change in governmental policies and the lives of people. Protest takes **political courage** as well, the focal point of Standard 4.11 in this book.

The United States emerged from American protests against England's colonial rule. Founded in 1765, the **Sons of Liberty** and the **Daughters of Liberty** organized protests against what they considered to be unfair British laws. In 1770, the **Boston Massacre** happened when British troops fired on protestors. Then, there was the **Boston Tea Party** (December 16, 1773) when 60 Massachusetts colonists dumped 342 chests of tea—enough to make 19 million cups—into Boston Harbor. In 1775, there were armed skirmishes between colonists and British soldiers at **Lexington and Concord**. Three years later in the Declaration of Independence, Thomas Jefferson affirmed the importance of protest when he wrote:

> *When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the*

> *powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.* (National Archives)

Many of the most impactful events in United States history have been political protests:

- In 1848, women activists organized the **Seneca Falls Convention** and issued the Declaration of Sentiments, a foundational document in the struggle for women's rights and equality.
- In 1932, the Federal Government sent troops using tear gas and bayonets against the **Bonus Army marchers** (World War I veterans), many of whom were out of work because of the Depression who had come to Washington, D.C. to protest having not received promised bonuses for serving in the war. It took four years for them to get their money.
- In 1955, the **Montgomery Bus Boycott**, begun by Rosa Parks and activists including Dr. Martin Luther King, Jr., changed the course of the **Civil Rights Movement**, inspiring the 1960 **Greensboro and Nashville sit-ins**, the 1963 **Birmingham Children's Crusade**, the 1963 **March on Washington for Jobs and Freedom**, the 1965 **March on Selma and Bloody Sunday**, and many more protests that led to legislation and change for African Americans.
- Other protests in recent U.S. history include the **anti-Vietnam War demonstrations** of the 1960s and early 1970s, **Native American sovereignty** actions including the occupation of Alcatraz Island in San Francisco, the **Stonewall Riots**, the **Occupy Wall Street** demonstrations in 2011, and **School Strikes for Climate** in 2019 (A Recent History of Protest in America, *The New York Times*, June 28, 2020, p. 4).
- **Black Lives Matter** protests, beginning in May 2020, saw millions of people in more than 550 cities and towns across the nation engage in weeks of marches and demonstrations over the death of **George Floyd**, an unarmed African American man, by Minneapolis, Minnesota police officers on May 25, and the earlier March 13 fatal shooting of **Breonna Taylor** by Louisville, Kentucky police officers.

"Boston George Floyd Protest, Boston Common"
by GorillaWarfare is licensed under CC BY 4.0

As people marched in the streets and in some places encountered law enforcement and National Guard troops firing tear gas and rubber bullets, the nation witnessed a remarkable set of statements about the death of George Floyd, the right to peaceful protest, and the need for racial justice, including voices from across the political spectrum:

- Former President Barack Obama's video statement in a virtual town hall (June 3, 2020)
- Former President Bill Clinton statement (May 30, 2020)
- Reverend Al Sharpton eulogy for George Floyd (June 4, 2020)
- Former President George W. Bush statement (June 2, 2020)
- Former President Jimmy Carter statement (June 3, 2020)

By the beginning of July, reported the *New York Times*, between 15 to 26 million people had participated in the protests, as shown on this interactive map of George Floyd/Black Lives Matter protests. These turnout numbers would make this the largest protest participation movement in the country's history.

How has political protest driven social and political change in U.S. history? The modules for this standard explore this question from three distinct standpoints: the doctrine of civil disobedience; examples of impactful marches and demonstrations; and how activists can use books and music to express ideas for change.

**Modules for this Standard Include:**


1. INVESTIGATE: Mohandas Gandhi, Martin Luther King, Jr., and the Doctrine of Nonviolence Protest and Civil Disobedience
2. UNCOVER: Three Historical Examples of Political Protest
   2.1 The Stonewall Uprising (1969)
   2.2 Mother Jones and the March of the Mill Children (1903)
   2.3 The Standing Rock Pipeline Protest (2016-2017)
3. ENGAGE: Can Books and Music Express Political Protest?
   - MEDIA LITERACY CONNECTIONS: Music as Protest Art


# 1. INVESTIGATE: Mohandas (Mahatma) Gandhi, Martin Luther King, Jr., and the Doctrine of Nonviolent Civil Disobedience

**Political protest** is an action or a series of actions by a group of people who seek to: 1) express their disapproval of current conditions, 2) address injustices in the political system, and 3) advocate for changes in government or business policies.

We the Voters: Do Political Protests Make A Difference, a video from CBS News, introduces political protest and how it can be used to create political, economic and social change.

There are two main forms of political protest — nonviolent and violent. **Nonviolent** protests involve using peaceful methods to bring about political change such as petitions, strikes, boycotts, rallies, and marches. **Violent** protests involve using aggressive methods to try to bring about political change such as acts of terrorism, destruction of property, bodily harm, and riots.

The Indian independence leader **Mohandas (Mahatma) Gandhi** was one of history's most famous proponents of nonviolent protest and resistance, what is widely known as **Civil Disobedience** (Civil Disobedience Defined, Stanford Encyclopedia of Philosophy). Gandhi believed violence was a clumsy weapon that created far more problems than it solved. Gandhi held that by refusing to rebel violently against British oppression, native Indians would expose the colonists as the real savages who were waging warfare against a peaceable and innocent community.

Studio photograph of Mohandas K. Gandhi, London, 1931 | Public Domain

Gandhi's idea of "satyagraha" or civil disobedience is explained in these primary sources and background information. Here is background on the concept of Ahimsa (harmlessness). There is more information about civil disobedience as a form of political protest at the *resourcesforhistoryteachers* wiki page for Imperialism in India and South Asia in the 19th century.

**Dr. Martin Luther King, Jr.** adopted nonviolent direct action and civil disobedience as a central strategy for the post-World War II African American Civil Rights Movement. Nonviolence, he said, "is a powerful and just weapon, which cuts without wounding and ennobles the man who wields it. It is a sword that heals." He laid out Six Principles of Nonviolence. Read more about King's philosophy in his 1957 article Nonviolence and Racial Justice. Read Walden by Henry David Thoreau and Antigone by Sophocles for additional perspectives on civil disobedience.

### Suggested Learning Activities

- **Post Your Dream**
  - Martin Luther King said “I have a dream that one day…”
  - What is your dream? Post a written note or create a meme expressing your dream for change and a better world.
  - For inspiration, watch "A Dream" Music Video by Common.
- **Propose a Nonviolent Solution**
  - Identify an issue or problem in your school or community. How can it be approached nonviolently?
- **Create a Protest Sketchnote**
  - Use wiki pages for information to investigate the role of protest and non-violent civil disobedience in one of the following social or political movements in U.S. history.
    - **Disability rights movement**
    - **Women's rights movement in the 1960s and 1970s**
    - **Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Civil Rights Movement**
    - **Environmental movement in the United States and Massachusetts**
    - **Worker Health and Rights Movement**
    - **Native American Rights Movement**

### Online Resources for Civil Disobedience and Nonviolent Protest

- Defining Protest and Protest Events
- Martin Luther King, Jr., Gandhi, and the Power of Nonviolence, EDSITEment Learning Plan
- Committing to Nonviolence:  A Lesson from Viva La Causa, Teaching Tolerance
- Nonviolent Resistance, Martin Luther King, Jr. Research and Education Institute, Stanford University
- Lesson Plan: Martin Luther King Jr., and Malcolm X: A Common Solution?, The Gilder Lehrman Institute of American History (login required)

## 2.1. UNCOVER: The Stonewall Uprising, June 28, 1969

In early summer 1969, at the Stonewall bar in New York City, tensions between police and LGBTQIA patrons reached a boiling point. Members of the gay community, tired of being judged, ridiculed, and imprisoned (at the time, it was illegal to be gay), rose up against police harassment and brutality.

A raid on the Stonewall bar set off six days of violent confrontations between gay, lesbian, and transgender individuals and police officers. What has become known as the **Stonewall Uprising or the Stonewall Riots** ignited the gay rights movement (The Stonewall Riot and Its Aftermath).

Stonewall 25th anniversary button

This button commemorates the twenty-fifth anniversary of the Stonewall riots, which took place in 1969. The riots erupted following a police raid targeting the gay community on June 28 at the Stonewall Inn in the Greenwich Village area of New York City. Image by Minnesota Historical Society is licensed under CC BY-SA 2.0)

Thirty years later, June 6, 2019, the New York City Police Commissioner James O'Neill formally apologized for police actions during the Stonewall Uprising. Commissioner O'Neill said that "the actions taken by the NYPD were wrong." There is more information about gay rights activism at a *resourcesforhistoryteachers* wiki page on The Stonewall Uprising.

## Suggested Learning Activities

- **Compare and Contrast**
  - Educators and historians use different terms when referring to the Stonewall events. The Zinn Education Project and the Stanford History Education Group have called them the **Stonewall Riots** while the Anti-Defamation League and the PBS Learning Media have referred to the **Stonewall Uprising.**
  - Which term would you use to characterize the events and why would you use that term?
- **Assess the Impact**
  - *The New York Times* called Stonewall a turning point for the gay civil rights movement.
  - Why was this the case? Why might that not be so?

## Online Resources for the Stonewall Riots

- The Stonewall Riots: What Really Happened, What Didn't and What Became Myth. *Daily Beast,* June 17, 2019
- Stonewall: The Basics
- Stonewall and Beyond:  Gay and Lesbian Issues, Thirteen EdOnline
- Stonewall Riots 40th Anniversary
- Stonewall Uprising from PBS American Experience

## 2.2. UNCOVER: Mother Jones and the March of the Mill Children (1903)

Mary Harris Jones, also known as "**Mother Jones**," was a labor activist who fought for the rights of child workers (Who Was "Mother" Jones?). In 1902, she was called the “most dangerous woman in America” because of her activism on behalf of workers (The Most Dangerous Woman in America? The Mock Trial of Mary Harris "Mother Jones").

Workers' Memorial Day poster Pray for the dead and fight like hell for the living. - Mary Harris "Mother" Jones
(Credit: Image is the work of the United States Department of Labor under the terms of Title 17, Chapter 1, Section 105 of the US Code and the DOL copyright policy/ Public Domain)

In her 1903 **March of the Mill Children**, Mother Jones walked nearly 100 miles in three weeks from the city of Philadelphia to the Long Island home of President Teddy Roosevelt, but Roosevelt refused to see them or respond directly to her demands for a reduced 55-hour workweek and the elimination of night work by women and children.

**Young Girl in a Mill, 1908**
Photo by Lewis W. Hine, 1908 | Public Domain

The March of the Mill Children is credited with changing child labor laws in some states, although nationwide protection of young workers did not come about till the Fair Labor Standards Act of 1938.

## Suggested Learning Activities

- **Create a Child Labor Timeline**
  - Child Labor in U.S. History, University of Iowa Labor Center
  - The American Era of Child Labor, Virginia Commonwealth University
- **Analyze Primary Sources:** The Photographs of Lewis Hine
    - Documentation of Child Labor
    - National Child Labor Committee Collection Photographs of Lewis Hine

## Online Resources for Mother Jones and Child Labor Laws

- The Wail of the Children Speech by Mother Jones
- Short biography of Mother Jones from The American Federation of Labor and Congress of Industrial Organizations
- Philadelphian Mill Children March Against Child Labor Exploitation, Global Nonviolent Action Database

## 2.3. UNCOVER: Dakota Access Pipeline Standing Rock Sioux Uprising

In 2016, a company called Energy Transfer Partners sought permission to build the Dakota Access Pipeline (DAPL) through Bismarck, North Dakota. The pipeline would carry fracked shale oil from the Bakken Oil fields located in parts of Montana, North Dakota, and Saskatchewan and Manitoba, Canada. Bismarck, a predominantly White city, rejected the Energy Transfer Partners proposal so the company decided to reroute the pipeline through Standing Rock Sioux Tribe's reservation lands.

Based on the 1851 & 1868 Fort Laramie Treaties, the land on which the Dakota Access Pipeline was to be constructed was sovereign territory of the Standing Rock Sioux Nation. However, the federal government chose not to recognize the 1851 Treaty. Instead, the United States Army Corps of Engineers claimed that the land was theirs and the pipeline could be built through it.

As part of the project plan, the pipeline was to go underneath Lake Oahe—the main source of drinking water for the Standing Rock Sioux tribe and a main tributary of the Missouri River. This was what became the rallying cry of the members of the Standing Rock Sioux as they mobilized against the pipeline.

**Letters from children at Standing Rock Community High School during the Dakota Access Pipeline protests**
Credit: Image from Becker1999 Licensed under CC BY 2.0

The protests delayed the pipeline project until the Trump Administration gave clearance for the project to proceed in 2017. The pipeline was completed in April 2017. There is more information at a *resourcesforhistoryteachers* wiki page on the DAPL Standing Rock Sioux Uprising (2016-2017).

### Suggested Learning Activity

- **Assess the Impact**
  - In what ways does the #NoDAPL Struggle against the Dakota Access Pipeline resemble long standing legacies of oppression toward Native peoples?*
  - Was the fight against DAPL a failure? In what ways was it a success?*
  - What does it mean to support the rights of indigenous peoples in the 21st century?*

*Questions submitted by Christoper Oo

### Online Resources for Standing Rock Pipeline Uprising

- The #NoDAPL movement was powerful, factual, and Indigenous-led. Lawsuit lies can't change that., Center for Constitutional Rights
- The Wounded Knee Museum offers an interactive look at American Indian history.
- Treaties Still Matter: The Dakota Access Pipeline, National Museum of the American Indian
- "For the Future": Doing Indigenous History After Standing Rock, *Perspectives on History*, American Historical Association
- A History of Native Americans Protesting the Dakota Access Pipeline, *Mother Jones* (September 2016)

## 3. ENGAGE: How Can Books and Music Express Political Protests?

**Anti-War Literature** and **Protest Music** are ways for writers and musical artists to convey their views of society and their visions for change.

Street Scene in Dresden, Germany (1945)
Dresden was the setting for Kurt Vonnegut's novel Slaughterhouse 5
by Roger Rössing is licensed under CC BY-SA 3.0 de

Some of the 20th century's most compelling literature address the brutalities of war and the necessities of peace: *All Quiet on the Western Front* by Erich Maria Remarque; *Slaughterhouse Five* by Kurt Vonnegut; *Catch 22* by Joseph Heller; *In the Lake of the Woods* and *The Things They Carried* by Tim O'Brien; and an entire genre of anti-war novels by women writers (see 50 Novels By Women Writers On Conflict, Displacement And Resilience).

There is more information at a resourcesforhistoryteachers wiki page for Antiwar Literature and Protest Songs. The wiki also includes an historical biography page for Langston Hughes, Poet, Playwright and Civil Rights Activist.

**Billie Holiday recorded the song *Strange Fruit* in 1939 to protest violence and racism against African Americans**
Credit: Portrait of Billie Holiday between 1946 to 1948 from the Library of Congress/Public Domain

Protest music conveys ideas and emotions in ways that change minds and provoke actions. From Billie Holiday singing the song *Strange Fruit* which was named song of the century by Time magazine in 1999 to contemporary rap and hip-hop artists, music is a powerful force for change. The 2015 song *Alright* by Kendrick Lamar expresses his protest against police violence toward Black people. Alicia Key's 2020 song *Perfect Way to Die* was inspired by the killings of Mike Brown and Sandra Bland. Rap artists DaBaby, Rapsody, and Lil Baby also wrote searing songs embracing Black Lives Matter Movement.

Protest music is widely associated with the decade of the 1960s. Young people took to the streets to protest against the War in Vietnam and for civil rights for African Americans at home. Rock 'n' Roll Music was a constant soundtrack for these protests, its rhythm and beat defied convention and encouraged open expression of ideas and emotions. Yet rock 'n' roll music, made famous by White artists like Elvis Presley had its origins in soul music and rhythm and blues performed by Black musicians and singers, the contributions of whom have been lost or neglected by the history books. Students today do not know about the genre-breaking work of artists like Little Richard, Bo Diddley, Sister Rosetta Tharpe, Chuck Berry and more. Watch here as Big Mama Thorton performs the song "Hound Dog" in 1971.

You can discover a wide range of music expressing social themes on American Anthem, an NPR series about music and change.

## Media Literacy Connections: Music as Protest Art

### Focus Question: How can music be a powerful medium to express social and political protest?

From the American Revolutionary era to the Black Lives Matter protests in the summer of 2020, music has been at the center of expressing protest and speaking to social unrest. "Yankee Doodle" is widely regarded as the first American protest song, though it was originally written by British soldiers to mock the Americans and then adopted by the colonists as a rallying song for revolution. "Free America" was another one of the first protest songs, written by Joseph Warren, the man who enlisted Paul Revere and William Dawes to spread the alarm that the British were coming on April 18, 1775.

#### Activity 1: Remix Lyrics into Your Own Protest Song

- Review The History of American Protest Music, from "Yankee Doodle" to Kendrick Lamar, *Vox*, May 22, 2017.
- Remix song lyrics from a playlist of historical American protest songs into your own song of protest for an issue of interest to you today. Songs you might include:
    - Go Down Moses
    - John Brown's Body
    - The Battle Hymn of the Republic
    - Strange Fruit
    - This Land Is Your Land
    - Blowin' in the Wind
    - A Change is Going to Come

#### Activity 2: Analyze Contemporary Political Songs on Social Media

- Ask students to find a song that expresses political protest.
- Research the song:
    - What is the main political message behind the lyrics?
    - What was the social and cultural context of the song?
    - What impact did the song make?
- Search this song on social media, including TikTok and Youtube. What are some ways young people engage with the song? What kind of comments do they get from posting the song? Does sharing the song on social media help raise awareness of the political issue? (e.g. some young people might create TikTok videos using the song to express their political view on certain things).

#### Additional Resources:

- From Lil Baby to T-Pain: 10 New Black Lives Matter Protest Songs That You Have to Hear
- Social Justice Songs for Kids: A Playlist
- Why 2020's Protest Songs Aren't Part of a Passing Trend, Billboard (December 19, 2020)

### Suggested Learning Activity

- **Write and Record a Protest Song**
  - Choose a school, community, national or global issue you care about.
  - Use any musical style: rap, folk, rock, hip-hop, country, classical
  - Learn more:
    - Protest Songs, A Musical Introduction, Smithsonian Folkways
    - Teaching with Protest Music, *The New York Times* Learning Network
    - Analyzing Protest Songs of the 1960s, The Gilder Lehrman Institute of American History (login required)
    - PODCAST: A Playlist for the Movement, Teaching Tolerance
    - The Music of the Civil Rights Movement, TeachRock
    - The Freedom Riders and the Popular Music of the Civil Rights Movement, EDSITEment
    - WIKI BIOGRAPHY PAGE: Bob Dylan
    - WIKI BIOGRAPHY PAGE: Woody Guthrie

### Online Resources for Protest Through Books and Music

- The Strange Story of the Man Behind 'Strange Fruit', NPR (September 2, 2012)
- **VIDEO**: The War Prayer by Mark Twain (1904), an animated video by Markos Kounalakis (2010); Twain's response to the Philippine-American War
- 10 Best Protest Books of All Time
  - **Digital Text**: The Red Badge of Courage: An Episode of the American Civil War, Stephen Crane (1895)
- **Learning Resources**: Nobody Gonna Turn Me 'Round: Stories & Songs of the Civil Rights Movement
- Who Invented Rock 'n' Roll: These are the Black Pioneers Who Laid the Genre's Foundation
- **Learning Plans**
  - Walt Whitman to Langston Hughes: Poems for a Democracy
  - The Freedom Riders and Popular Music of the Civil Rights Movement
  - The Music of the Civil Rights Movement

## Standard 4.12 Conclusion

Political protests can be both peaceful and violent. **INVESTIGATE** examined the philosophy of civil disobedience of Mohandas Gandhi, Henry David Thoreau, and Martin Luther King, Jr. to demonstrate how nonviolent protests can generate lasting change. ***UNCOVER*** looked at the labor activist Mother Jones and the March of the Mill Children, the Stonewall Uprising, and the Standing Rock Pipeline Protest as impactful events in struggles for the rights of children, LGBTQIA people, and Native Americans. **ENGAGE** asked how anti-war literature and protest songs serve as ways for people to express their ideas for change.

# 4.13

# Public and Private Interest Groups, PACs, and Labor Unions

## Standard 4.13: Public and Private Interest Groups, PACs, and Labor Unions

*Examine the influence of public and private interest groups in a democracy, including policy organizations in shaping debate about public policy.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T4.13]**

## FOCUS QUESTION: What Roles do Public and Private Interest Groups, Political Action Committees, and Labor Unions Play in American Politics?

"Lobbying" by OpenClipart-Vectors is licensed under Pixabay License

This standard looks at the ways Special Interest Groups, Political Action Committees, and Labor Unions seek to influence public policy. Each of these organizations engages in **lobbying** to influence governmental action or policies through oral or written communications and through spending large amounts of money to support candidates and causes.

**Money and lobbying can be very effective in enacting or changing public policy**. In 2018, there were 11,651 registered lobbyists in the United States and total lobbying spending was $3.49 billion (Lobbying Database, OpenSecrets.org). Learn more about Lobbyists from OpenSecrets.org.

**Special Interest Groups** and **Political Action Committees** engage in policy lobbying while supporting candidates for local, state, and federal offices through cash contributions. You can explore the topic more at our wiki page on Interest Groups and Political Action Committees.

In addition to those activites, **Labor Unions** engage in direct action for change or strikes. A **strike** is an "organized stoppage or slow down of work by employees" intended to force employers to meet the strikers' demands for change (Denver Classroom Teachers Association, 2019, p. 1). As established by the National Labor Relations Act of 1935, employees have a **Right to Strike** for economic benefits or against unfair labor practices.

Money is a key to action for all these organizations. Being able to spend large sums of money means the voices of some public and private interest groups are heard more often and more directly than the opinions of everyday people.

**How do these public and private interest groups function within the United States system of government?** The modules for this standard explore that question.

### Modules for this Standard Include:

1. INVESTIGATE: Special Interest Groups, Political Action Committees (PACs and SuperPACs), and Labor Unions
    MEDIA LITERACY CONNECTIONS: Investigating Online Political Advertising
2. UNCOVER: The Pullman Strike of 1894 and the History of Labor Day
3. ENGAGE: What Role Does Money Play in our Elections?

# 1. INVESTIGATE: Special Interest Groups, Political Action Committees (PACs and SuperPACs), and Labor Unions

## Special Interest Groups

**Special interest groups,** also called "pressure groups," are organizations formed to influence public policy and advance the beliefs and interests of the group's members.

Special interest groups regularly seek financial contributions from their members and use those funds to give political donations to politicians who are favorable to their point of view. Interest groups also use "lobbying" as a means of reaching their goals. Lobbying involves using pressure, or other means, to convince policymakers to pass legislation benefiting the groups or its causes.

**Economic interest groups** have a primary aim to improve the economy, including Labor groups, Professional groups, Business groups, and Farm groups.

**Cause groups** direct their efforts to achieve particular benefits to their members such as Veterans' groups, religious organizations, and disability support groups.

## Suggested Learning Activity

- **Investigate**
  - Select an issue from the following list of Special National Interest Groups from OpenSecrets.org, an organization that seeks to inform and engage Americans by exposing disproportionate or undue influence on public policy by special interests.
  - Examine the special interest groups (SIGs) related to that issue to understand why they seek to influence policymakers. What did you uncover?

## Online Resources for Interest Groups

- Interest Group Learning Plan, iCivics
- Why Lobbying is Legal and Important in the U.S.

## Political Action Committees (PACs and SuperPACs)

**Political Action Committees (PACs)** are organizations that collect and donate funds to political candidates. PACs can be formed by corporations, labor unions, trade unions, and various groups of people. They are widely used in elections for the House of Representatives, Senate, and President, and in some state elections.

**Symbol for the *Stand with Orlando* Campaign by the MoveOn.org Interest Group**
Credit: Wikimedia Commons | Public Domain

The first PAC was formed in 1944 by the Congress of Industrial Organizations (a labor union group) to help reelect President Franklin D. Roosevelt. To reduce the amount of influence of money on elections, the Federal Election Campaign Act of 1971 limited the amount of money a person, group, or corporation could give to a candidate. The legislation actually had the opposite effect as more PACs sought many smaller donations from more people. While there were about 600 PACs in the early 1970s, today there are more than 4,600 (What is a PAC? Open Secrets.org).

### Citizens United Supreme Court Decision

While in the past political action committees were created by businesses or unions, today there are many types of PACs established by politicians and interested citizens who want to raise money for political purposes. The 2010 ***Citizens United v. Federal Election Commission*** Supreme Court decision changed the rules about how candidates can raise money to run for office. This 5 to 4 decision established that corporations and organizations have the constitutional right to spend money to promote candidates and their policies.

### SuperPACs and Dark Money

Two new terms—Super PACs and Dark Money—have dramatically changed how individuals and groups go about influencing public policy and participating in elections:

- **Super PACs** (or Independent Expenditure-Only Committees) may raise unlimited sums of money from corporations, unions, associations, and individuals, then spend unlimited amounts to overtly advocate for or against political candidates. The spending of Super PACs has increased tremendously since the Citizens United Supreme Court decision. During the past four elections, for example, Sheldon Adelson and his wife Miriam Adelson gave a total of *$297*

*million* to Super PACs to support Republican candidates. For the 2020 Presidential election, "As of June 17, 2020, 1,816 groups organized as super PACs have reported total receipts of $819,992,651 and total independent expenditures of $175,849,611 in the 2020 cycle" (SuperPACs from OpenSecrets.org, para. 3).

- **Dark Money** is political spending meant to influence the decision of a voter, but the donor is not disclosed and the source of the money is unknown. SuperPACs and Dark Money organizations do not have to disclose the names of their donors. Individual political candidates must keep records of the names and addresses of anyone who makes a contribution of more than $50 to their campaign.

**Democracy for All Constitutional Amendment**

Critics of the Citizens United decision including 20 state legislatures, more than 260 members of Congress, and millions of individual citizens have proposed an amendment to the Constitution designed to establish rules to limit campaign contributions and campaign spending, especially by corporations.

One effort to curb the influence of money in politics is to pass a 28th Amendment to the Constitution. Read a text of the proposed Democracy for All amendment, introduced by Senator Ben Cardin (D) from Maryland.

You can go here to learn more about money in American politics.

## Suggested Learning Activities

- **Research and Report**
  - How Do Politicians Finance Their Political Campaigns?
    - Follow the Money: Understanding 'Super Pac' Spending in Politics, *The New York Times* Learning Network
- **State Your View**
  - Did the Supreme Court rule correctly in the Citizens United case?
    - Lesson Plan on the Citizens United case from Bill of Rights Institute

## Online Resources for PACS and Campaign Finance

- Campaign Finance Laws:  An Overview
- Data on Campaign Finance, Super PACs, Industries and Lobbying, from OpenSecrets.org
- Overview of State Laws on Public Financing of Elections
- Stephen Colbert's Super Pac Lessons: Long Story Short, NBC News
  - Stephen Colbert and the Role of Political Satire, Morningside Center for Teaching Social Responsibility

## Labor Unions

A **labor union** is an organization of workers who negotiate with employers to gain better wages, benefits, working conditions, and on-the-job safety. Unions also engage in political activities including endorsing candidates and lobbying for the passage of legislation.

The first U.S. labor union is reported to have been the Federal Society of Journeyman Cordwainers (cordwainers were shoemakers) in Philadelphia in 1791. The first union of working women was the Lowell Female Labor Reform Association, formed in 1844 by women who worked in the mills in Lowell, Massachusetts.

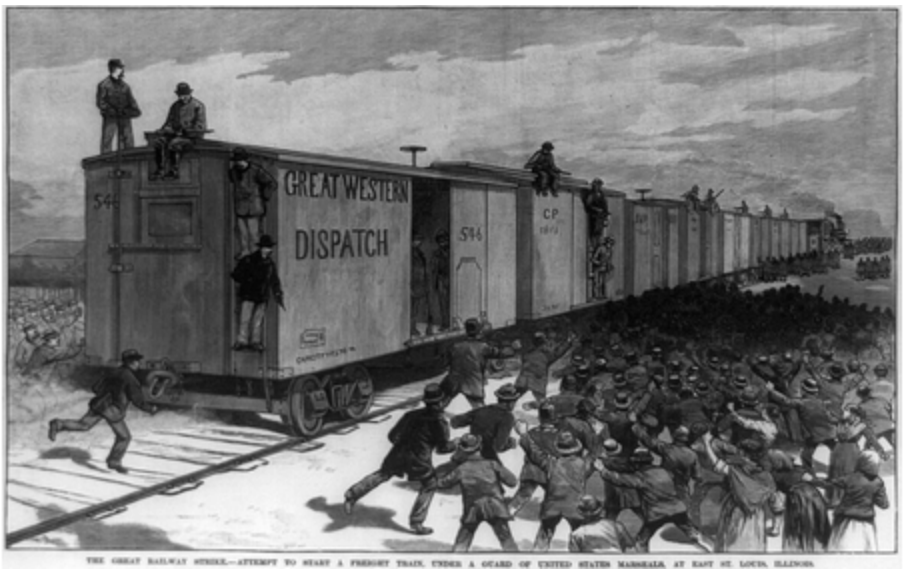
In 2020, there are 14.6 million union members with another 1.8 million workers covered by a union contract (U.S. Bureau of Labor Statistics, 2019). But only 11.9% of American workers belong to a union; just 6.9% of those are in the private sector.

African Americans were involved in labor unions and labor actions from before the Civil War (African Americans and the American Labor Movement). Isaac Myers was one of the early Black labor leaders. He founded the Caulkers Association, one of the first Black trade unions in 1838 (caulkers were important workers in the shipbuilding industry). In 1925, the Brotherhood of Sleeping Car Porters led by A. Philip Randolph became the first African American labor union to be recognized by the American Federation of Labor. Randolph was aided greatly by the organizing efforts of Rosina Corrothers Tucker who founded the Ladies' Auxiliary (Women's Economic Councils) also in 1925.

Unions use **collective bargaining** to negotiate contracts with employers. Collective bargaining involves a give and take as both sides advance proposals and work to achieve a compromise acceptable to everyone. When collective bargaining fails to achieve results, unions may restore to a strike. A **strike** is a labor action where workers refuse to go back to work until progress is made in meeting their demands for change.

**1975 U. S. Stamp**
(Credit: U.S. Postal Service | Public Domain)

Many important events in U.S. history involve the causes and consequences of labor strikes. A Labor Unions and Radical Political Parties in the Industrial Era wiki page has material on key moments in labor history including the Lowell Mill Girls, The Great Railway Strike of 1877 (see below), the Atlanta Washerwoman Strike of 1881, Bread and Roses Strike (1912), the New York Shirtwaist Makers Strike of 1909, the Knights of Labor, the Haymarket Riot of 1886, the American Federation of Labor headed by Samuel Gompers, and the Industrial Workers of the World (IWW) union.




**Freight train, under a guard of United States marshals, at East St. Louis, Illinois**
Credit: Image from Frank Leslie's Illustrated Newspaper, April 10, 1886/Public Domain

## Media Literacy Connections: Investigating Online Political Advertising

Special Interest Groups, Political Action Committees, and Labor Unions are constantly engaging in political advocacy through advertising. They devote enormous amounts of time and resources to persuading voters and citizens to support their positions on issues and candidates.

In the past, these organizations relied mainly on newspapers, direct mail and television advertising, and they still use these media today. Running for President in 2008, Barack Obama changed the political advertising landscape by using social media to reach voters. Since then, the amount of money spent on online ads has gone from the millions to the billions, and continues to grow with every election cycle on Facebook and Google and other lesser well-known platforms as well. Many of these ads are carefully designed to microtarget specific groups with specific messages.

Paradoxically, as the American Bar Association has pointed out, "lying in political ads is also perfectly legal" because what is said is considered the political speech and that is protected under the First Amendment (Political Advertising on Social Media, June 26, 2020). As a consequence, misinformation and disinformation keeps reappearing, especially in 2021 around the Big Lie that the 2020 Election was stolen from the former President.

In this activity, you will examine and evaluate the use of political advertising on social media by Political Action Committees (PACs)and Labor Union.

### Activity 1: PAC TV and Social Media Ads

1. 3View the TV ads created by PACs for the 2020 election, below. Analyze them for their effectiveness in displaying their message to viewers. Did you find any potential inaccuracies and misinformation in their appeals to voters?

- Priorities USA

- Preserve America PAC
- New Faces GOP
- Priorities USA #2
- America First Action

2. Next, visit the websites of these organizations and evaluate their current political advocacy activities on social media.

- Do the ads differ from the television ads from the 2020 election?
- Did you find any potential inaccuracies and misinformation in their appeals to voters?

3. Choose one of the PACs below and write a script for a social media advertisement that they would likely create for a current issue or political candidate.

**Activity 2: Unions in the News and Online**

1. Many prominent news sources have sections of their websites dedicated to labor unions. Analyze the coverage of labor unions from the sources below by comparing the similarities and differences in labor union coverage.

- Labor Unions - US News
- Labor Unions - Fox News
- Labor Unions - CNBC
- Organized Labor - The New York Times

2. Next, visit the websites of these organizations and evaluate their current political advocacy activity on social media activities.

- Did you find any potential inaccuracies and misinformation in their appeals to voters?

3. Choose a major national or local labor union organization and write a script for a social media advertisement that they would likely create for a current issue or political candidate.

**Resources:**

- Top PACS 2019-2020
- The Labor Press Project - University of Washington
- Labor Union Opinion - Gallup

## Suggested Learning Activities

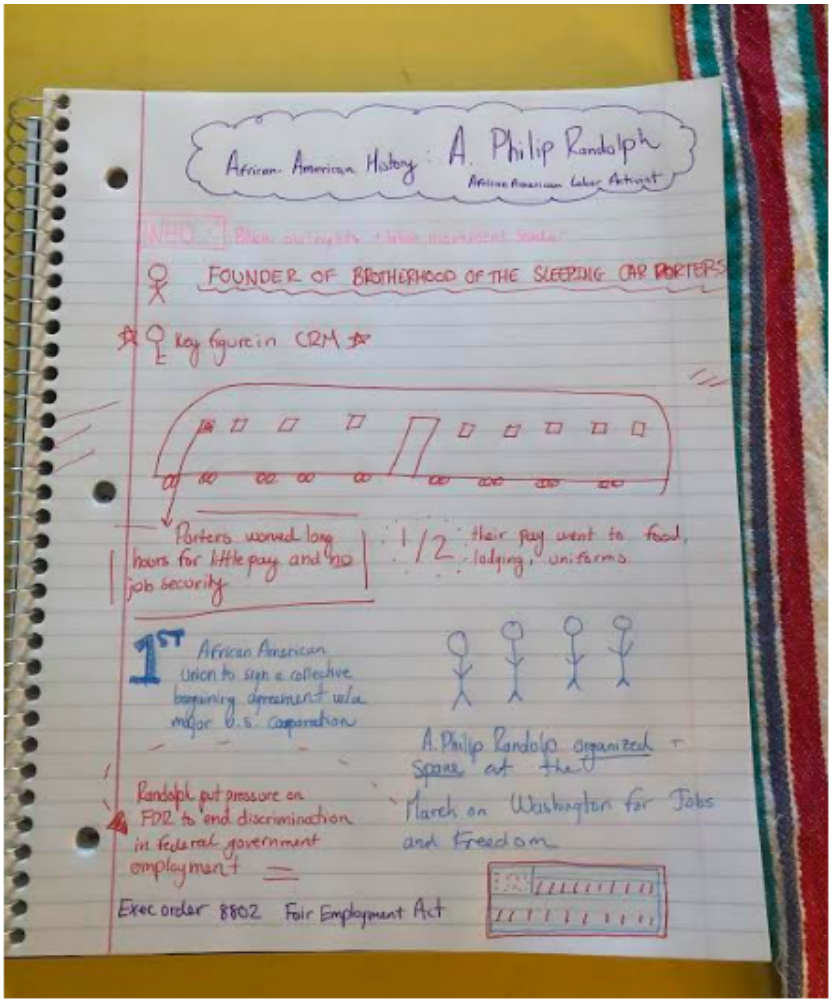
- **Create a Sketchnote of The Great Railway Strike of 1877**
    - The Great Railway Strike of 1877 was the nation's first major national rail strike

initiated by railroad workers in Martinsburg, West Virginia.
    - Explore the following resources and capture what you learn in a sketchnote drawing or graphic of the event:
        - Great Railroad Strike of 1877, Ohio History Central
        - Great Railway Strike of 1877: Historical Background, New York State Library
        - The Great Railway Strike of 1877 and Newspaper Coverage, University of Nebraska Lincoln
        - The great railroad strike, 1877 - Howard Zinn
        - The Strike of 1877: Primary Documents

- **Write a People's History** of **A. Philip Randolph** (1889-1979) and the **Brotherhood of Sleeping Car Porters**
    - The Brotherhood of Sleeping Car Porters, formed in 1925 under Randolph's leadership, signed the first ever collective bargaining agreement between a Black union and a U.S. corporation in 1937.
    - Explore these resources: A. Philip Randolph, African American Labor Activist and The Pullman Porters Win

**A sleeping car porter employed by the Pullman Company at Union Station in Chicago, Illinois, 1942**
Credit: Photography by Jack Delano/Library of Congress | Public Domain

### Online Resources for Labor Unions




SketchNote by Sydney Turcot (September 2020)

- **Labor Unions**
  - Inspiring Children's Books About Labor Rights
  - **BOOK**: *Beaten Down, Worked Up: The Past, Present and Future of American Labor*, Steven Greenhouse, 2019
  - Rise and Fall of Labor Unions in the U.S. from G. Wlliam Domhoff's *Who Rules America?*
  - Labor Unions and Working Conditions: United We Stand learning plan from the Library of Congress
  - The Job Jungle: A Labor Market Game shows a competitive labor market

## 2. UNCOVER: The Pullman Strike of 1894 and the History of Labor Day

The **Pullman Strike** was a labor action and boycott that caused a nationwide railroad crisis in June and July of 1894. The largest worker strike of the 19th century, it featured key historical figures, pressing social issues, and the changing roles of labor unions and big businesses in American society.

National Guard troops firing on Pullman strikers, 1894

Credit: Harper's Weekly | Public Domain

The strike began as a walkout by workers at the Pullman Palace Car Company in the town of Pullman just south of Chicago, Illinois. George Pullman was an industrial entrepreneur who gained fame and fortune by developing luxury passenger and dining cars for railroad passengers.

In the decades after the Civil War, Pullman employed former slaves as porters at minimal wages in his railroad cars, becoming the largest employer of African Americans in the country at the time. He made huge profits by leasing Pullman cars to railroad companies and he also received a portion of the money the railroads charged passengers for riding in them. At the time of the strike, Pullman had made an enormous fortune.

**Interior of Pullman Palace Sleeping Car**
Credit: Photo by Carleton E.Watkins | Public Domain

The workers who built the passenger cars lived in a company town controlled by Pullman. He paid very low wages and charged very high rents. The striking workers were members of a newly formed American Railway Union whose President was **Eugene V. Debs**. A former railroad fireman, Debs was an outspoken political activist who was the Socialist Party candidate for President of the United States in 1900, 1904, 1908, 1912, and 1920 (Debs and the Socialist Party received 6 percent of the national vote in the 1912 Presidential election).

Led by Debs, the American Railway Union voted to boycott Pullman cars. 125,000 workers went on strike, shutting down many of the nation's rail lines. After George Pullman refused to negotiate, President Grover Cleveland sent in federal troops to confront the strikers. Violence followed, 30 workers died, Eugene Debs was arrested, and the strike ended. But popular opinion turned against Pullman and toward Debs and the Socialist Party's fight for worker rights and economic justice.

To quiet potential public unrest, President Cleveland established **Labor Day** as a holiday for workers. The first Labor Day holiday was celebrated on Tuesday, September 5, 1882, in New York City. There is more information about the history of Labor Day and its connections to the Pullman Strike of 1894 from Samuel Gompers' 1910 article The Significance of Labor Day and Labor Day's Violent Beginnings, a YouTube video from CNNMoney.

### Suggested Learning Activities

- **Draw a Political Cartoon Using Primary Sources**
  - Letters on the Pullman Strike
  - The Great Railway Strike of 1894, Library of Congress
  - Pullman Strike lesson from Stanford History Education Group (login required)

### Online Resources for the Pullman Strike

- Service and Grace Amid a Class Struggle: The Story of the Pullman Porters, Museum of the American Railroad
- 5 Things to Know About Pullman Porters, Smithsonian (June 30, 2016)
- Brotherhood of Sleeping Car Porters (1925-1978), BlackPast.org

## 3. ENGAGE: What Role Does Money Play in Our Elections?

The 2020 Election was the **most expensive ever** (Brennan Center for Justice, November 11, 2020). Candidates and campaigns spent nearly $14 billion. A billion is a huge number; if you began saving $100 a day it would take you 27,397.26 years to reach just 1 billion (How Big is a Billion?).

**The Assemblyman Is Perplexed, Political Cartoon (1891)**
Credit: Wikimedia Commons *The Wasp* (San Francisco) Vol. 26, 1891 | Public Domain

**Corporate Donations**

With deep pockets and few checks and balances, corporations are a "dominant source of political funding today" (Center for Political Accountability, para. 1). By law, corporations cannot make direct contributions to candidates for President or Congress or to national political parties.

But corporations can fund:

- Advertisting that supports or opposes a candidate;
- 527 groups (tax-exempt political committees that must disclose from whom they get their funds);
- SuperPACs which can accept and spend money without limits (these donations can include dark money - contributions made with disclosing where they came from).

You can see where 492 companies made donations to at the Center for Political Accountability's Track Your Company site.

Almost every political candidate, no matter how great their personal wealth, relies on political donations to fund their campaigns for office. In these situations, politicians are reluctant to offend their donors. One dramatic impact of the 2021 Attack on the Nation's Capitol by an insurrectionist mob were announcements by many major corporations that they were suspending donations to members of the Congress who voted against certifying the 2020 Presidential election results. Firms included Marriott, Blue Cross Blue Shield, Commerce Bancshares, Amazon, AT&T, Comcast, Airbnb, Mastercard, Verizon, and Dow. However, other companies such as McDonalds and Bank of America chose not to halt donations (A Corporate Backlash, *The New York Times*, January 12, 2021).

**Impacts of Money on Election Outcomes**

In present day American politics, **the candidate who spends the most money usually wins** in races for Congress (Koerth, 2018). But the story is more complicated than a wealthy individual or a well-funded group buying an election by spending the most money.

Looking more deeply, researchers found that while money alone is not always the deciding factor in who wins, it often determines who gets to run for office. A typical member of Congress has a median income of $1.1 million (Senator: $3.2 million; Representative: $900,000) which is **12 times richer than the typical American household** (Quartz, February 12, 2018). Put simply, those who are wealthy can afford to run for state and national office, so they do. In many instances, potential candidates who do not have lots of money are unable to afford to seek a political office.

Being a candidate, especially at the state and national level, requires large amounts of money. According to the election monitoring organization OpenSecrets.org, the total cost of elections in 2016 was $2,386,876,712 for the Presidential race and $4,124,304,874 for all the races for Congress. $1.2 million was the average amount spent by a candidate for the U.S. House of Representatives in 2016. Republicans and incumbents spent more than challengers. The more a challenger spends, the more likely they win.

Nationally, candidates have **Four Ways to Fund a Presidential Campaign**. They can rely on either:

- **Big Money/Big Donors** (Candidate is personally wealthy and is supported by wealthy contributors)

- **Some Money/Big Donors** (Candidate has some personal finances and is supported by wealthy contributors)
- **Some Money/Small Donors** (Candidate has some personal finances and is supported by many small money contributors)
- **Self-Funding by Candidates** (Candidate funds their own campaign without contributions from donors)

### Suggested Learning Activities

- **Collect and Analyze Data**
  - Explore the Distribution of Money in the Presidential 2016 elections.
    - Which presidential candidates used outside money or candidate committee money on their campaign?
  - View Lobbyist spending over the course of over 15 years.
    - Browse the tabs to view top spenders and ranked sectors.
    - Then consider what role does money play in our elections?

- **Investigate and Report**
  - Examine Presidential Tax Returns from Richard Nixon in 1974 to Barack Obama in 2009, as well as those of Franklin Roosevelt and the 2010 presidential and vice-presidential candidates. Presidents began releasing tax returns in the 1970's. Neither President Donald Trump nor Presidential candidate Gerald Ford (in 1976) released their tax returns (Politifact Wisconsin, 2016).
    - What conclusions do you draw from the tax returns?
    - Should presidential candidates or candidates for other public offices be required to release tax returns? Why or why not?

### Online Resources for Money in Politics

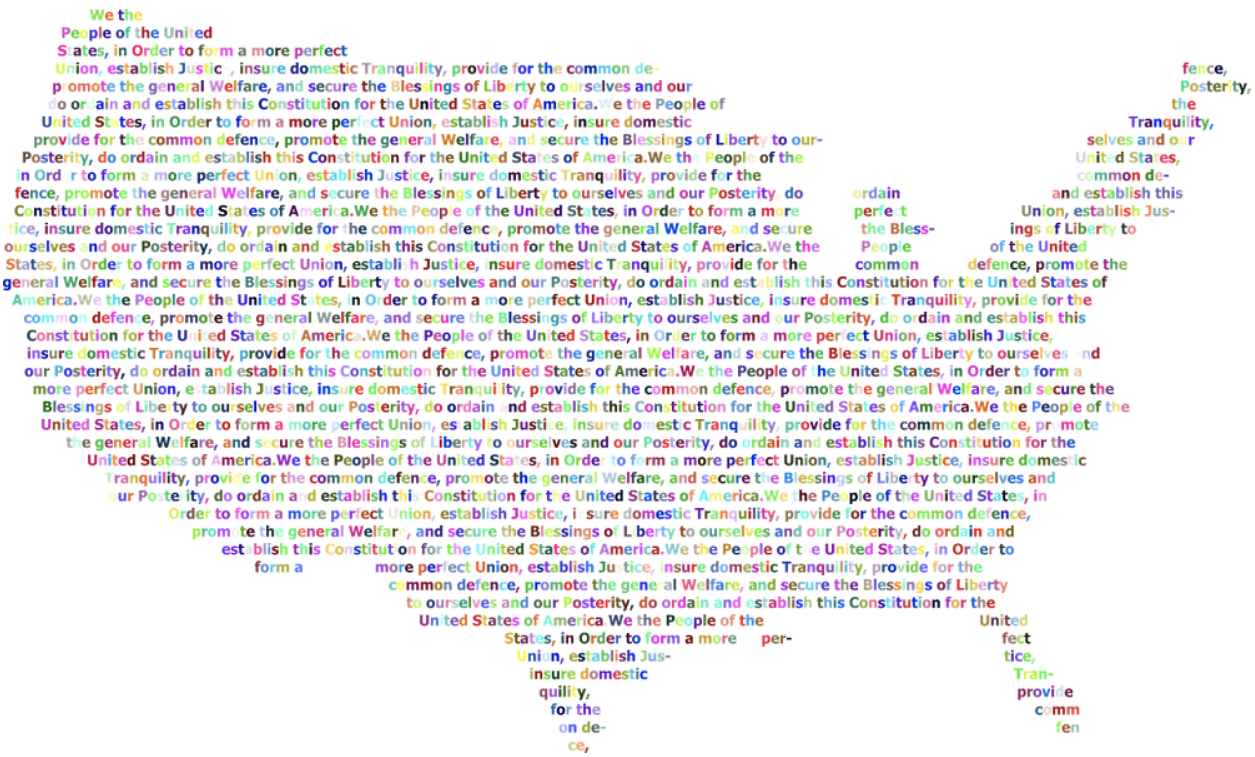
- How Bloomberg and Steyer's Money Dwarfs the Other 2020 Democrats' War Chests - In One Chart, *MarketWatch* (February 7, 2020)
- 10 Things Every Voter Should Know about Money-in-Politics, OpenSecrets.org
- Money in Elections Doesn't Mean What You Think It Does, Suzanne Robbins, University of Florida (October 29, 2018)
- How the 15 Richest Members of Congress Made Their Money, Business Insider (February 6, 2019)
- Money raised by SuperPACs
- 2016 Top Donors to Outside Spending Groups to liberals and conservatives

## Standard 4.13 Conclusion

Public and private interest groups play significant roles in American politics. **INVESTIGATE** looked at how interest groups, political actions committees, and labor unions seek to influence public policy through lobbying, political campaign contributions, and, in the case of unions, direct action strikes. **UNCOVER** reviewed the Pullman Strike of 1894 and its connections to the nation's Labor Day holiday. **ENGAGE** asked what role does money play in our elections.

Topic 5

# The Constitution, Amendments, and Supreme Court Decisions




Preamble to the Constitution, by Gordon Johnson, licenced under CC0 1.0

## Snapshot of Topic 5

### Supporting Question

- How has the content and interpretation of the Constitution evolved over time?

### Massachusetts Standards [8.T5.1-6]

1. The necessary and proper clause
2. Amendments to the U.S. Constitution
3. Constitutional issues related to the Civil War, federal power, and individual rights
4. Civil Rights and equal protection for race, gender, and disability

5. *Marbury v. Madison* and the principle of judicial review
6. Significant supreme court decisions:
    a. First Amendment rights
        - Religion
        - Assembly
        - Press
        - Petition
        - Speech
    b. Due process and equal protection
    c. Rights in conflict
        - United States flag and the “Pledge of Allegiance”
        - School prayer
        - National security
        - Gun control

## AP Government and Politics Standards

- **Unit 3:  Civil Rights and Civil Liberties**
    - 3.1 Bill of Rights
    - 3.2 Freedom of Religion
    - 3.3 Freedom of Speech
    - 3.5 Right to Bear Arms
    - 3.11 Government Responses to Social Movements
    - 3.12 Balancing Minority and Majority Rights

## Topic 5: The Constitution, Amendments, and Supreme Court Decisions

Topic 5 explores the evolving nature of the United States Constitution through **amendments**, **landmark Supreme Court decisions**, **social and political movements**, and **dramatic historical events**. The chapters in Topic 5 cover the history and the present-day realities of core constitutional issues around the struggles of women, people of color, and individuals with disabilities to gain civil rights and civil liberties in our nation's democratic system.

# 5.1

# The Necessary and Proper Clause

## Standard 5.1: The Necessary and Proper Clause

*Explain the necessary and proper clause and why it is often referred to as the "elastic clause."* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.1]**

Photo by Bill Oxford on Unsplash

## FOCUS QUESTION: What is the Role of the Necessary and Proper Clause?

The **Necessary and Proper Clause** (also known as the **Elastic Clause**) is one of the most far-reaching aspects of the United States Constitution. Article 1, Section 8, Clause 18 of the Constitution reads:

> "The Congress shall have Power ... To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Legal scholars have called it the "single most important provision in the Constitution" (The Necessary and Proper Clause).

There is an **inherent tension** between the necessary and proper clause and the 10th Amendment. While the necessary and proper clause states Congress can make the laws needed to carry out its Constitutional functions, the 10th Amendment states powers not delegated to the federal government are given to the states. As a result, there are ongoing disputes over which part of government (federal or state) has the power to take certain actions.

You can learn more about the 10th Amendment in Topic 6.5 of this book.

**History of the Necessary and Proper Clause**

In writing the Constitution, the framers gave Congress both defined and assumed powers. "**Defined**" means specified and fixed powers. "**Assumed**" means that Congress may enact any law that can be seen as: 1) necessary; 2) proper; and 3) carries out federal power (McDaniel, 2019). You can read text and commentary about the Necessary and Proper Clause from National Constitution Center's Interactive Constitution website.

Reviewing the origins of the necessary and proper clause, Doug Linder of the University of Missouri-Kansas City School of Law explained that **Alexander Hamilton** and **Thomas Jefferson** had sharply opposing views about the clause and its uses.

> Hamilton who favored a strong central government saw the elastic clause as a broad license to act whenever needed.
>
> Jefferson who wanted a smaller, more limited federal government, thought this power should be used only when absolutely necessary.

Still, Linder notes, it was Jefferson who authorized the Louisiana Purchase even though he was not sure he had the power to do so.

Uses of the necessary and proper clause during the 20th Century are listed on its Wikipedia page, including the Federal Kidnapping Act of 1932 which made transporting a kidnapped person across state lines a federal crime under the Constitution's Commerce Clause.

In *Printz v. United States* (1997), the Supreme Court ruled that requiring states to follow federal gun registration rules **was not proper** it because it infringed on the powers of states.

In the 2012 case *National Federation of Independent Business v. Sebelius*, the Supreme Court said Congress could not use the necessary and proper clause to justify the individual mandate feature of the Affordable Care Act (also known as Obamacare).

You can learn more about the enumerated and implied powers of government in Topic 6.3 of this book.

### Suggested Learning Activities

- **Role-Play a Landmark Case**
  - In small groups,
    - Select a legal case in which the Necessary and Proper Clause was used
    - Create a video in which you role-play the most influential aspects of the case and the use of the clause
- **State Your View**
  - Discuss and debate: How broad should the powers of Congress be under the elastic clause?

## Online Resources for the Necessary and Proper Clause

- Sharing the Necessary and Proper Clause: The indeterminacy of deference, *Harvard Law Review*
- McCulloch v. Maryland (1819) from the Bill of Rights Institute

# 5.2

# Amendments to the Constitution

## Standard 5.2: Amendments to the Constitution

*Explain the historical context and significance of changes in the Constitution, including key amendments.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.2]**

1870 Print Celebrating Passage of the 15th Amendment, Public Domain

## FOCUS QUESTION: How has the Constitution Been Amended and What has Been the Impact of Those Amendments?

Article V of the Constitution deals with how to **amend** (change) the laws of the land.

The authors of the Constitution recognized that change would be needed from time to time so they established a rigorous **amendment** process. While the Constitution has been changed over time, it is not easy to do, nor has it happened often.

Since 1787, 11,770 amendments have been proposed but just 27 have been passed—the first 10 were the **Bill of Rights**.

Here is an overview of Amendments 11-27. The most well-known and impactful amendments have dealt with freedom of speech, the right to vote, civil rights for African Americans and women, and Prohibition and its repeal. However, most amendments have dealt with voting procedures, elections, and government administration (Texas A&M University School of Law, 2019).

A summary of all Amendments to the Constitution is available from the National Constitution Center.

What amendment is most well-known and considered most important? A majority of Americans (77 percent) know the First Amendment and its protections of freedom of speech, religion, assembly, and the press; four in ten (41 percent) say it is the most important. One in four (27 percent) Republicans indicate the Second Amendment is most important (Moore, 2016,). A case can be made for the significance of the 19th Amendment, for as journalist Lynn Sherr observed, "In 1872, Susan B. Anthony was arrested for the crime of voting while female. In 1920, that "crime" became a right" (quoted in Matchin, 2020, p. B8). How you rate your knowledge of the amendments and which ones do you regard as most important and/or most historically impactful?

### Modules for this Standard Include:

1. INVESTIGATE: Prohibition and the 18th and 21st Amendments
    MEDIA LITERACY CONNECTIONS: One Minute Marketing For and Against Prohibition
2. UNCOVER: Alice Paul and the History of the ERA (Equal Rights Amendment)
    MEDIA LITERACY CONNECTIONS: Analyzing the Equal Rights Amendment in the Media
3. ENGAGE: What New Amendments to the Constitution are Needed Today?

## 1. INVESTIGATE: Prohibition and the 18th and 21st Amendments

In 1919, the United States passed the 18th Amendment, prohibiting the manufacture, sale, and transportation of alcohol. It began a period in American history known as **Prohibition**.

Prohibition agents destroying barrels of alcohol, 1921, Public Domain

The Prohibition era, noted historian Daniel Okrent (2011), is framed by a profound historical puzzle: "How did a freedom-loving people decide to give up a private right that had been freely exercised by millions upon millions since the first Europeans arrived in the New World?" (p. 3).

One answer is that the United States emerged from World War I with "deep seismic faults in its society," giving rise to "clashes" between urban and traditional society that would reverberate through the decade and beyond. Exploring Prohibition is a way to "help students grasp the era's great complexity and give them insights into different cultural attitudes that still exist in our society" (Gifford, 1996, p. 3).

Watch on YouTube https://edtechbooks.org/-ZkiZ

Prohibition was repealed by the 21st Amendment in 1933. For a brief overview of the entire period, see Unintended Consequences by Michael Lerner from the Ken Burns Prohibition website.

## Media Literacy Connections: One Minute Marketing For and Against Prohibition

Prohibition and its repeal was a much more complex era of American history than has been typically understood. Prohibition's support and opposition was created by a mix of social, economic, and political factors surrounding the use of alcohol. Some considered alcohol as a threat to traditional values, while others considered it just another commodity. Individuals and groups (known as Wets and Drys) on each side of the issue used the media of the day (radio, newspapers, music) to influence public policy. But what media messages would people have created if they had access to modern-day social media?

- **Activity 1:** Imagine you are a social media marketer, but the year is 1919. One manager of a pro-prohibition group and one manager of an anti-prohibition group have come to you asking to create a one minute video, supporting their cause for social media platforms. Create a one minute video for each group to get their message across to a variety of viewers. Make sure to include supporting context evidence for either side that covers the social, economic, historical, and political factors surrounding prohibition in 1919.
    - Video tools:
        - Apple iMovie
        - Powtoon
        - TikTok
- **Activity 2:** Provide students with a collection of anti-prohibition and pro-temperance advertisements from the Prohibition era (from alcohol advertisements, political organizations, religious organizations,etc.). Ask students to choose either the anti-prohibition or temperance movement, and collect 3-5 advertisements to evaluate for their efficacy. Ask students to create a slideshow that includes the chosen images, and an assessment of whether they support the anti-prohibition or temperance movements.
    - Slideshow tools:
        - Google Slides
        - Buncee
        - Microsoft Sway
        - Microsoft PowerPoint
- **Activity 3:** Ask students to create a political cartoon for or against prohibition. Provide these examples to get started.
    - Optional Extension: Have students submit photos of their cartoons to Twitter with a project hashtag. Have the students review the cartoons within the hashtag and vote on their favorite cartoon.
- **Resources:**
    - Why You Couldn't See a Liquor Ad on TV for Half of the 20th Century
    - The Twenties in Political Cartoons
    - Media Literacy Connections: Analyzing the Equal Rights Amendment in the Media

### Suggested Learning Activities

- **Compose a Song**
  - Explore the Prohibition Rap by Bob Maloy.
  - Read the article "Songs of the Temperance Movement and Prohibition."
  - Compose and record a rap, song, spoken word poem or musical piece about the 18th Amendment and 21st Amendments (check out Linda Johnson's Composition Planning Template to get started).
- **Argue For or Against:** Should the drinking age be lowered to 18?
  - 21 is the legal minimum age for drinking alcohol in the United States, although 45 states allow underage consumption under certain circumstances (State-by-state rules)

### Online Resources for the Prohibition Era

- Traditionalism and Modernity in the 1920s
- Ken Burns' prohibition trailer video
- Explore a picture gallery on Prohibition from the Discovery Channel
- "The Lawless Decade" - a companion site to the book by Paul Sann
- Bet You Didn't Know: Prohibition | History video
- People of the Prohibition

## 2. UNCOVER: Alice Paul and the History of the Equal Rights Amendment (ERA)

Suffragist, feminist, and women's rights activist, **Alice Paul** wrote the **Equal Rights Amendment (or ERA)** in 1923. Originally called the "Lucretia Mott Amendment" (1921), the ERA "seeks to end legal distinctions between men and women in terms of divorce, property, employment and other matters" (EqualRightsAmendment.org, 2018, para. 1).

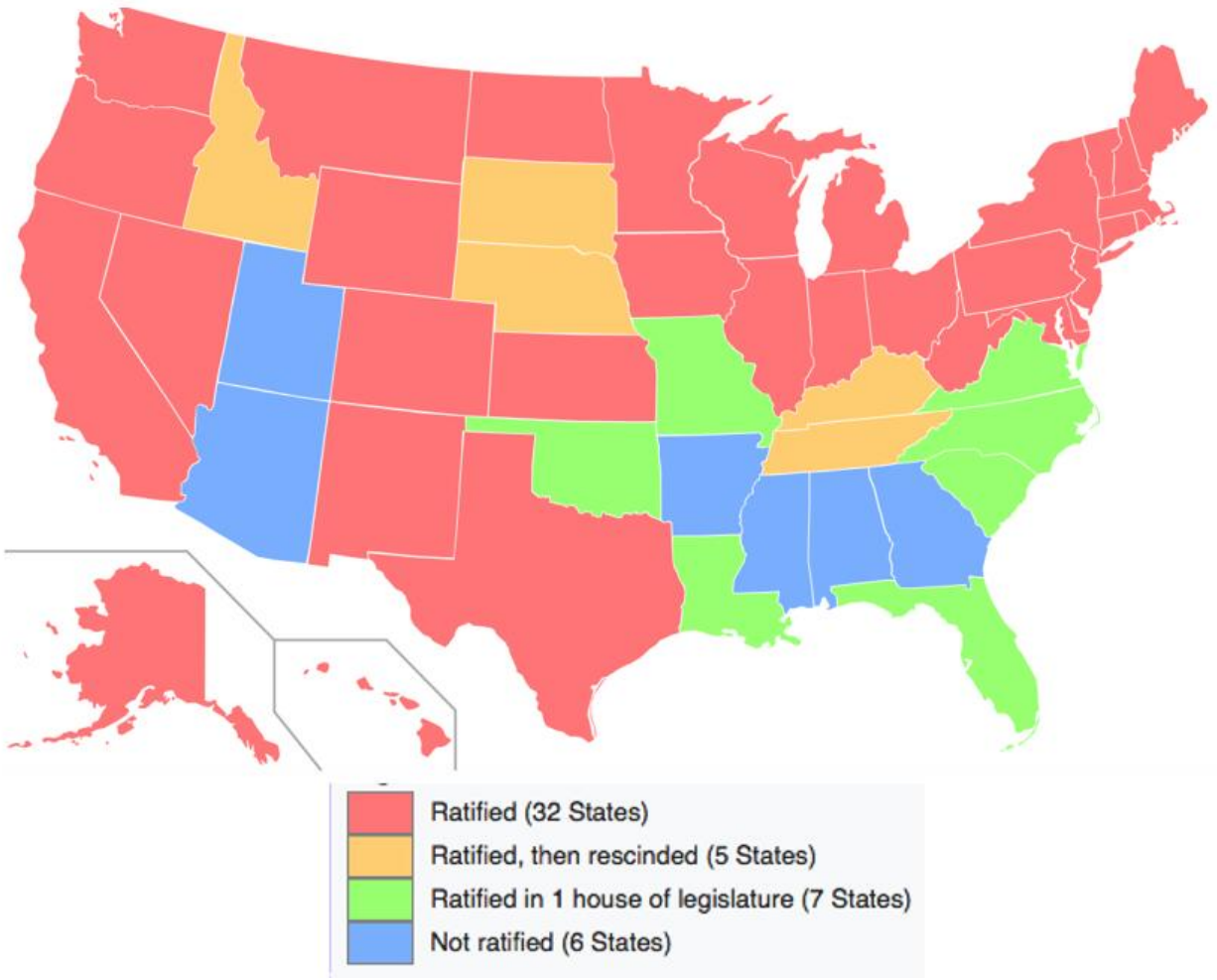
Watch on YouTube https://edtechbooks.org/-VefZ

The ERA was widely opposed and remained so for 50 years until 1972 when it was passed by Congress and sent to the states for ratification. In the mid-1970s, First Lady Betty Ford was one of the amendment's leading supporters.

Alice Paul in 1915, Public Domain

The ERA needed to be ratified by **38 states** within seven years in order to become a part of the Constitution. Conservative and Christian activists, notably Phyllis Schlafly led the movement opposing ratification of the ERA in the 1970s, claiming the amendment would lead to tax dollars being spent on abortion, civil rights for same sex couples, women being drafted into the military, and unisex bathrooms. The anti-ERA campaign was successful and the amendment was not passed by the 1982 deadline. Schlafly's daughter Anne Schlafly Cori is an anti-ERA leader today.

In 2018, Illinois became the 37th state to ratify the amendment; Nevada having done so in 2017 (NPR, 2017). That left the ERA one state short of the three-quarters of the states total needed for passage of a constitutional amendment. Virginia then passed the ERA in early 2020.




Equal Rights Amendment Map, 2007 with States That Seek to Rescind Their Votes in Yellow/Public Domain

What happens now? The original deadline for ratification has long passed, although the 27th Amendment was first proposed in 1789 and was not ratified until 1992. Congress would need to vote to void its earlier deadline in order to confirm the result. But in the meantime five states (Nebraska, Tennessee, Idaho, Kentucky, and South Dakota) that originally passed the ERA have attempted withdrawn their support. Are the votes of those states now null and void? The issue is likely to go the Supreme Court for resolution.

## Media Literacy Connections: Analyzing the Equal Rights Amendment in the Media

The Equal Rights Amendment (ERA) continues to be a sharply contested constitutional topic. An Associated Press/NORC Center for Public Affairs Research poll in 2020 found that 3 in 4 Americans support the amendment, but that support has not translated into making the ERA part of the Constitution. Meanwhile, proponents and opponents make extensive use of the media, particularly social media, to build support for their side of the issue. In this activity, we explore how the ERA is being discussed and portrayed in the media.

- **Activity 1**
  - Curate a collection of social media accounts and/or posts in support or opposition to ratification of the ERA (or more broadly, legal protections for women). Choose at least 3 posts and explain how they convey their message and if they are effective in doing so.
- **Activity 2a:**
  - Imagine you are a campaign manager for a politician in your state. Create a 1-2 minute political advertisement for or against the ERA. Use the claims from either side of the ERA debate over the past 100 years to support or oppose ratification of the ERA.
- **Activity 2b:**
  - Pretend you are contacting a politician in your state, urging them to take action in support of the ERA. Create a 1-2 minute political advertisement for or against the ERA. Use the claims from either side of the ERA debate over the past 100 years to support or oppose ratification of the ERA.
- **Activity 3**
  - Watch episode 18, Season 2 ("17 People") of West Wing on Netflix. Choose either the pro or anti ERA storyline and rewrite the script for the side you have chosen. Add at least 3 new details about the point of view you have chosen to the script.
- **Activity 4**
  - On Twitter, review how politicians discuss their opinions on passing the ERA. Start by looking into hashtags like #passtheERAnow #equalrightsamendment and #ERANow and consider the following:
    - Are there more individual politicians or organizations that are using social media to promote their message?
    - Is there more support or opposition present for the passage of the ERA on social media?
    - What kind of language makes up an effective political hashtag?
  - Then, choose a hashtag that is not listed above that effectively supports or opposes the ERA and defend your choice.

**Additional Resources:**

- For Teachers
  - ERA Social Media Kit (National Organization for Women Foundation)
  - Not For Ourselves Alone: The Story of Elizabeth Cady Stanton and Susan B. Anthony (PBS)
- For Students
  - Vote Equality US (Twitter)
  - ERA Coalition (Twitter)

### Suggested Learning Activities

#### Design & Create

- **Activity 1:**
  - Create a infographic or drawing that compares and contrasts the pros and cons of the Equal Rights Amendment.
- **Activity 2**:
  - Imagine you are a campaign manager for a politician in your state. Create a 1-2 minute political advertisement for or against the ERA. Use the claims from either side of the ERA debate over the past 100 years to support or oppose ratification of the ERA.
- **Activity 3**:
  - Pretend you are contacting a politician in your state, urging them to take action in support of the ERA. Create a 1-2 minute political advertisement for or against the ERA. Use the claims from either side of the ERA debate over the past 100 years to support or oppose ratification of the ERA.

#### Research & Curate

  - Research Alice Paul's life and curate a collection of information about Alice and the Equal Rights Amendment in a wiki page, Wakelet wake, or Google slide deck. Include a least one primary source, one multimedia source, one interactive web resource, and one secondary source.
    - Biography of Alice Paul from the National Women's History Museum
    - Alice Paul from Belmont-Paul Women's Equality National Monument, District of Columbia
    - The Women's Movement of the 1960s and 1970s

### Online Resources for the Equal Rights Amendment

- History of the Equal Rights Amendment from the Alice Paul Institute
- A chronology of the Equal Rights Amendment
- HipHughes' History video on the ERA
- What happened to the Equal Rights Amendment - a video on the ERA and why it has repeatedly failed
- Website of Congresswoman Carolyn B. Maloney (New York's 12th District) for more information on her efforts to reintroduce the Equal Rights Amendment.

## 3. ENGAGE: What New Amendments to the Constitution Are Needed Today?

More than **40 constitutional amendments are introduced in Congress every year**. They range across the political spectrum from overturning the Citizens United Supreme Court decision (from the left) to repealing the 16th Amendment's federal income tax (from the right).

Watch on YouTube https://edtechbooks.org/-ZcL

Amendments to balance the federal budget, implement campaign finance reform, punish flag desecration, and institute the direct election of the President have been the ones most often introduced since 1999. Hardly any of these proposed amendments get voted on, but the ideas of the amendments are added to the overall public dialogue about national and state policy (Desilver, 2018).

## Suggested Learning Activities

- **Propose an New Amendment**
  - What new amendment would you propose to the government?
  - Why is that amendment needed in today's society?
- **Make an Argument**
  - Discuss and debate: Should There Be Another Constitutional Convention?
  - Although it has never happened in U.S. history, Article V of the Constitution allows states to initiate new amendments by holding a constitutional convention.
  - Here are resources to learn about the process:
    - Do We Need Another Constitutional Convention?
    - Doing the Math for a Constitutional Convention
    - Article V Convention to Propose Constitutional Amendments

## Online Resources for Amendments to the Constitution

- **Lesson Plan:** *Lesson 5: What Makes an Amendment?* Scholastic. Justice by the People: A Civics, History, and Language Arts Program
- Amending America: How Do We Amend? (video)
- Adding a New Amendment to the U.S. Constitution. Not an Easy Task! from the Harry S.

Truman Presidential Library
- For more on the amendment process, see Article V: Amending the Constitution from the Exploring Constitutional Conflicts website from the University of Missouri Kansas City
- Article V: Amendment Process
- Amending the Constitution, National Conference of State Legislatures

## Standard 5.2 Conclusion

The amendment process has produced highly consequential changes to the United States Constitution. INVESTIGATE looked at the Prohibition Era that began with the 18th Amendment and ended with the 21st Amendment. UNCOVER explored the long history of the Equal Rights Amendment (ERA) that began with Alice Paul and continues to be supported and opposed today. ENGAGE asked students what new amendments to the Constitution do they think are needed today.

5.3

# Constitutional Issues Related to the Civil War, Federal Power, and Individual Civil Rights

## Standard 5.3: Constitutional Issues Related to the Civil War, Federal Power, and Individual Civil Rights

*Analyze the Constitutional issues that caused the Civil War and led to the eventual expansion of the power of the federal government and individual civil rights.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.3]**

Storming Fort Wagner. Print published in 1890

Storming Fort Wagner, Public Domain

# FOCUS QUESTION: What is the Legacy of the Slavery and the Civil War Today?

Five generations have passed and the “Civil War is still with us,” declared historian James M. McPherson in 1988 (p. viii), and it remains with us today.

The Civil War happened in a country where the Constitution promised to “secure the blessings of liberty to ourselves and our posterity,” but these **freedoms were available to only some of the population**.

The Civil War happened in the world’s largest slaveholding country at the time when **3.9 million of the nation’s 4.4 million black people were enslaved** (Gates, 2014).

"The hard truth," wrote historian Andrew Delbanco (2018, pp.1, 2), "is that the United States was founded in an act of accommodation between two fundamentally different societies" - an industrializing North where slavery was fading or gone and an agricultural South where slavery was central to its and the nation's economy. Slavery, and the flights for freedom of fugitive slaves, "exposed the idea of the 'united' states as a lie."

Slavery was the fundamental cause of the Civil War. Northern Abolitionists sought to abolish slavery as an inhumane system at odds with the ideals of the Declaration of Independence and the Constitution. Other people in the North did not want new territories joining the union as slave states. People in the South sought to preserve slavery, both as an economic system and a way of life based on white supremacy and human bondage.

The Civil War **cost the lives of more Americans** than all the nation’s other wars combined and was followed by more than a century and a half of **ongoing struggles** by Black Americans to achieve civil rights and constitutional freedoms in American society.

The 2018 Massachusetts History and Social Science Curriculum Framework lists the following critical policies and events leading to the Civil War:

- The Missouri Compromise (1831-1832)
- South Carolina Nullification Crisis (1832-1833)
- Wilmot Proviso (1846)
- The Mexican-American War (1846-1848)
- Compromise of 1850
- Publication of Harriet Beecher Stowe’s *Uncle Tom’s Cabin* (1851-1852)
- Kansas-Nebraska Act (1854)
- The Supreme Court decision in *Dred Scott v. Sanford* (1857)
- Lincoln-Douglas debates (1858)
- John Brown’s raid on Harper’s Ferry (1859)
- Election of Abraham Lincoln (1860)

Teaching and learning materials for these topics are online at
the *resourcesforhistoryteachers* **Events Leading to the Civil War** wiki page.

Today, the United States still struggles to secure freedom, liberty, and justice for all. In this standard we explore key events and constitutional issues that led to the coming of the Civil War to help

understand why that war was fought and its unfinished legacy in American society today.

### Modules for this Standard Include:

1. INVESTIGATE: The Missouri Compromise, the Dred Scott Case and the 54th Volunteer Regiment During the Civil War
2. UNCOVER: Harriet Tubman, William Still, and the Underground Railroad
   MEDIA LITERACY CONNECTIONS: Representing the Civil War in Historical Publications
3. ENGAGE: Whose Faces Should Appear on U.S. Currency?
   MEDIA LITERACY CONNECTIONS: Representing Gender and Race on Currency

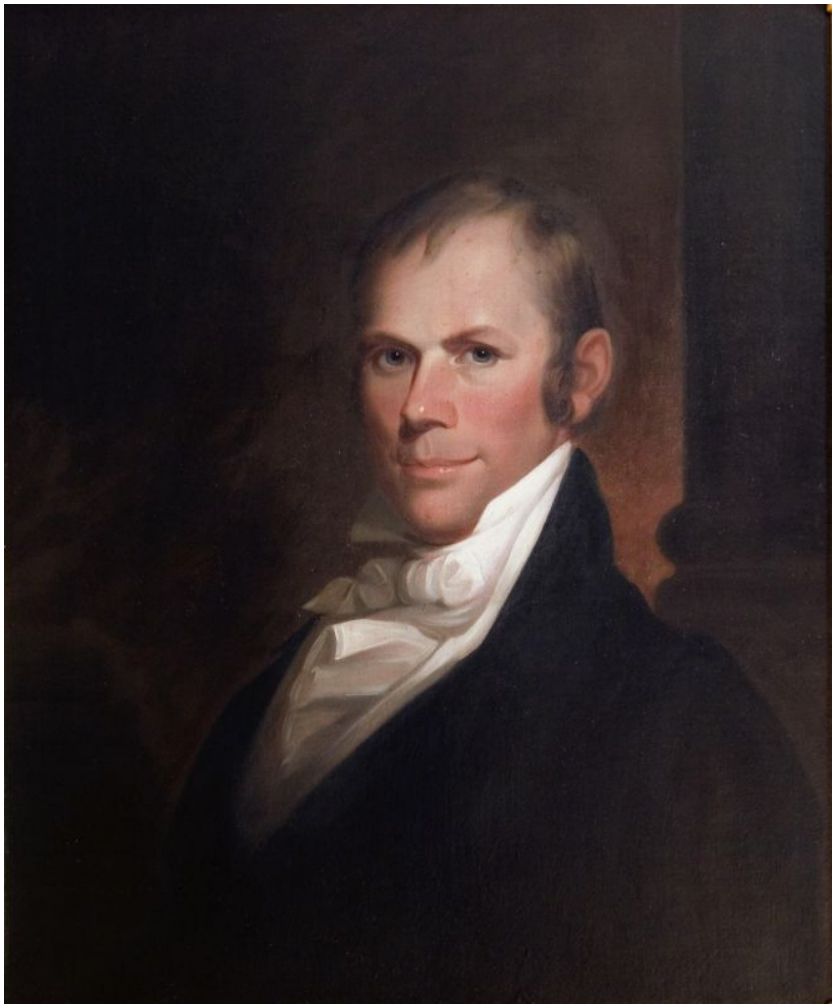
# 1. INVESTIGATE: The Missouri Compromise, the Dred Scott Case, and the 54th Volunteer Regiment During the Civil War

## The Missouri Compromise

In 1819-1820, Missouri's request to enter the union as a new state created a crisis which foreshadowed the nation's emerging disputes over slavery. Many in the North opposed the admission of another slave state, particularly since it would upset the then equal balance of free states (NH, VT, MA, RI, CT, NY, NJ, PA, OH, IN, IL) and slave states (DE, MD, VA, KY, TN, NC, SC, GA, AL, MS, LA, AR).

A group of senators, Henry Clay of Kentucky, Daniel Webster of Massachusetts, and John C. Calhoun of South Carolina, authored the Missouri Compromise. The **compromise balanced Missouri's admission to the Union as a slave state** with the admission of much of **Massachusetts' northern territory as a free state**—what is now the state of Maine.

The southern border of Missouri (the parallel 36°30′ north, 36.5 degrees north latitude) became a demarcation line for the status of slavery in new states—states admitted to the south would be slave states while states to the north would be free states. No new territory north of the line (except the proposed borders of Missouri itself) would permit slavery.



Portrait of Henry Clay (1818), Public Domain

Known as the “Great Compromiser,” **Henry Clay** served in Congress for nearly 40 years, in both the House and the Senate, and was Secretary of State under President John Quincy Adams. He was a contender for the Presidency five times, running three times in 1824, 1832, and 1844. Learn more about Henry Clay by viewing a restoration of a famous painting entitled Henry Clay in the United States Senate.

## Suggested Learning Activity

- **Analyze the Evidence**
  - Use maps, census data, and other historical evidence to answer the questions in the following learning plan: Missouri Compromise - Free vs. Slave States, from Statistics in the Schools, U.S. Census
- **Analyze Stories Across State Lines**
  - Events:
    - The Missouri Compromise
    - The Mexican-American War
    - The Compromise of 1850
    - Kansas-Nebraska Act
    - The Supreme Court decision in Dred Scott v. Sanford
    - John Brown's raid on Harpers Ferry
    - The election of Abraham Lincoln
  - Choose a pre Civil War event or piece of legislation from the list below. Find two original news publications about the event, one published in Northern territory and one published in Southern territory. Highlight and annotate the differences in the reporting of the event.

## Online Resources for the Missouri Compromise

- Missouri Compromise: Primary Documents in American History
- The Missouri Crisis, Digital History
- Interactive Map of the Missouri Compromise

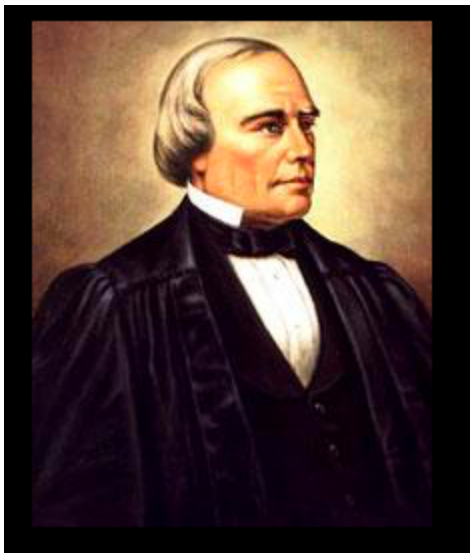
## *Dred Scott v Sanford* Supreme Court Case

In 1847, having lived in the free state of Illinois and the free territory of Wisconsin, **Dred Scott,** a Black man, sued in court for the freedom of his wife and daughters who still resided in Missouri, a slave state. The case went to the Supreme Court where in 1857 Chief Justice Roger B. Taney, a supporter of slavery, wrote in the majority opinion that Negroes "had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold and treated as an ordinary article of merchandise and traffic, whenever profit could be made by it" (quoted in The Dred Scott Decision, Digital History, 2019, para. 7).

Posthumous Portrait of Dred Scott, 1857, Public Domain

In summary Taney opined, the phrase “all men are created equal” clearly did not, and could not, apply to the people held in slavery. They could not become citizens. The Court further said the Missouri Compromise was unconstitutional on the grounds that the federal government had no power to regulate slavery.

Supreme Court Justice Benjamin Robbins Curtis who began his law career in Northfield, Massachusetts, wrote a famous dissent in the Dred Scott Case, stating it was "not true, in point of fact, that the Constitution was made exclusively by the white race." Blacks were "in every sense part of the people of the United States [as] they were among those for whom and whose posterity the Constitution was ordained and established" (quoted in “Franklin County's U.S. Supreme Court Justice," *The Recorder*, May 3, 2013, p. 6). There is more on Curtis' decision at the website Famous Dissents.



Portrait of Benjamin Robbins Curtis, Public Domain

Curtis later served as Chief Defense Counsel during the impeachment of President Andrew Johnson.

## Suggested Learning Activities

- **Do a Video Analysis**
  - View "What Was the Dred Scott Decision?" from PBS LearningMedia and then answer the following questions:
    - What does it mean to be enslaved?
    - What does it mean to be an abolitionist?
    - How did the Dred Scott decision affect black people and the nation as a whole?

## Online Resources for the Dred Scott Case

- Dred Scott Chronology
- Dred Scott's fight for freedom

## The 54th Volunteer Regiment During the Civil War

In 1863, some 80 years after abolishing slavery, Massachusetts was the first state to recruit black soldiers to fight for the Union in the Civil War with the formation of the **Massachusetts Volunteer 54th Regiment**.

The story of Black soldiers is an important milestone in the struggle for civil rights.

> Nearly 180,000 free black men and escaped slaves served in the Union Army during the Civil War. But at first they were denied the right to fight by a prejudiced public and a reluctant government. Even after they eventually entered the Union ranks, black soldiers continued to struggle for equal treatment. Placed in racially segregated infantry, artillery, and cavalry regiments, these troops were almost always led by white officers. (Constitutional Rights Foundation, 2020, para. 1)

Black troops fought in 449 battles, **one-third of all black soldiers died**, and a dozen were awarded **Congressional Medals of Honor**. In addition to heroism in battle (the 54th Massachusetts suffered 40% casualties in the Battle of Fort Wagner in Charleston Harbor), this unit refused pay as a protest against federal government policies that paid White soldiers more than Black soldiers.

The Robert Gould Shaw and Massachusetts 54th Regiment Memorial, Boston, MA, by Daderot, Public Domain

## Suggested Learning Activities

- **Do A Video Analysis**
  - Watch a video clip from the movie Glory about the 54th Massachusetts regiment attacking Fort Wagner
  - How did the experiences of black Soldiers in the Civil War (and subsequent wars) impact the efforts of black people to gain full freedoms in American society?
    - Visit 54th Regiment from the Masschusetts Historical Society
    - Fire and Thunder: Massachusetts Blacks in the Civil War, an interactive exhibit from the Commonwealth Museum

- **Curate a Collection**
  - Create a multimodal collection of the history of black soldiers in American wars (using Wakelet, Google Slides/Docs, Microsoft Word/Powerpoint, or Adobe Spark Page).
    - Resources:
      - First Rhode Island Regiment: Loyalists, African Americans, Native Americans, and Women During the Revolutionary War
      - Buffalo Soldiers and the Spanish American War
      - Harlem Hellfighters
      - The Tuskegee Airmen
      - Black Soldiers in Vietnam: Causes and Consequences of the Vietnam War

- **Analyze Recruiting Advertisements**
  - Review the advertisements intended to recruit soldiers for the Civil War. Compare and contrast the language used to recruit White soldiers and Black soldiers.
    - Advertisement 1
    - Advertisement 2
    - Advertisement 3
    - Ad Collection - White Soldiers

## Primary Source Learning Activity: We Are Here to Honor Liberty and To Denounce Slavery

We Are Here to Honor Liberty and to Denounce Slavery is free, interactive middle and high school curriculum developed by the David Ruggles Center for History & Education in Florence, Massachusetts. It consists of 11 primary source packets with guiding questions focusing on one utopian community and its involvement in the abolitionist movement and the struggle to end slavery in the years before the Civil War.

- Advanced Placement: United States History
  - **Key Concept 5.2 Debates Over Slavery and the Coming of the Civil War**

## 2. UNCOVER: Harriet Tubman, William Still, and the Underground Railroad

"The Underground Railroad was a system of safe houses and hiding places that helped fugitive slaves escape to freedom in Canada, Mexico, and elsewhere outside of the United States" (Ohio History Central, para. 1).

Its path to freedom was long and dangerous. It is estimated that 100,000 slaves gained freedom, however, that was only a small percentage of the more than 4 million enslaved black people in the South. Henry Louis Gates puts the number lower, ate between 25,000 and 40,000.

In Who Really Ran the Underground Railroad? Gates also addresses a series of myths that have emerged about the railroad, concluding that "it did succeed in aiding thousands of brave slaves, each of whom we should remember as heroes of African-American history, but not nearly as many as we commonly imagine, and most certainly not enough."

The Underground Railroad, Charles Webber, 1893, Public Domain

**Harriet Tubman** was an escaped slave who became a “conductor” on the Underground Railroad, risking her life many times to help slaves gain freedom. Of her efforts, she said, “I can say what most conductors can’t say. I never ran my train off the track and I never lost a passenger” (quoted in Library of Congress, nd).

Harriet Tubman, c. 1868-1869, Public Domain

You can learn more about Harriet Tubman on the *resourcesforhistory teachers* wiki page **Women of the Abolitionist Movement.**

**William Still**'s role in the Undeground Railroad is less well-known, but also compellingly important. A Free-Black businessman and abolitionist living in Philadephia was responsibile for helping Blacks who escaped to the city in the 1840s (William Still's National Significance).

William Still directed a network of people and places that enabled hundreds of Blacks to get to freedom in Canada. His book, *The Underground Railroad* (1872) was the only first-person account written and self-published by an African American.

## Media Literacy Connections: Representing the Civil War in Historical Publications

- **Activity 1: Stories Across State Lines**
  - Choose a pre Civil War event or piece of legislation from the list below. Find two original news publications about the event, one published in Northern territory and one published in Southern territory. Highlight and annotate the differences in the reporting of the event.
  - Events:
    - The Missouri Compromise
    - The Mexican-American War
    - The Compromise of 1850
    - Kansas-Nebraska Act
    - The Supreme Court decision in Dred Scott v. Sanford
    - John Brown's raid on Harpers Ferry
    - The election of Abraham Lincoln
- **Activity 2: Recruiting Advertisements**
  - Review the advertisements intended to recruit soldiers for the Civil War. Compare and contrast the language used to recruit White soldiers and Black soldiers.
  - Advertisement 1
  - Advertisement 2
  - Ad 3
  - Ad Collection - White Soldiers
- Activity 3: Black Soldiers in the Civil War
  - Journal #1 - Smithsonian

## Suggested Learning Activities

- **Design a Timeline or Tell a Visual Story**
  - Journey to Freedom: Underground Railroad, an online "Choose Your Own Learning Adventure Interactive" from *National Geographic*
  - Underground Railroad: Primary Source Set
  - Harriet Tubman's role in the Civil War
    - Make **an interactive timeline** (using Timeline JS, Tiki Toki, or Sutori) or **interactive visual story** (using Google Forms or Twine) that highlights key events in Harriet Tubman's life and her impact on the Civil War and civil rights for African Americans

- **View and Fact-Check**
  - View the Trailer for the 2019 movie *Harriet*
  - Harriet Fact-Check: How Accurate is the New Movie about Harriet Tubman, *USA Today*, October 30, 2019
  - In Earnest, Contrived BioPic 'Harriet,' Tubman Is an Action Hero, NPR, October 31, 2019

### Online Resources for Harriet Tubman and the Underground Railroad

- Overview of the Underground Railroad from National Underground Railroad Freedom Center
- History of the Underground Railroad from National Underground Railroad Freedom Center
- Underground Railroad: A Path to Freedom, Eastern Illinois University
- The Secret History of the Underground Railroad, The Atlantic (March 2015)
- Interesting Facts about the Underground Railroad, Harriet Tubman Historical Society
- For more on the Underground Railroad, see *Gateway to Freedom: The Hidden History of the Underground Railroad*. Eric Foner, W.W. Norton, 2015

## 3. Engage:  Whose Faces Should Be on U.S. Currency?

In 2016, the Treasury Department announced plans to redesign the $5, $10, and $20 dollar bills to honor historical figures involved in women's suffrage and movement for civil rights. Five Presidents and two founding fathers are currently displayed on paper bills.

Image from Pixabay

The Treasury Department's plans for new images for the $10 focused on women's suffrage advocates Lucretia Mott, Sojourner Truth, Susan B. Anthony, and Alice Paul.

The focus for the $5 was to be on individuals who were part of seminal events that occurred at the Lincoln Memorial including singer Marian Anderson and Dr. Martin Luther King, Jr.

Harriet Tubman was to be the first new image appearing on the $20 dollar bill, but that plan has been delayed to 2028 by the Secretary of the Treasury in 2019. The Treasury Secretary does have the authority to decide whose face can appear on every U.S. bill.

Beginning in 2022 and continuing through 2025, the U.S. Mint will implement the American Women Quarters Program honoring the accomplishments of women in US history. Maya Angelou and Sally Ride will be the first to appear on coins.

## Media Literacy Connections: Representing Gender and Race on Currency

The proposal to include Harriet Tubman on the $20 bill and Maya Angelou and Sally Ride on quarters opens an important topic for critical media analysis. Given constant use, the images on banknotes and coins become part of everyone's accepted stock of knowledge. We take for granted that George Washington must have looked just like he appears on the $1 bill, Alexander Hamilton like he does on the $10 bill, and so on. At the same time, most images on U.S. money have been of White men, conveying a message that women and people of color are less deserving of the honor of currency recognition.

The history of women and people of color on currency are largely untold stories. Since World War I, women have appeared only on coins, namely Susan B. Anthony, Sacagawea, and Helen Keller. Martha Washington appeared on $1 silver certificates in 1886 and Pocahontas on the $20 bill in the 1860s. Booker T. Washington was the first African American on a coin in 1946; Jackie Robinson, Duke Ellington, Rosa Parks, Martin Luther King, Jr. and Coretta Scott King, and the Tuskegee Airmen, among others have appeared since then. A Native American figure appeared on the Indian Head penny, but the model was a liberty lady wearing an Native American head-dress; only a few million Buffalo nickels were minted in the early 20th century.

In this activity, you will analyze how women and people of color have been displayed on currency before proposing new images that suggest their importance and impact on American society and culture.

**Activity 1: Examine the Images of Women and People of Color**

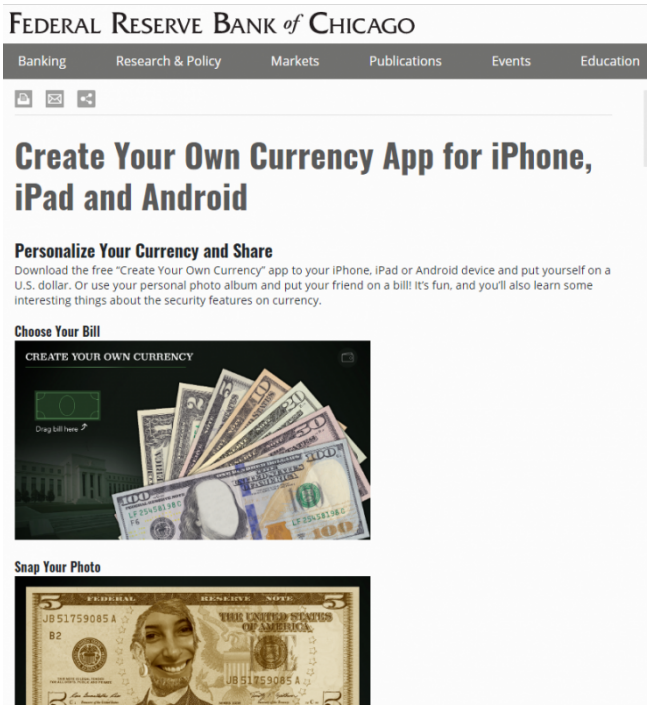
- Go to one of the following resources about women, African Americans, or Native Americans on money
    - Women on Money, National Museum of American History
    - An Extremely Brief History of Women on U.S. Paper Currency, The Atlantic
    - Native American Images on Money, South Dakota Public Broadcasting
    - For the Love of Money: Black Icons on U.S. Currency, Google Arts & Culture
- Ask:
    - What type of images do you find on paper money and coins?
    - Are the portraits of individuals similar to or different than other images of the same person found online?
    - How might the person have been displayed differently, perhaps engaged in social or political action?

**Activity 2: Currency Representation Campaigns**

- Create a social media campaign that showcases one or more women, Native Americans or people of color that you believe belongs on US currency. Make sure to include the person’s name, a photo, and a brief description of their accomplishments and your reasoning for adding them to currency. A “campaign” consists of:
    - Three or more Instagram posts with captions or three stories
    - An original Twitter hashtag with at least five tweets using the hashtag
    - One YouTube video (~5 minutes long)
    - A series of 3 TikToks
- Canva may help get you started to design visual social media posts

**Activity 3: Design Images for Digital Currency**

- **Digital currency** is emerging as a means of exchange around the world.
    - For example, early in 2021, China began testing in cities its own homegrown digital currency, the Electronic Chinese Yuan (New York Times, March 1, 2021).
- Design a digital currency for use by the United States and other countries featuring influential individuals from history.
- You can use the following Create Your Own Currency app from the Federal Reserve Bank of Chicago to assist with your design process.




Federal Reserves App Screenshot

### Suggested Learning Activity

- **Engage in Civic Action**
  - Write to members of Congress to express an opinion on the Harriet Tubman Tribute Act of 2019, a bill intended to put Harriet Tubman's image on the $20 bill.

- **Propose a New Design for U.S. Currency**
  - Review the following article: "Who, What, Why: How do you get your face on the dollar?"
  - What new images honoring individuals who fought for civil rights would you propose for U. S. paper currency?
    - Note: Current law prohibits any living person from appearing on U.S. currency
  - Give the name of the person, the rationale for the selection, and a proposed design for the currency (including the front and back of the currency). Use the list below (current image is in brackets).
    - $ 1 dollar bill (George Washington)
    - $ 2 dollar bill (Thomas Jefferson)
    - $ 5 dollar bill (Abraham Lincoln)
    - $ 10 dollar bill (Alexander Hamilton)
    - $ 20 dollar bill (Andrew Jackson)
    - $ 50 dollar bill (Ulysses S. Grant)
    - $ 100 dollar bill (Benjamin Franklin)

      Link to the table.

## Standard 5.3 Conclusion

The Civil War is at the center of the constitutional history of the United States. Before the war, the institution of slavery was a glaring contradiction in American government and society. How could there be slavery in the country founded on the principle that all men are free? After the war, black Americans have struggled for equal rights for more than 150 years and continue to do so today. **INVESTIGATE** looked at three topics that shaped the Civil War era. **UNCOVER** told the story of Harriet Tubman and the Underground Railroad. **ENGAGE** asked that given the Civil War and African American struggles for freedom, whose faces should appear on United States currency.

# 5.4

# Civil Rights and Equal Protection for Race, Gender, and Disability

## Standard 5.4: Civil Rights and Equal Protection for Race, Gender, and Disability

*Explain the historical context and significance of laws passed by Congress that have expanded the civil rights and equal protection for race, gender and disability.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.4]**

**Reconstruction of Two Segregated Classrooms in 1953/Birmingham Civil Rights Museum**
Image on Wikimedia Commons by Alacoolwiki, Licensed under CC BY-SA 4.0

# FOCUS QUESTION: How Have Laws Passed by Congress Expanded Civil Rights and Equal Protections for Race, Gender, and Disability?

Throughout United States history, women, people of color, and individuals with disabilities **have struggled to gain civil rights and receive equal protection under the law**. Actions by Congress to address discrimination and injustice have only occasionally resulted in sweeping legislative action, examples of which are explored in this standard in the areas of civil rights, voting rights, gender rights, and disability rights.

### Modules for this Standard Include:


1. INVESTIGATE: Race -The 1964 Civil Rights Act and the Voting Rights Act of 1965
2. INVESTIGATE: Gender - Title IX of the Education Amendments of 1970
    MEDIA LITERACY CONNECTIONS: Analyzing the Equality Act on Congressional Websites
    2.1 ENGAGE: When can girls and boys compete together in athletic events?
3. INVESTIGATE: Disability - The Americans with Disabilities Act of 1990
    3.1 UNCOVER: Helen Keller, author and political activist


# 1. INVESTIGATE: Race - The 1964 Civil Rights Law and Voting Rights Act of 1965

President Lyndon B. Johnson signs the Voting Rights Act of 1965 while Reverend Martin Luther King Jr. and others look on.
Public Domain

The **1964 Civil Rights Law** and the **Voting Rights Act of 1965** are two of the most important pieces of civil rights legislation in United States History.

Following the Civil War, the Civil Rights Act of 1866 was the first federal law to declare equal rights under the law for all people living within the jurisdiction of the United States. Since then, there have been periodic efforts by Congress to ensure civil rights for Americans as shown in the following timeline: Constitutional Amendments and Major Civil Rights Acts of Congress, 1865-2006.

Watch on YouTube https://edtechbooks.org/-gVd

The 1964 Civil Rights Act outlawed discrimination on the basis of race, color, religion, sex, or national origin, required equal access to public places and employment, and enforced desegregation of schools and the right to vote.

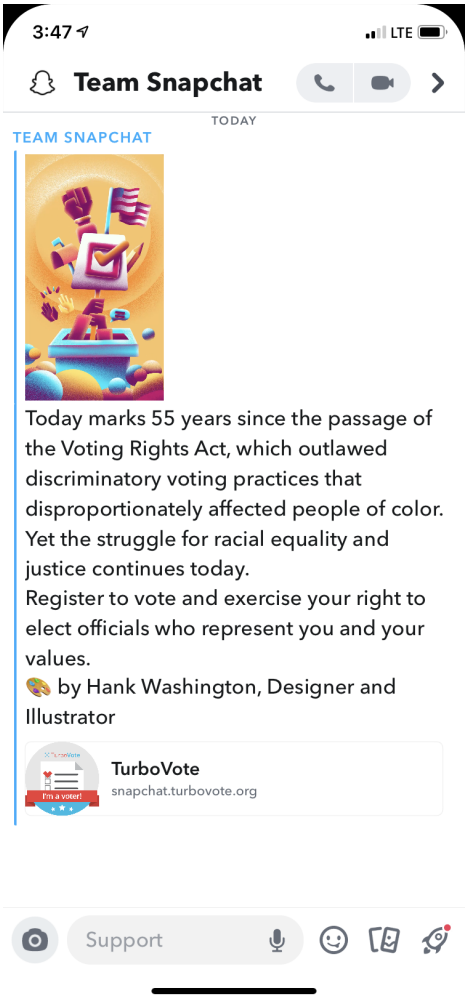
Learn more about the Civil Rights Act of 1964 from the Wisconsin Historical Society.

In 2020, in the ***Bostock v. Clayton County, Georgia*** case, the Supreme Court held that the 1964 Civil Rights Act banned discrimination based on sexual orientation or gender identity. The case involved two gay men and one transgender woman who were fired by their employers based on their sexual and gender expression. Writing for the 6 to 3 majority, Justice Neil Gorsuch said, "when an employer fires an employee for being homosexual or transgender, it necessarily discriminates against the individual in part because of sex" (Syllabus, p. 3).

The decision was considered a landmark ruling for LGBTQ rights in part because it applies to every employer in the country with 15 or more employees. In 2017, 77% of the nation's worksplaces had 15 or more employees (The Historic Bostock Opinion and LBGTQ Rights in School, Phi Delta Kappan, September 21, 2020).

School Integration, Barnard School, Washington, D.C., 1955, Public Domain

The 1965 Voting Rights Act (VRA) was designed to “ensure state and local governments do not pass laws or policies that deny American citizens the equal right to vote based on race." As explained by Amy Howe (2013), the law required "all state and local governments with a history of voting discrimination to get approval from the federal government before making changes to their voting procedures, no matter how small." Read an longer overview of the Voting Rights Act from the Brennan Center for Justice.




Screenshot of Snapchat. Retrieved August 6, 2020

But in a 2013 case, *Shelby County v. Holder*, the Supreme Court rejected the VRA's "coverage formula" (Section 4) for determining when a state or locality was failing to comply with the law. In 2013, the year of the Court's decision, Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia as well as districts in California, Florida, Michigan, New York, North Carolina and South Dakota were in violation of the Voting Rights Act (Why Is Section 4 of the Voting Rights Act Such a Big Part of the Fight Over Voting Rights, VOX, February 14, 2016).

The result is that the Voting Rights Act remains substantially weakened till Congress sets a new standard for detemining discrimination, legislation that the Republican-controlled Senate has been unwilling to consider. The most recent Congressional effort to update the 1965 law is the **John R. Lewis Voting Rights Advancement Act**, summarized here by a press release from the office of Vermont Senator Patrick Leahy. The VRAA was passed by the House of Representatives in December, 2019.

### Suggested Learning Activities

- **Analyze a Primary Source**
  - Congress Protects the Right to Vote, National Archives

- **Research Legislation for Racial Justice**
  - Identify 3-5 pieces of legislation that have advanced racial justice.
  - Create a mosaic with symbols, images, and colors to explain how these pieces of legislation advanced the civil rights of black and brown people in the United States.

- **Engage in Civic Action: Propose a 21st Century Civil Rights or Voting Rights Law**
  - How a Bill Becomes Law
  - How to Write a Bill
  - Voting Rights, Then and Now

### Online Resources for the Voting Rights Act

- A Long Struggle for Freedom, Library of Congress
- The Civil War Curriculum: Post-1865: Effects of the War, Civil War Trust
- Full Text of the 14th Amendment
- *Shelby County v. Holder* (2014)
- Shelby County v. Holder and the Memory of Civil Rights Progress, National Constitution Center (November 25, 2013)
- 13 Things You Need to Know About the Fight Over Voting Rights

## 2. INVESTIGATE: Gender - Title IX of the Education Amendments of 1972

In 2019, 12-year-old Maddy Freking became only the 19th girl to play baseball with boys in the 72 year history of the Little League World Series; the first girl played in 1984 (learn more: A brief history of the 19 girls who have played in the Little League World Series). Maddy's opportunity to play has its roots in **Title IX**, a landmark civil rights law prohibiting discrimination based on gender at educational institutions that receive federal funding.

Title IX declared: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance" (as cited in Harvard Title IX, 2020, para. 2)

Watch What is Title IX, a video from CNN, to learn more about this landmark law.

Most of us think in terms of how Title IX has transformed athletics and sports for girls and women. Before Title IX, only one in 27 girls participated in high school sports; by 2019, the number was two in five.

College Women's Lacrosse Players, 2017 from Flickr, licensed by CC.BY.2.0

But **sports was not the only area of gender relationships impacted by this law**. Before Title IX, only 7% of law degrees and 9% of medical degrees were earned by women. Currently women earn 47% of law degrees and 48% of medical degrees. Furthermore, by prohibiting sexual discrimination, Title IX made **verbal or written harassment, sexual assault, stalking, and domestic violence** crimes, greatly enhancing safety for women.

## Suggested Learning Activities

- **Evaluate Representation of Women in Art**
  - Use art resources from **Can Girls Do That?** Wadsworth Atheneum Museum of Art.
  - Ask students to make their own portraits that prove that stereotypes are not always accurate.
- **Research Legislation for Gender Equity**
  - Identify 3-5 pieces of legislation that have advanced gender equity.
  - Create a mosaic with symbols, images, and colors to explain how these pieces of legislation advanced the gender rights of all Americans.

## Online Resources for Title IX and Combating Gender Stereotypes

- The Impact of Title IX Lesson Plan
- Striving for Gender Equity in Athletics Learning Activities, Gilder Lehrman Institute of American History
- Title IX at 40, *Teaching Tolerance Magazine*

- Gender Equality in Athletics
- Title IX Frequently Asked Questions, NCAA
- Title IX--Gender Equity in Education, American Civil Liberties Union

### Media Literacy Connections: Analyzing the Equality Act on Congressional Websites

At the end of February 2021, the U.S. House of Representatives passed the **Equality Act**, a bill designed to amend the 1964 Civil Rights Act by banning discrimination based on sexual orientation and gender identity. The 1964 legislation banned discrimination based on "sex." The Equality Act expands that protection against discrimination to explicitly include lesbian, gay and transgender Americans. The Equality Act was one of the policies that President Joe Biden wanted to have passed during his first 100 Days in office.

Support and opposition for the bill is sharply divided along partisan lines--Democrats support and Republicans oppose. Both sides cite the importance of civil rights and individual freedoms to support their views.

Supreme Court decisions are divided as to what is **discriminatory conduct**. In Bostock v. Clayton County, the Court ruled an employer cannot fire an employee for participating in a gay recreational softball league. But, the Court also ruled in Masterpiece Cakeshop, LTD v. Colorado Civil Rights Commission that a baker can refuse to make a wedding cake for a same-sex couple.

In this activity, you will investigate the arguments posted by members of Congress on their websites about the Equality Act within the larger context and history of laws that have been passed to expand the civil rights and ensure equal protection for race, gender and disability.

- **Activity: Analyzing Congressional Statements For and Against the Equality Act**
  - Research what Proponents and Opponents Say about the Equality Act. You can start with this overview of both sides: House Passes the Equality Act: Here's What It Would Do, NPR, February 24, 2021.
  - Consult the website of your state senators and House members for their position on this legislation.
  - Develop a Sketchnote or Digital Poster summarizing the arguments for and against the Equality Act from at least one Democrat, one Republican, and one outside political advocacy group.
  - Write Your Own Letter of Praise or Protest about the legislation.

## 2.1. ENGAGE: When Can Girls and Boys Compete Together in Athletic Events?

While girls in this country have always played sports and games for fun, formal athletic participation and competition for women did not happen until the 1880s with the forming of separate clubs where females could play tennis, croquet, bowling and archery—although often under different rules than for men.

- The first intercollegiate basketball game between women teams was played in 1896 (Bell,

2008).

- The first women's amateur golf tournament was held in 1895. Women's hockey teams started in the 1910s and 1920s, particularly in Canada and the Pacific Northwest.
- Women's hockey was added as an Olympic event in 1998.
- The first professional sports league for women, the All-American Girls Baseball League (showcased in the movie *A League of Their Own*) was started in 1943, during World War II.

Babe Didrikson Zaharias, 1948, Public Domain

The nation's most prominent mid-20th century woman athlete was **Babe Didrikson Zaharias**. A multisport star in track and field events (shot put, hurdles, and high jump), baseball, and golf, she set numerous records in different sports and could outperform males in each (About "Babe" Didrikson Zaharias).

Didrikson qualified for all five individual women's track and field events in the 1932 Olympics, but was allowed to compete in only three of them. The Ladies Professional Golf Association (LPGA) was established in 1950; Babe Zaharias as one of the original 13 founders. For more on her life and times, visit the *resourcesforhistoryteachers* wiki page, Babe Didrikson Zaharias, Woman Athlete and Equality Pioneer.

Today, more than two in every five girls participate in high school sports, spurred on in part by the

achievements of Serena and Venus Williams, Simone Biles, Mikaela Shiffrin, Alex Morgan, Lindsey Vonn, Michelle Wie, Danica Patrick and many others.  Still participation in high school sports by boys (4,565,580) exceeds girls (3,415,306) by more than a million participants (National Federation of State High School Associations, 2018).

Girls increasing participating in school sports has raised complex Title IX and 14th Amendment issues of sex and gender in two areas. First, should girls and boys be allowed to compete against one another in the same athletic activities? Adult women and men compete against one another in many sports today including Equestrian events, horse racing, Ultimate Frisbee, car racing, sailing, surfing, and mixed team events in tennis, golf, and badminton. The Women's Sports Foundation contents coeducational sport competition should be encouraged in middle and high schools when there are equal numbers of females and males and rules that "maxmize fair competition between the sexes." The Foundation also believes schools must allow girls to try out for boys' teams in contact or non-contact sports, which is the law in some but not all states. There are educational and parent organizations that strongly disagree with this position.

Second, should students be allowed to participate in athletics based on their gender identity? In May 2020, the federal Education Department's Office or Civil Rights found that a state of Connecticut policy allowing transgender students to compete on female track teams "denied female student athletes athletic benefits and opportunities" and threatened to withhold funding to the state's Interscholastic Athletic Conference (Levenson & Vigdor, 2020, p. 29). Transgender rights groups strongly opposed the ruling, arguing that students who identify as female are female and must be allowed to participate under Title IX guarantees. The case has national implications; earlier in 20202, Idaho banned transgender girls from participating in women's sports. The state also legalized sex testing of athletes before competing.

### Suggested Learning Activities

- **Propose Change at Your School**
    - How would you provide girls with more opportunities to play sports in school?
- **State Your View: Should girls, boys, and transgender students compete against one another in school athletic events?**
        - For background, review Issues Related to Girls and Boys Competing with and Against Each Other in Sports and Physical Activity Settings by the Women's Sports Foundation.

### Online Resources for Mixed Gender Sports and Games

- Games for Girls
- Learning Plan: Defying Gender Stereotypes, PBS Newshour
- National Girls & Women in Sports Day (NGWSD). Began in 1986 and celebrated on February 2

## 3. INVESTIGATE: Disability - The Americans with Disability Act of 1990

The **Americans with Disabilities Act** (ADA) is a “civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation,

and all public and private places that are open to the general public" (What is the Americans with Disabilities Act?, 2020, para. 1). The first disability law enacted in the United States was Section 504 of the 1973 Rehabilitation Act. It prohibited discrimination against people with disabilities in programs that receive federal financial assistance, and set the stage for enactment of the Americans with Disabilities Act.

Pelangi Tower - Wheelchair Ramp from Chongian licenced under CC.BY-SA.4.0

Signed into law by President George H. W. Bush in July 1990, the ADA is a milestone achievement in the civil rights struggle by individuals with disabilities and exceptionalities. **ADA changed the everyday lives of millions of Americans.** Students with disabilities could not be denied equal schooling. Individuals with disabilities no longer had to abandon their wheelchairs to ride a train or bus; a restaurant or grocery store could no longer refuse to serve a disabled person; no one could not be blocked from employment because of their disability or paid less money for the same work; homosexuals could not longer be labeled disabled (Lombard, 2015).

Still, despite the ADA law, there is much progress that must be made for disability rights and justice. Only 19% of adults with disabilities held jobs in 2019, and that was before the COVID-19 pandemic created widespread unemployment throughout the country. Additionally, people with disabilities are more likely to be incarcerated or be victims of police violence and are less likely to vote due to physical and logistical barriers (Leonhardt, 2020).

Here is the entire text of the law, as amended. Other important legislation include the **Individuals with Disabilities Education Act (IDEA) in 1990** and the **Americans with Disabilities Amendments Act in 2008**. There are more resources at the Disability Rights and Justice Movement and the Disability History Museum.

### Suggested Learning Activity

- **Document, Research, and Propose Action**
  - Review the Global Disability Rights Now document: Improving Accessibility of Schools.
  - Photograph or sketch a map showcasing all the ways the physical and instructional learning environments of your school have been changed to accommodate the needs of disabled students and adults.
- **Discuss and State Your View**: What still needs to be changed at your school to ensure full and equal participation for all?
  - Write a proposal or create a presentation to propose changes to your school administrators about increasing the accessibility of your school building and learning environment.
- **Research Legislation for Rights of People with Disabilities**
  - Identify 3-5 pieces of legislation that addressed the rights people with disabilities.
  - Create a mosaic with symbols, images and colors to explain how these pieces of legislation advanced disability rights in the United States.

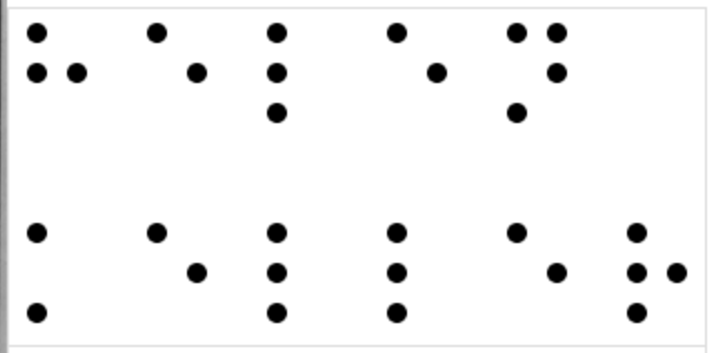
### Online Resources for the Americans with Disability Act and Disability History

- Lesson Plan: Equal Treatment, Equal Access: Raising Awareness About People with Disabilities and Their Struggle for Equal Rights, Anti-Defamation League
- Learning Activities: Classroom Activities Examining the Civil Rights Act and ADA, Teaching Tolerance
- Lesson Plan: Document Debate: A look at the Americans with Disabilities Act, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas
- Dorothea Dix, Mental Health Reformer, in the early 19th century, Dorothea Dix was a pioneering advocate for changing public attitudes and medical treatment for people with disabilities.
- resourcesforhistoryteachers wiki page: Disability Rights and Justice Movement

## 3.1. UNCOVER: Helen Keller, Author and Political Activist

Deaf, blind, and unable to speak after an illness as an infant, **Helen Keller** devoted her life to supporting progressive causes, fighting for women's rights, and opposing discrimination against people with disabilities.

Helen Keller, 1912 from Library of Congress



Helen Keller spelled in Braille

Helen Keller 1880-1963 from United States Library of Congress's Prints and Photographs Division, Public Domain
Helen Keller in Braille from Trockennasenaffe, Public Domain

Helen Keller advocated for **women's suffrage, birth control, and pacifism**. She became a socialist and a member of the Industrial Workers of the World (IWW). To learn more about her political views, read How I Became a Socialist (1912).

A statute of her, based on a scene from the movie *A Miracle Worker,* was added to the National Statuary Hall in Washington, D.C. in 2009. For more information, explore the *resourcesforhistoryteachers* wiki page Helen Keller, Author and Political Activist and the Helen Keller Archive from the American Association for the Blind.

### Suggested Learning Activities

- **Read and Report Out**
  - Explore the Helen Keller Political Activities section of her Wikipedia page
  - List four causes for social justice Helen Keller supported during her lifetime.
  - Have you been taught about Keller's life-long political activism in school?
  - If not, write a proposal to a teacher or school administrator advocating for the inclusion of Keller's political activism in school curriculum.
- **Analyze Primary Sources**
  - Explore Helen Keller's FBI Files
  - Why do you think Helen Keller was investigated by the FBI for her political views?
  - Why were opposition to war, support for socialism, and commitment to revolutionary change such controversial topics in American society, then and now?
- **Learn Online**
  - Explore SignASL.org, an online American Sign Language (ASL) dictionary
  - How is ASL similar to and different from spoken English?
  - Review Why Sign-Language Gloves Don't Help Deaf People
    - Discuss: Why might deaf people not be in favor of sign-language gloves?

## Standard 5.4 Conclusion

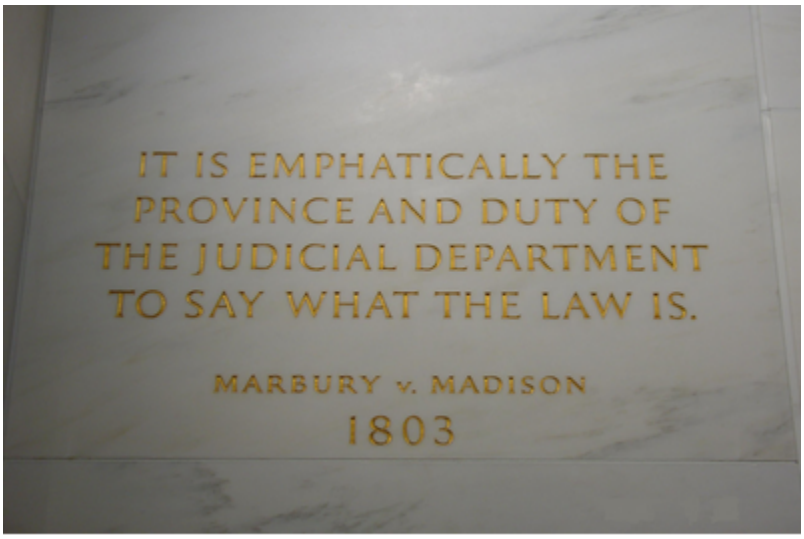
The modules for this standard examined late 20th century laws passed by Congress that expanded civil rights for people of color, women, and individuals with disabilities. **INVESTIGATE** reviewed the 1964 Civil Rights Act and the 1965 Voting Rights Act; Title IX of the Education Amendments of 1970; and the Americans with Disabilities Act of 1970. **UNCOVER** explored the career and political activism of Helen Keller. **ENGAGE** asked when can girls and boys compete together in athletic events.

5.5

# Marbury v. Madison and the Principle of Judicial Review

## Standard 5.5: *Marbury v. Madison* and the Principle of Judicial Review

*Explain the Principle of Judicial Review established in Marbury v. Madison and explain how cases come before the Supreme Court, how cases are argued, and how the Court issues decisions and dissents.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.5]**




Plaque on the Wall of the Supreme Court Building, by User:NuclearWarfare, Public Domain

## FOCUS QUESTION: How Does the Supreme Court Use the Power of Judicial Review to Interpret the Law?

John Marshall, the fourth Chief Justice of the Supreme Court, was born in Fauquier, Virginia in 1755. His family was poor, and as a youth, he received little formal education. He fought in the American Revolutionary War, then studied law from 1779–80. Following that year of study he set up a law practice. In 1782 he was elected to the Virginia legislature. His rapid rise brought him to the Supreme Court, where he served from 1801 to 1835.

John Marshall Engraving, by Charles-Balthazar-Julien Fevret de Saint-Mémin, 1808, Public Domain

Under his leadership, the **'Marshall Court'** shaped the law and government of the United States by testing and defining the powers of the newly adopted U.S. Constitution. He established the principle of **Judicial Review** whereby the Court has the final say in deciding whether congressional legislation is constitutional.

### Modules for this Standard Include:

1. INVESTIGATE: John Marshall and *Marbury v. Madison*
2. UNCOVER: The Trail of Tears, Chief John Ross, and Supreme Court Cases involving Native Americans
3. ENGAGE: Do Supreme Court Dissents Make a Difference to the Law?
   MEDIA LITERACY CONNECTIONS: Reading Dissents Aloud

## 1. INVESTIGATE: *Marbury v. Madison* (1803)

John Marshall's *Marbury v. Madison* (1803) decision formulated the concept of judicial review, giving the judicial branch the final decision on the constitutionality of laws passed by Congress. In other decisions, including *McCulloch v. Maryland*, Marshall established his view of the power of the federal government over the states and their legislatures.

Watch on YouTube https://edtechbooks.org/-Xof

### Suggested Learning Activities

- **Design an Infographic or Digital Poster:** What was Jonh Marshall's Impact on the Supreme Court
  - Explore the *resourcesforhistoryteachers* wiki page about John Marshall and *Marbury v. Madison* Supreme Court case.
  - John Marshall, Marbury v. Madison, and Judicial Review—How the Court Became Supreme

- **Learn Online**
  - "Marbury v. Madison: An Introduction to Judicial Review" learning plan has a series of interactive activities, primary source documents, and Jeopardy questions for review.

### Online Resources for John Marshall and *Marbury vs. Madison*

- Justice in the Classroom is a teaching resource funded by the John Marshall foundation. It offers a free online textbook, lesson plans, instructional videos, and allows you to request a historian or lawyer from the foundation come speak in your class.
- Marybury vs. Madison: What Was the Case About? | History (video)
- Marbury v. Madison on PBS from its series on the Supreme Court

## 2. UNCOVER: The Trail of Tears, Chief John Ross, and Supreme Court Cases Involving Native Americans

In the 1830s, the United States was transformed by events centered around three men: **John Marshall**, in his final years as Chief Justice of the Supreme Court; **Andrew Jackson**, the 7th

President and **John Ross**, Chief of the Cherokee nation. Their interactions altered the country's physical landscape and redefined its political culture, replacing the Indian lands of the southeastern United States with what would become known as the "Deep South" of white plantations with Black slaves, what journalist Steve Inskeep has called "Jacksonland" (2015).

These transformative events began in 1830 with Andrew Jackson's policy of Indian Removal. As part of the Indian Removal policy, native Tribes had to negotiate treaties with the United States government in which they gave up their homelands and then moved to new territories (examples: Treaty of Dancing Rabbit Creek, 1830; the Treaty of New Encota, 1835).

The Cherokee people protested the policy, notably John Ross (Chief John Ross Protests the Treaty of New Echota). He envisioned nationhood, not displacement and subjugation for his people.

Chief John Ross, 1843 by Charles Bird King, Public Domain

The Indian Removal Act went to the Supreme Court led by John Marshall. In a famous case, *Worcester v. Georgia* (1832), the Court ruled that the state of Georgia had no jurisdiction over the Cherokees, and therefore could not forcibly remove them from the territory. Read Marshall's Opinion in *Worcester v. Georgia*.

Andrew Jackson ignored the Court, declaring, "John Marshall has made his decision, now let him enforce it."

Then "in 1838 and 1839, as part of Andrew Jackson's Indian removal policy, the Cherokee nation was forced to give up its lands east of the Mississippi River and to migrate to an area in present-day Oklahoma" (PBS, 1998, para. 1).

Trail of Tears Map, National Park Service (2005)

Map on Wikimedia Commons, Public Domain

The Cherokee people called this forced journey the "**Trail of Tears.**" More than **4,000 out of 15,000 of the Cherokees died** from the devastations of hunger, disease, and exhaustion on the forced march. It was one of the darkest moments in United States history. Learn more from the *resourcesforhistoryteachers* wiki page: The Trail of Tears.

In 2009, President Barack Obama signed a Congress-passed apology for the Trail of Tears entitled in part, "a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the federal government regarding Indian tribes."

## Suggested Learning Activities

- **Write & Illustrate a People's History**
  - Create an historically accurate people's history using historical accounts of the Trail of Tears from different sources:
    - a) What Happened on the Trail of Tears, from the National Park Service
    - b) A Brief History of the Trail of Tears from the Cherokee National Cultural Resource Center (download PDF)
    - c) Two Accounts of the Trail of Tears: Wahnenaughi and Private John G. Burnett, from Digital History
    - d) The Human Meaning of Removal, primary sources from Digital History
- **State Your View**
  - Were Andrew Jackson's actions in defying the Supreme Court an obstruction of justice?
  - Do they constitute an impeachable offense?

### Online Resources for The Trail of Tears and Native American Court Cases

- Indian Removal Act: Primary Documents in American History, Library of Congress
- Discover the Trail of Tears: A Lightning Lesson from Teaching with Historic Places, National Park Service (2018)
- Supreme Court Case: *Cherokee Nation v. State of Georgia* (1832)
    - Marshall's Opinion in Cherokee Nation v. Georgia
- Supreme Court Case: *Fletcher v. Peck* (1810)
    - Marshall's Opinion in Fletcher v. Peck
    - Justice Johnson's Concurring Opinion

## 3. ENGAGE: Do Supreme Court Dissents Make a Difference to the Law?

Courts in the United States operate on the principle of **stare decisis** (translated from Latin as "to stand by decided matters"). Judges decide cases based on how such cases were previously decided by earlier judges (Walker, 2016). Those earlier decisions are known as **legal precedents**. A precedent is a rule or guide that has been established by previous cases.

On notable occasions, however, the Court changes its earlier interpretations in what have become known as **landmark cases.** The 1896 *Plessy v. Ferguson* decision, for example, was reversed by the *Brown v. Board of Education* decision in 1954.

Landmark cases can change fundamentally how society operates. In *Gideon v. Wainwright* (1963), the Court held that anyone charged with a crime is entitled to free legal representation, a major change in granting full rights to those accused of a crime. In *Roe v. Wade* (1973) the Court stated that laws that restrict or deny a woman's access to abortion are unconstitutional. So the law is never fixed, but always evolving as attitudes and situations change over time.

Cases before the United States Supreme Court are decided by a majority vote of the justices who author a written opinion explaining their reasons. Sometimes there are concurring opinions as well. The justices who voted in the minority also have the opportunity to explain their votes through what is called a **dissent** or **dissenting opinion**.

Sign Message for Supreme Court Justice Ruth Bader Ginsburg at a 2018 Women's March in Missoula, Montana by Montanasuffragettes and licensed CC BY-SA 4.0)

"**I Dissent**" is a powerful statement of politics and law. Dissents establish a counter-narrative to the majority opinion that can, over time, lead the Court and public opinion in new directions. As Ruth Bader Ginsburg stated:

> "Dissents speak to a future age. It's not simply to say, 'My colleagues are wrong and I would do it this way.' But the greatest dissents do become court opinions and gradually over time their views become the dominant view. So that's the dissenter's hope: that they are writing not for today but for tomorrow."

There are many historic dissents in Supreme Court history: Benjamin Robbins Curtis in the Dred Scott case; John Marshall Harlan (known historically as "The Great Dissenter") in *Plessy v. Ferguson (*Harlan wrote: it is wrong to allow the states to "regulate the enjoyment of citizens' civil rights solely on the basis of race"); Oliver Wendell Holmes in *Abrams v. United States*; Robert Jackson in *Korematsu v. United States*; and Harlan Fiske Stone in *Minersville School District v. Gobitis.* All were statements in support of personal freedoms and liberties. Before his death, Justice Antonin Scalia was a frequent dissenter, supporting an originalist interpretation of the Constitution.

In the course of her career on the Court, Ruth Bader Ginsburg (RBG) authored many notable dissents, including in a gender discrimination case brought by Lilly Ledbetter against the Goodyear Tire & Rubber Company in 1999. A lower court had awarded Ledbetter 3.8 million in back pay and damages, reflecting 19 years in which she worked and earned lower pay than male co-workers. In a 5 to 4 vote, the Supreme Court overturned the lower court decision which occasioned Ginsburg's historic 2007 dissent (listen to the audio of her dissent).

Justice Ginsburg's ideas helped lead to the passage of the Lily Ledbetter Fair Pay Act of 2009.

## Media Literacy Connections: Reading Dissents Aloud

Each term (the time period from the first Monday in October to late June/early July), the Supreme Court decides between 70 and 80 cases and there are dissents in 60% of them. Rarely, but notably, these dissents are read aloud from the bench by a dissenting justice. The impacts of a read aloud can be far-reaching.

The late Justice Ruth Bader Ginsburg (RBG) produced one of the Court's most dramatic dissent read alouds in the famous gender pay discrimination case, *Ledbetter v. Goodyear Tire & Rubber Company* (2007).

In 1999, Lilly Ledbetter sued her employer, Goodyear Tire & Rubber Company on the grounds that she had been receiving lower pay than her male coworkers for 19 years. She won a $3.8 million settlement in federal court. However, the Supreme Court (by a 5 to 4 vote) reversed that decision, saying Ledbetter's claim had not been made within a 180 day time charging period.

Ginsburg, the only woman justice on the Court at the time, dissented passionately, declaring that the Court "did not comprehend or is indifferent to the insidious way in which women can be victims of pay discrimination."

Two years later, President Obama signed the Lilly Ledbetter Fair Pay Act of 2009 that reversed the Supreme Court's decision. The Ginsburg dissent is credited as providing the political and social momentum needed to enact this major milestone in the quest for equal rights for women.

Watch on YouTube https://edtechbooks.org/-AMm

**Activity: Impact of Spoken Words in Supreme Court Dissents**

- Step 1: Listen to the **audio of Ruth Bader Ginsburg's dissent**
- Step 2: View **Ruth Bader Ginsburg on the Value of Dissenting Opinions**
- Step 3: In what ways do you think hearing words read aloud impacts listeners in ways that written words may not?
- Step 4: Choose a paragraph from the Ginsburg dissent that you find meaningful and memorable.
    - Record yourself reading it aloud.
    - Then, ask friends, neighbors, and/or family members to listen to your read aloud and then read the text on their own and share with you which one was more influential to their learning.
    - Evaluate: What impact do you think hearing your reading has for listeners?
- Step 5: Make an accessible version of the **audio of Ruth Bader Ginsburg's dissent** for learners who are deaf or hard of hearing by presenting the text or designing a text-based video in a way that emphasizes tone and emotion and other features that make the read aloud impactful for listeners.

**Additional Resources:**

- For Teachers
    - Negative Media Coverage of the Supreme Court (Wiley Online Library)
    - Mass Media and the Transformation of American Politics (Marquette Law Review)
- For Students
    - Teaching Students how to Dissent is a Part of Democracy (Salon)
    - Supremes Court Lack of Diversity Denies Public Proper Representation (Collegiate Times)

### Suggested Learning Activity

- **Write a Dissent**
    - Dissent writing illustrates the power of words and the importance of a well-reasoned arguments in presenting one's ideas.
    - Individually or in groups, write a dissent to existing school or community policies and practices that affect students and their families.

### Online Resources for Dissents

- How to Read a U.S. Supreme Court Opinion, American Bar Association, November 27, 2018
- The Power of a Supreme Court Dissent, David Cole, *The Washington Post* (October 29, 2015)
- Looking Back: Famous Supreme Court Dissents, from the National Constitution Center
- John Marshall Harlan's Dissent in *Plessy v. Ferguson* (1896)
- Oliver Wendell Holmes and the Most Famous Dissent in American History, The Atlantic (April 10, 2013)
    - *Abrams v. United States* (1919), Justice Holmes Dissenting
- 5 Opinions from Justice Antonin Scalia That Are Worth a Read, NPR (February 13, 2016)
- Lilly Ledbetter: RBG's Dissent in Landmark Case Still Gives Me 'Chills'

## Standard 5.5 Conclusion

"The Constitution means what the Supreme Court says it means," said Professor Eric J. Segal (2016) in the *Harvard Law Review Forum* (2016). **INVESTIGATE** examined the impact of John Marshall, the Chief Justice who established the power of judicial review for the Supreme Court. **UNCOVER** reviewed at the Trail of Tears, a seminal event in First American history when the power of the federal government's President was pitted against Indian tribes and the Supreme Court itself. **ENGAGE** asked how dissenting opinions by Supreme Court justices can make a difference in how the law is understood and applied.

# 5.6

# Significant Supreme Court Decisions

## Standard 5.6: Significant Supreme Court Decisions

*Research, analyze and report orally or in writing on one area [5.6a, 5.6b, or 5.6c below] in which Supreme Court Decisions have made significant changes over time in citizens' lives.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.6]**

The Supreme Court at Dusk, by Joe Ravi, licensed CC BY-SA 3.0

## FOCUS QUESTION: How Do Landmark Supreme Court Cases Impact Our Lives?

A **landmark case** is a case that has an "lasting effect on the application of a certain law, often concerning your individual rights and liberties" (Judicial Learning Center, 2015, para. 2).

Most major issues in United States history have been the subject of a landmark decision by the Supreme Court. In just the past 70 years:

- *Brown v. Board of Education of Topeka* (1954) declared that the doctrine of separate but equal is inherently unequal;
- *Gideon v. Wainwright* (1963) gave anyone charged with a crime the right to an attorney whether they could afford one or not;
- *Miranda v. Arizona* (1966) said that police officers must advise prisoners of their rights before

being questioned;
- *Tinker V. Des Moines* (1969) declared students have free speech rights in schools if they are not disrupting the educational process;
- *Roe v. Wade* (1973) established a woman's constitutional right to an abortion; and
- *Obergefell v. Hodges* (2015) legalized same-sex marriage in all 50 states.

How has the Supreme Court interpreted the rights of individuals in key areas of people's lives? The modules for this topic consider that question in terms of six areas of rights in conflict: the First Amendment, due process, the flag and the Pledge of Allegiance, school prayer, national security and gun control.

### Modules for this Standard Include:

1. INVESTIGATE: First Amendment Rights: Landmark Cases
   MEDIA LITERACY CONNECTIONS: Cameras in the Courtroom
   1.1 UNCOVER: *Tinker v. Des Moines* and the Boundaries of Student Speech in Schools
2. INVESTIGATE: Due Process and Equal Rights: *Mendez v. Westminster* (1947)
3. INVESTIGATE: Rights in Conflict: The U.S. Flag and the Pledge of Allegiance
   3.1 ENGAGE: Is Kneeling during the National Anthem an Effective Form of Political Protest?
4. INVESTIGATE: Rights in Conflict: School Prayer
5. INVESTIGATE: Rights in Conflict: National Security
6. INVESTIGATE: Rights in Conflict: Gun Control
   6.1 ENGAGE: What steps should communities and governments take to reduce gun violence?

## Standard 5.6a: Supreme Court Decisions: First Amendment Rights

*Interpretations of the freedoms of Religion, Assembly, Press, Petition, and Speech under the First Amendment.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.6.a.]**

Freedom of Thought Quote by Benjamin Franklin, by Congressional Quote, licensed under CC BY 2.0

# 1. INVESTIGATE: First Amendment Rights: Selected Landmark Cases

The **First Amendment** of the Constitution states; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

In its interpretations of the First Amendment, the Supreme Court has produced far-reaching legal decisions, including:

- ***Schenck v. U.S.*** (1919)
  - Criticism of the Military Draft is not protected by the First Amendment when that speech poses a clear and present danger to the government.
- ***Abrams v. U.S.*** (1919)
  - In this case the defendants were convicted on the basis of two leaflets they printed and threw from windows of a building in New York City. One leaflet, signed "revolutionists," denounced the sending of American troops to Russia. The second leaflet, written in Yiddish, denounced the war and U.S. efforts to impede the Russian Revolution and advocated the cessation of the production of weapons to be used against Soviet Russia.
  - In this case, Justice Oliver Wendell Holmes delivered his famous defense of free speech in **The Most Powerful Dissent in American History**.
- ***Whitney v. California*** (1927)
  - States can prohibit speech that may incite criminal activity.
- ***Stromberg v. California*** (1931)
  - States cannot infringe on First Amendment right to speech and expression.
- ***Near v. Minnesota*** (1931)
  - States cannot prohibit malicious and defamatory content from newspapers.
- ***Brandenburg v. Ohio*** (1969)

    - States cannot broadly prohibit speech and expression.
- ***Texas v. Johnson*** (1989)
    - Flag burning is a form of protected speech and expression.
- ***Tinker v. Des Monies*** (1969)
    - Administrators cannot ban political protest in schools.
    - For more, see Landmark Ruling on Behalf of Student Expression from the American Civil Liberties Union.
- ***Reno v. ACLU*** (1996)
    - Ruled against vague content bans on free speech.
- **Hazelwood School District v. Kuhlmeier** (1988)
    - High school student newspapers are subject to a lower level of First Amendment Rights.
- ***Olmstead v. LC and EW*** (1999)
    - Social services for individuals with disabilities must be provided in the most integrated setting appropriate to the needs of an individual.
- ***Lawrence v. Texas*** (2003)
    - Declared unconstitutional a Texas law prohibiting sexual acts between same sex couples, expanding privacy rights of all Americans.
- ***Hamdan v. Rumsfeld*** (2006)
    - Imposed legal constraints of the Bush administration's program for trying alleged terrorists by military commissions.
- ***Safford Unified School District v. Redding*** (2009)
    - Ruled school officials violated the constitutional rights of a 13-year-old Arizona girl when they conducted a strip search based on a classmate's uncorroborated accusation.
- ***Obergefell v. Hodges*** (2015)
    - Supreme Court declares same-sex marriage is legal in all 50 states.
        - See case overview from the ACLU

Learn more about signficiant Supreme Court decisions at the First Amendment Encyclopedia from Middle Tennessee State University and Supreme Court Decisions on First Amendment Individual Rights.

### Media Literacy Connections: Cameras in the Courtroom

During the COVID-19 pandemic, in April 2020 for the first time in history, the Supreme Court announced it would make publicly available an audio feed of oral arguments between lawyers and the justices being conducted by telephone conference calls. Before that, no audio/video recording, photography, or television/live streaming had been allowed in the Supreme Court's courtroom. Since 1996, a small number of federal courts of appeals and district courts have begun allowing photography and television coverage of oral arguments (SCOTUS blog, April 27, 2020).

Many lawmakers, lawyers, and members of the public believe cameras and television should be allowed in the Supreme Court and other courtrooms while other people are unwilling to depart from historical precedent. The first bill to allow cameras in federal courts was introduced in 1937. C-Span (Cable-Satellite Public Affairs Network) began broadcasting the House of Representatives in 1979 and the Senate in 1986. Presently, Congress is considering the Cameras in the Courtroom Act, introduced in 2019 that would permit television coverage of all open sessions of the Supreme Court, unless a mjaority of the Justices voted otherwise in order to protect the rights of those involved in a case.

**Activity 1**: Analyze the Implications of Cameras in Courtrooms

- What are the arguments for and against allowing cameras in the Supreme Court and other courtrooms?
- What are the arguments for and against televising or live streaming the proceedings of the Supreme Court and other courts as well?
- How might television coverage, live streaming, real-time audio recordings, and photography in courtrooms impact the Supreme Court's consideration of cases that will have a significant impact on people's lives such as freedom of speech, due process under the law, freedom of religion and the other rights discussed in this standard?
    - Would public opinion be influenced in positive or less positive ways by media coverage?
    - Would judges less impartial and more influenced by media-based public opinions?

**Activity 2**: Design a Format for Future Supreme Court TV Coverage

- Begin by watching C-Span coverage of the House and Senate to see one model for broadcasting the activities on the legislative branch of government. Pay attention to camera angles, audio, captions, and other features of the broadcast.
    - How does C-Span's coverage differ from other televised events such as the Super Bowl, the World Series, the State of the Union address, or the Emmy Awards?
- How would you design television and live stream coverage of the Court? Would you include:
    - Graphics, sidebars, and scrolls?
    - Hosts and commentators describing the action?
    - Interactive features such as opportunities for viewers to post comments online?

## 1.1. UNCOVER: *Tinker v. Des Moines* and the Boundaries of Student Speech in Schools

In December 1965, during a period of nationwide protests against the American War in Vietnam, 13-year-old Mary Beth Tinker and a group of her junior high school classmates wore black armbands to

school to express their opposition to the war.

Mary Beth Tinker, by Eli Hiller, licenced under CC.BY-SA.2.0

School administrators told the students to remove the armbands and when the students refused, suspended them. When they returned to school after the holiday break, the students gave up the armbands, wore black for the rest of the year in protest, and took the school all the way to the Supreme Court.

In 1969, by a 7 to 2 vote, the Supreme Court agreed with the students, declaring in a memorable phrase that **students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."**

The Court said school officials could not block wearing armbands as a form of constitutionally protected free speech, unless the actions of students had disrupted the educational process—which they had not.

Explore *Tinker v. Des Moines* (1969) - Landmark Supreme Court Ruling on Behalf of Student Expression.

Watch the video Constitution Hall Pass: *Tinker v. Des Moines* from the National Constitution Center.

The Tinker case invites a wider **exploration of the boundaries of student speech in school** in a era of social media

In the *Hawk v. Easton Area School District* (2013) case, two students wore "I <3 Boobies" (I Heart

Boobies) bracelets to school to support a local breast cancer awareness campaign. School administrators banned the bracelets as a violation of the school dress code policy that prohibited lewd or vulgar language on clothing. Citing their right to free speech, the students wore the bracelets anyways, were suspended, and their mothers took the school system to court. The U.S. Court of Appeals overturned the ban, stating that the bracelets were not plainly lewd and because they commented on a social issue, they may be worn in school.

*Mahoney Area School District v. B. L*, a case currently pending before the U.S. Supreme Court, revolves around a high school student who in 2017 posted profanity-laden comments on Snapchat after learning she did not make her school's varsity cheerleading squad. She put a "f-bomb" before the words "school," "softball," "cheer," and "everything." The school kicked her off the cheerleading team even though her comments were made on social media and off the school's campus. A U.S. Court of Appeals ruled that although her post was "crude, rude, and juvenile," it was protected by the First Amendment because it did not substantially disrupt school activities or operations. School administrators disagreed, arguing that they can prohibit student speech that is vulgar or lewd, especially since members of the school community can easily access the post on social media.

Learn more at What Can I Say in School? An Examination of Students' Freedom of Speech, National Constitution Center.

## Suggested Learning Activities

- **Design a Student Bill of Rights**
  - Review the following resources:
    - Student Bill of Rights, National Youth Rights Association
    - You Can't Say That in School?! Newseum
    - 11 Rights All Students (Should) Have
  - Then create your own student Bill of Rights.

- **Create a Poster**
  - Design a poster (drawing or digital) that summarizes Student Rights in one or more of the following areas:
    - Speech
    - Privacy
    - Religion
    - Dress Codes
    - Banned Books
    - Drug Testing

- **Create a Public Service Announcement**
  - Design a public service announcement to advocate for increased student rights in school based on the First Amendment.

# Standard 5.6b: Supreme Court Decisions: Due Process and Equal Protection

*Interpretations of the due process clause and the equal protection clause of the 14th Amendment.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.6.b.]**

Sylvia Mendez, by the Office of Senator Kamala Harris and US Department of Agriculture, Public Domain

## 2. INVESTIGATE: Due Process and Equal Protection: *Mendez v. Westminster* (1947)

Just after the end of World War II, **Sylvia Mendez** was eight years-old and a student at a racially segregated elementary school in Westminster, California. She wanted to attend a nearby school, but it was reserved for white-only students. Her parents (along with four other Mexican-American families) sued the school district on behalf of the community's 5,000 Latino and Latina students. In 1946, the plaintiffs won their case in federal court, making it the **first time in U.S. history that a school district was told it had to desegregate**. Watch here as Sylvia Mendez recalls the time and the lawsuit.

The Mendez case had enormous implications for civil rights in the country. It preceded the *Brown v. Board of Education* school desegregation decision by eight years. Future Supreme Court Justice Thurgood Marshall represented both Sylvia Mendez and later Linda Brown in the *Brown v. Board of Education* case. He used some of the same arguments from the *Mendez* case to win the Brown decision.

In the *Mendez v. Westminster* case, the judge wrote these words **challenging the "separate but equal" doctrine** established in the *Plessy v. Ferguson* case in 1898:

> The equal protection of the laws' pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, textbooks and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association

regardless of lineage.

A national hero, Sylvia Mendez received a 2010 Presidential Medal of Freedom and in 2018 was awarded the National Hispanic Hero Award. She continues to work for equality and justice for Latinos and all people of color.

**The Maestas Desegregation Case**

A 1914 case, *Francisco Maestas et al. v. George H. Shone, et al.*, is a little-known forerunner to Sylvia Mendez and her family's fight to end educational segregation of Mexican American children. The case involved a railroad worker Francisco Maestas who was unable to enroll his son in the Alamosa, Colorado public school nearest their home. School officials demanded the boy attend a "Mexican school" with the district's other children of Mexican descent because it was assumed the children needed to learn English - even though most of the children at the school spoke English. The district court judge ruled in favor of the Maestas' family, stating that all English speaking children should be allowed to attend the school closest to their homes. Efforts are underway to build a memorial to the case as a milestone in ending segregation of Mexican children based on language and race (The Most Important School Desgregation Case You've Never Heard Of, National Education Policy Newsletter, July 9, 2020).

### Suggested Learning Activities

- **Role-Play & Video Production**
  - Create a video re-enactment of the court case (see Mendez v. Westminster Re-Enactment).

### Online Resources for *Mendez v. Westminster*

- Sylvia Mendez and the Mendez v Westminster Court Case, *resourcesforhistoryteachers* wiki
- Mendez v. Westminster Text & Lesson Plan, Teaching Tolerance
- Case Summary from Civics Resources for Texas Students & Teachers
- The Lasting Impact of Mendez v. Westminster in the Struggle for Desegregation
- *Separate is Never Equal*. Duncan Tonatiuh, 2014. This picture book about the *Mendez v Westminster* case lets youngsters access the story through illustrations and text. Here is the Educator's Guide to *Separate Is Never Equal.*

## Standard 5.6c: Supreme Court Decisions: Rights in Conflict

*Interpretations in cases where individual rights and perceived or community or national interest were in conflict.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T5.6.c.]**

## 3. INVESTIGATE: Rights in Conflict: United States Flag and the Pledge of Allegiance

American Flag, Public Domain

The 50 stars on the flag represent the 50 states of the United States of America. The blue square is officially known as the "union," as all of the states are bound in union. The 13 stripes represent the original 13 British colonies that declared independence from Great Britain.

Nicknames for the flag include "The Stars and Stripes," "Old Glory," and the "Star Spangled Banner." Betsy Ross is popularly assumed to have created the first flag, but there is little historical evidence to indicate who actually made the first flag (Five myths about the American flag). In 1916, President Woodrow Wilson signed the law designating June 14 every year as Flag Day.

The picture book Long May She Wave: The True Story of Caroline Pickersgill and Her Star-Spangled Creation tells the story of two 13-year-olds (one white and one an African American indentured servant) who along with adults sewed the flag that inspired Francis Scott Key to write the Star-Spangled Banner song.

Students pledging to the flag, 1899

Pledge of Allegiance, 1899, by Frances Benjamin Johnston, Public Domain

The American flag and the National Athem are highly contentious issues in contemporary American politics. Although the Supreme Court established in West Virginia State Board of Education v. Barnette (1943) that students cannot be required to recite the pledge of allegiance in schools, all

states except California, Hawaii, Iowa, Vermont and Wyoming have a rule that there be a regularly scheduled time to recite the pledge. In Alabama, for example, schools are required to “afford all public K–12 students an opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag" (Pledge Law: Controlling Protest and Patriotism in Schools, *Teaching Tolerance*, May 29, 2019).

Interestingly, original Pledge was written in 1892 by Francis Bellamy, a Baptist minister and socialist and it did not contain the phrase "under God." Bellamy sought to revive patriotism by having school children recite a daily pledge to flag and country.  The Pledge was formally adopted by Congress in 1942, but the phrase "under God" was added in 1954 at the height of the anti-communist Red Scare (learn more: The Gripping Sermon That Got ‘Under God’ Added to the Pledge of Allegiance on Flag Day, Washington Post).

For many Americans, the national athem is a time-honored, but increasingly less relevant tradition when played at sporting events and other occasions. Francis Scott Key wrote "The Star-Spangled Banner" in 1814 to commemorate the British shelling of Fort McHenry during the War of 1812. Today, as one sportswriter put it: "Only 8 million people lived in the United States when Key put ink to paper. What we are left with 206 years later is a poem written in 1814, fitted to a music sheet of the late 1700s, approved by Congress as our anthem in 1931, played routinely at sporting events now for some 350 million Americans to embrace as their hail to country. Clearly, not all of us are able to get our arms around it" (Dupont, 2020).

Often omitted in discussions about the flag and the anthem are how flags have been used as symbols for political change throughout United States history:

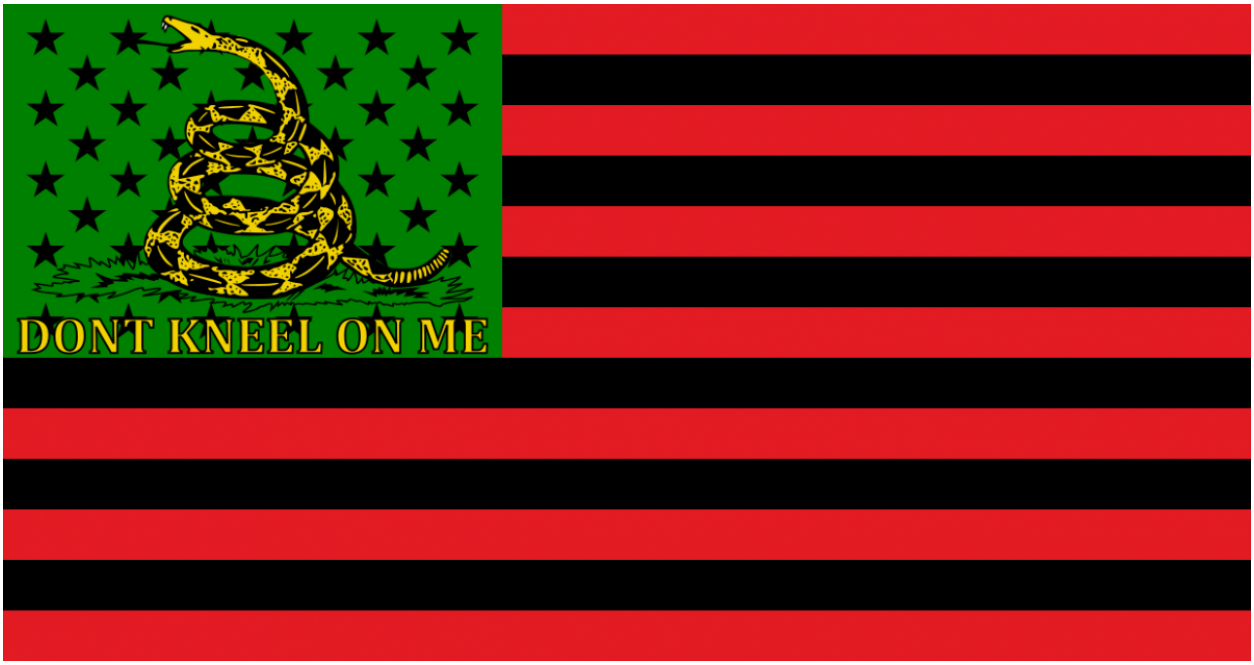
- The **Rainbow flag** is the symbol of LGBTQIA rights (Who Made the Rainbow Flag?);
- The **Juneteenth flag** commenerates June 19, 1865, the day slaves in Texas learned they were free;
- The **National Women's Suffrage Congressional Union flag** was created by Alice Paul and Lucy Burns to support more aggressive protests for women's rights; and
- The **United Farm Workers Black Eagle Flag** became a banner for Latino and Latina rights, heritage, and culture.

### Suggested Learning Activities

- **State Your View:** What does a flag, monument, or memorial mean as a national symbol?
  - Explore the *resourcesforhistoryteachers* wiki page National Symbols, Flags, Phrases and Songs
  - EDSITEment article Stars and Stripes Forever: Flag Facts for Flag Day
    - What does the American flag mean to you?
- **Design a Flag, Monument, or Memorial for a Cause or an Issue You Care About**
    - What would your flag mean to the groups it was created for?
- **Analyze Song Lyrics about the Flag**
  - Go to the Patriotic Melodies Collection from the Library of Congress to access songs about America and the flag
  - How is America and the flag represented in these songs? What emotions are the songs seeking to inspire in listeners? (Flag Day Learning Plan from the National Council of Teachers of English)
    - Write Your Own Song to Inspire Change

## 3.1. ENGAGE: Is Kneeling During the National Anthem an Effective Form of Political Protest?

In the weeks that followed the killing of George Floyd by Minneapolis, Minnesota police officers on May 25, 2020, hundreds of thousands of Americans marched and knelt to speak out against police brutality and systematic racism.




"DONT KNEEL ON ME"by Stateriotismx is licensed under CC0 1.0

Throughout the rest of 2020, professional and amateur athletes, entertainers, politicians, and

everyday citizens continued kneeling at different public events, prompting sharp opposition from then President Donald Trump and his political supporters who sought to portray kneeling as disrespecting the American flag.

Kneeling also became a form of protest following the January 6, 2021 Insurrection at the Capitol. Then in February, 2021, the president of Bluefield College, a small private Baptist school in southwest Virginia, suspended the players of the school's basketball team for kneeling during the national anthem, causing a forfeit of the game, adding a loss to the team's record, and potentially preventing the team from getting into a post-season tournament (A College Basketball Team Protesting the Capitol Riot. Its President Then Forced It to Forfeit,*The Washington Post*, February 13, 2021).

The suspension was a culmination of an ongoing dispute between student athletes and the school administration. Players had knelt previously before games, and had been warned not to do so by the college president who contended that since the players wore the college name on their jerseys they were speaking not just for themselves, but for the college as an institution. For two games, the players remained in the locker room during the playing of the national anthem, to which the college president objected. The president suggested the players kneel before the game's opening tip-off, a proposal that the players rejected. Both sides seemed unable to resolve their differences.

Do you think the college president's actions violated the students rights or can a private institution impose whatever rules it chooses on expressions of political protest? What is the role of the media in this case; e.g., if the athletes kneeling during the national anthem had not been shared widely on social media, would they have been suspended?

It is generally accepted that students in public schools cannot be required to say pledge of allegiance or salute the flag, but what are the rights of public school students who wish to engage in political protest by kneeling during the national anthem before games or other school events?

**The Law**

Based on the law as it stands today**,**

- Students who refuse to stand for the Flag Salute or the National Anthem to make a political statement or because of religious beliefs **ARE exercising their rights of free expression** (learn more Flag Salute – Rights of Students and Schools)**.**
- Students **CANNOT** be punished for kneeling, sitting, or taking other actions during the National Anthem as long as their actions do not substantially impact the operation of the school (see: Students Not Required to Participate in the Pledge of Allegiance, ACLU Oregon).

Recalling the history of protest, the flag and the national anthem is important to understanding these issues. Kneeling is a powerful form of symbolic political speech, and as journalism professor Stephen D. Solomon (2016) has noted, it is part of a long tradition of symbolic political speech that goes back to the American Revolutionary era's use of effigies, pamphlets, songs, cartoons, and liberty trees to express opposition to the British control over the colonies.

**Athletes and Protests**

The recent use of kneeling as a form of political protest during the national anthem began August 2016 when San Francisco 49ers quarterback **Colin Kaepernick chose to kneel rather than stand**

**during the national anthem** before a football game. He was demonstrating against discrimination and oppression against African Americans and other minorities (Colin Kaepernick protests anthem over treatment of minorities).

There is a long history of professional and amateur athletes speaking out about social issues, including Jackie Robinson, Althea Gibson, Jim Brown, Bill Russell, Billie Jean King, and Muhammad Ali (Wulf, 2019; Wiggins, 2018). You can learn more about the role of protest in sports history at our Integration of Professional Sports wiki page.

In recent years, players from the NBA, WNBA, NFL and other sports league have engaged in protests including wearing politically-themed shirts during warm-ups and expressing their views on social media platforms. The **Players Coalition**, founded in 2017 by former pro football players Anquan Bolden and Malcolm Jenkins, seeks reform in the areas of police and community relations, criminal justice reform and education, and economic advancement for poor people.

In June 2020, NBA superstar **LeBron James** together with other Black athletes and entertainers formed More Than A Vote, an organization intended ot promote and protect voting rights in the United States. Finishing the 2019-2020 season in a bubble environment in Orlando, Florida, NBA players wore Black Lives Matter t-shirts and conveyed messages of social justice and outrage against violence toward African Americans on their basketball shoes. 2020 U.S. Open women's tennis champion **Naomi Osaka** wore seven different masks to her matches to honor Black victims of violence; "I feel like the point is to make people start talking," she said in a post-championship winning interview on ESPN ("Masked or Not, a Superstar Finds Her Eloquent Voice," *The New York Times Sports*, December 20, 2020).

As Black Lives Matter protests continued throughout the early summer, the National Football League reversed course and announced it supported players "taking a knee" during the national anthem - NFL Commissioner Says The League Was Wrong To Not Listen To Players About Racism (June 5, 2020).

Not every sports organization or league welcomes political activism by athletes. In advance of the 2020 Olympic Games in Tokyo, the International Olympic Committee issued a ban on political protests at Olympic sites. While athletes are allowed to make statements during press conferences, media appearances, and on digital and traditional media platforms, during events or medal ceremonies, they cannot display any political messaging (including signs or armbands), make gestures of a political nature (like kneeling), and refuse to follow the Ceremonies protocol (IOC Athletes' Commission, 2020).

A famous political protest during the Olympics came at the 1968 Mexico City games by American sprinters **Tommie Smith and John Carlos** who went barefoot on the podium, bowing their heads during the playing of the national anthem while raising a fist with a black glove (see Olympic Athletes Who Took a Stand by Smithsonian Magazine). For their actions, both runners were stripped of their medals, suspended from the team, and banned from the Olympic Village.

It took 51 years, but Smith and Carlos were inducted into the U.S. Olympic and Paralympic Hall of Fame in 2019. The official induction citation states Smith and Carlos "courageously" stood up for racial equality (Fung, 2019).

Political Protest by Tommie Smith and John Carlos at the 1968 Mexico City Olympic Games, Public Domain

## Suggested Learning Activities

- **State Your View:** Is sitting or kneeling during the national anthem an effective form of political protest?
    - What are the positives and what are the drawbacks of these actions?
        - Refusing to Stand for the National Anthem: Top 3 Pros and Cons, ProCon.org
        - Taking a Knee: The Rights of Students to Peaceful Protest, ACLU Oregon
        - #TakeaKnee: Guidance for Principals on Free Speech at Athletic or Other School Events, Association of Wisconsin School Administrators
    - Does sitting or kneeling for the National Anthem materially and substantially interfere with the operations of a school?
        - The *Tinker v. Des Moines Independent Community School District* case established that schools may limit student expression only if it materially and substantially interferes with the operations of the school.

- **Compare and Contrast Protest Policies**
    - What are the policies about political protests for the National Football League, the National Basketball Association & Women's National Basketball Association, Major League Baseball, National Hockey League, NASCAR, National Collegiate Athletic Association, U.S. Soccer Federation, and Major League Soccer?
        - How National Athem Rules Differ Across Sports Leagues, ESPN, May 2018
    - Write a draft Protest Policy for your school.

- **Analyze a Primary Source:** "Lift Every Voice and Sing"
    - Listen to gospel and hip hop versions of this poem/song by James Weldon Johnson was performed for the first time on Abraham Lincoln's birthday in 1900.
        - Why is this called the "Black National Anthem?"
        - How does the song express values of freedom, justice and equality?

- **Design a Protest-Themed Sneaker or T-Shirt**

## Online Resources for the Flag-Related Court Cases

- **Key Supreme Court Cases about the Flag Salute**
    - ***Minersville School District* v. *Golitis*** (1940)
        - In its first decision on the flag salute, the Court said in an 8 to 1 decision that it is in the interest of national unity to allow school boards to require students to salute the flag.
    - ***Texas* v. *Johnson*** (1989)
        - Court held 5 to 4 that an individual has a right to burn the flag under the First Amendment free expression clause.
    - ***West Virginia State Board of Education* v. *Barnette*** (1943)
        - In a landmark case, the Court reversed its earlier opinion and held 6 to 3 that students are protected from having to salute the flag or recite the Pledge of Allegiance through the free exercise clause of the First Amendment. The Court stated "compulsory unification of opinion" is antithetical to First Amendment values.
        - In a famous statement, the Court wrote: “If there is any fixed star in our

constitutional constellation, it is that no official high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."

- **Standing and Reciting the Pledge**
  - The Supreme Court on the Pledge from Rethinking Schools.
  - 5 Facts about the Pledge of Allegiance from the Pew Research Center (September 4, 2013)
  - Flag Statute - Rights of Students and Schools

## 4. INVESTIGATE: Rights in Conflict: School Prayer

In the case, *Engel v. Vitale* (1962), the Supreme Court ruled that requiring prayer in public schools at the start of the day was a violation of the First Amendment's establishment clause that prohibits the interconnection of church and state. The state cannot hold prayers in public schools, the Court said, even if participation is not required and the prayer is not tied to a particular religion. Read a summary of the case from PBS American Experience.

Students Recite Lord's Prayer in 1963
Source: Laister / Stringer

Religion has always been an area of dispute in United States history. But the founders, and Thomas Jefferson in particular, intended to establish freedom of religion as a core principle of American life and that a **wall of separation** would exist between religion and government. In 1802, Jefferson wrote: "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State" (Letters between Thomas Jefferson and the Danbury Baptists).

While debates over school prayer and religion in schools continue today, religion's place in United States society has changed quite significantly. While 70% of Americans identify as Christian, nearly one in four adults say they are not affiliated with any religion, while another 5% are members of non-Christian faiths (Religious Landscape Study, Pew Research Center, 2020).

### Suggested Learning Activity

- **Research & Present**
  - Select one of the Supreme Court Cases regarding prayer in education from Religious Liberty: Landmark Supreme Court Cases.
  - Research and examine how the Supreme Court decision made a significant change in citizens' lives.
  - Create a presentation, video, or podcast that informs others about the key discussions and decisions regarding the Court case you selected.

### Online Resources for School Prayer and Religion Court Cases

- The Establishment Clause and the Wall of Separation, The First Amendment Encyclopedia
- Introduction to the Establishment Clause
- The Establishment Clause and the Schools:  A Legal Bulletin, ACLU
- The Two Religion Clauses, from Teaching American History.org reviews the religion debates of the First Congress

## 5. INVESTIGATE: Rights in Conflict: National Security

The U.S. Naval Station at **Guantanamo Bay**, Cuba (widely known as "Gitmo") was established in 1903 after an American invasion of the island during the Spanish-American War. The land for the base was granted to the United States by the Cuban Constitution of 1902.

For most of the 20th century, the naval base served as a coaling station, a ship repair facility, a launching point for supplies during World War II, and a hurricane relief distribution center. Following the September 11, 2001 attacks on the World Trade Center and the Pentagon, the base **became a prison for suspected terrorists** (Schwab, 2009).

Camp Delta (holding facility for detainees held at Naval Base Guantanamo Bay, Cuba), Public Domain

Since 2001, **some 780 men from 35 countries have been held at the base**. President Barack Obama ordered the detention facilities closed in 2009, although 40 individuals still remain detained at the site (see 40 Current Detainees: The Guantanamo Docket).

In ordering the closure of the prison, President Obama stated that conditions and practices there were "contrary to our values" (Remarks by the President on Plan to Close the Prison at Guantanamo Bay, February 23, 2016, para. 3). Reporters documented exceedingly harsh enhanced interrogation techniques used there, including solitary confinement, physical mistreatment, and other human rights violations. Detainees have not been afforded constitutional rights to fair trials under the military commission system used at the base.

Defenders of practices at the facility cite threats to the nation posed by terrorists, asserting that in times of war or national emergency, some rights and liberties for individuals must be suspended to protect the larger national interests.

### Suggested Learning Activity

- **State Your View**
  - Discuss & Debate: Should terrorism suspects have the same civil rights and civil liberties as American citizens?
    - Debate Which Civil Liberties Should Be Provided to Those in Prison at Guantanamo, from PBS
    - Guantanamo Bay at 10: A Debate about Military Detention, Morningside Center for Teaching Social Responsibility

## 6. INVESTIGATE: Rights in Conflict: Gun Control

**Gun Control** and **Gun Rights** are one of the most bitterly contested issues in the United States today. Millions of dollars are spent by advocacy groups supporting or opposing limitations of gun sales, background checks, assault weapon bans, and other measures.

The statistics related to guns, gun violence, and mass shootings are stark. Americans own nearly half

of all the guns in the world. There are 33,000 gun deaths every year, of which two-thirds are suicides. 85% of suicide victims are males. The remaining gun deaths are homicides (assaults by people and shootings by police officers). In two-thirds of these cases, the victims are young black males. You can explore the data using an Interactive Graphic of Gun Death in America.

**Current Flag of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)**
Image on Wikimedia Commons/Public Domain

The United States is experiencing an alarming number of mass shootings. As of 2019, there have been 114 mass shootings in the past four decades and most of the shooters got the guns they used legally (Follman, Aronsen & Pan, 2019a). Of the guns used in these shootings, 48 would have been outlawed if there had been a national ban on assault weapons (Follman, Aronsen & Pan, 2019b).

People across the country are divided as to how to preserve the rights of gun owners while curbing access to rifles, revolvers, shotguns, semi-automatic handguns, assault rifles, and other weapons of war. The meaning of the Second Amendment to the Constitution is at the center of the debates around guns.

Historian Heather Cox Richardson ("Letters from an American," March 23, 2021) has observed that when the Second Amendment was written, the phrase "the right of the people to bear arms" meant being part of an organized militia. The idea that the Second Amendment gives individuals a sweeping right to own guns has emerged from two notable historical developments: 1) the formation in 1871 of the National Rifle Association (NRA), and 2) the emergence at the beginning of the 20th century of

rifle shooting as a popular sport. The NRA became a leader in promoting guns as a sporting endeavor.

In the 1970s, however, the NRA moved away from focusing on guns for sport toward aggressively promoting gun rights while stridently opposing gun control legislation. The NRA's political power and budget for lobbying (with huge funding from gun and ammunition manufacturers) grew during the presidency of Ronald Reagan, even though Reagan himself was wounded in an attempted assassination attempt in 1981.

Since then oppoisition to gun regulation has become a powerful political talking point for Republican candidates known as Movement Conservatives - individuals from the wing of the Republican Party that opposes business regulation and government-funded social welfare programs. That viewpoint won a significant Supreme Court victory in Printz v. United States (1997) when the justices by a 5 to 4 margin ruled that it was unconstitutional for the federal government to require states to perform background checks for gun purchases.

In 2008, the Supreme Court's decision in *District of Columbia v. Heller* expanded individuals' rights to own guns at home for private uses. In 2016, the NRA was the largest outside group contributor to the Trump presidential campaign.

## Suggested Learning Activities

- **Evaluate Both Sides**
    - Review the Second Amendment Court Cases:
        - How the Court Has Historically Ruled on Gun Control
        - Supreme Court Cases on the Right to Keep and Bear Arms
        - *District of Columbia v. Heller* (2008)
            - Court in a 5 to 4 vote upheld the right of individuals to own guns under the Second Amendment, finding the District of Columbia's ban on owning handguns unconstitutional.
        - *Caetano v. Massachusetts* (2016)
            - Supreme Court case in which the Court unanimously vacated (overturned) a Massachusetts conviction of a woman who carried a stun gun for self-defense.
        - *McDonald v. City of Chicago* (2010)
            - Supreme Court case that found that the right of an individual to "keep and bear arms" is incorporated by the Due Process Clause of the Fourteenth Amendment against the states.
    - Discuss & Debate: Does the Second Amendment establish a collective right for armed groups or an individual right for people to possess firearms?
        - Second Amendment Speech by a former Green Beret.
        - Second Amendment TED Talk by William Harwood

## Online Resources for Gun Control Laws and Second Amendment Court Cases

- Machine Guns & 50 Caliber, from Giffords Law Center
- Question After Orlando: Are Assault Rifles Banned? No, Only Fully Automatic are Basically Prohibited, Politifact (June 20, 2016)

- 145 CEOs Call on Senate to Pass 'Common-Sense, Bipartisan' Gun Laws, NPR (September 12, 2019) (Includes text of the letter sent to the Senate)
- **Second Amendment Sanctuary Resolutions**
  - The Right's Latest Tactic on Gun Laws? Just Don't Enforce Them. *Rolling Stone* (May 28, 2019)
  - Text of Proposed Logan County (Colorado) Second Amendment Sanctuary Resolution (2019)

## 6.1. ENGAGE: What Steps Should Communities and Governments Take to Reduce Gun Violence?

Assault weapons bans, universal background checks for all gun purchases, red flag laws (or extreme risk protection orders), gun buyback programs, and mandatory waiting periods are among the current proposals for reducing gun violence in the United States. Each has generated strenuous debate between proponents and opponents.

The **National Firearms Act of 1934** was the country's first national gun control legislation. It regulated fully automatic weapons, suppressors, short-barreled rifles and shotguns, and destructive devices such as bombs or grenades. Since 1934, there has been the following legislation:

- Federal Firearms Act of 1938
- Gun Control Act of 1968
- Firearms Owners' Protection Act of 1986
- Brady Handgun Violence Prevention Act of 1993
- Federal Assault Weapons Ban of 1994 (expired 2004)
- Protection of Lawful Commerce in Arms and Child Safety Lock Act (2005)
- National Instant Criminal Background Check System Improvement Amendments Act (2007)

Learn more about these acts from the Federal Acts Regulating Firearms article by the Giffords Law Center.

### Suggested Learning Activity

- **Propose Public Policy Action**
  - What laws and policies should communities and governments enact to reduce gun violence?
  - What are current proposals for reducing gun violence?

## Standard 5.6 Conclusion

Significant Supreme Court decisions known as landmark cases make huge changes in people's lives, expanding their protections and freedoms under the law. **INVESTIGATE** looked at cases where the Court changed its interpretations of a) First Amendment freedoms; b) the due process and equal protection clauses of the 14th Amendment; and c) cases involving the Pledge of Allegiance, school prayer, national security, and gun control where the rights of individuals may clash with the needs of larger society. **UNCOVER** reviewed the impact of the *Tinker v. Des Moines* decision in light of the

larger topic of student rights in schools. **ENGAGE** asked whether students have a right to sit during the Pledge of Allegiance or kneel during the National Anthem and asked what steps communities can take to end gun violence.

Topic 6

# The Structure of Massachusetts State and Local Government

Map of Massachusetts Counties, licensed under CC BY-SA 3.0

## Snapshot of Topic 6

### Supporting Question

- What is the role of state and local government in the U. S. political system?

### Massachusetts Standards [8.T6.1-6]

1. Functions of State and National Government
2. Distribution of Powers in the United States and Massachusetts Constitutions
3. Enumerated and Implied Powers
4. The Protection of Individual Rights
5. The 10th Amendment
6. Identify additional protections provided by the Massachusetts Constitution

7. Responsibilities of Government at Federal, State and Local Levels
8. Leadership Structure of Massachusetts Government
9. Tax-Supported Facilities and Services
10. Major Components of Local Government

## Topic 6: The Structure of Massachusetts State and Local Government

Topic 6 explores the roles of state and local government in Massachusetts and around the nation.

**State government** refers to the institutions that provide government for an entire state - its governor, legislature, and state's court system. There are a total of **7,383 state legislative seats** in the country, and the Republican and Democratic Parties are engaged in an intense competition to control those decision-making bodies. One party or the other controls every state legislature except one - Minnesota - for the first time since 1914 (All or Nothing: How State Politics Became a Winner-Take-All World, Governing, January 2019).

**Local government** refers to the people that run cities and towns, including mayors, select boards, city councils and town meetings.

Massachusetts is considered a **commonwealth** because it appeared in the state's constitution in 1780 (the states of Kentucky, Pennsylvania and Virginia are also commonwealths). Being a commonwealth does not define any superior status to other states that are not a commonwealth, but when originally used it simply meant to describe **a state of people**. Commonwealth was coined to describe dependencies of the British Empire, with the monarch seen as the head of the commonwealth. Like the term commonwealth, many counties and towns of Massachusetts are directly referenced from England, the most obvious larger example is "New England."

While Topic 6 has information specific to Massachusetts (such as the Massachusetts Constitution and the leadership structure of the state's government), most of the following standards focus on the functioning of state and local governments throughout the U.S. political system. Our modules explore interactions between federal, state and local government in the context of the challenges brought on by the digitial revolution, the Trump Presidency, and the COVID-19 pandemic.

# 6.1

# Functions of State and National Government

## Standard 6.1: Functions of State and National Government

*Compare and contrast the functions of state government and national government.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.1]**

Massachusetts State House in Boston by Torrey Trust, Licensed by CC BY-SA 3.0

# FOCUS QUESTION: What are the Powers and Functions of State and National Government in our Political System?

**Federalism** is a political system in which two or more governments share authority over the same geographical region. In the United States, the state government and federal government share power. The federal government makes policies and implements laws on a national level while state governments do the same for their region of the country. You can learn more about Federalism in the United States political system in Topic 3 - Standard 1 in this book.

### Modules for this Standard Include:

1. INVESTIGATE: The Powers of State and National Government and the Tensions Between Them
2. UNCOVER: Native American Tribal Governments
   MEDIA LITERACY CONNECTIONS: Evaluating Native American Mascots and Logos
3. ENGAGE: Should More States Adopt Part-Time Citizen Legislatures?

# 1. INVESTIGATE: The Powers of State and National Government and the Tensions Between Them

The functions of state and national government in the United States are based on the principle of **Separation of Powers**. A **power** is the legal right of the executive, legislative, or judicial branch of a government to take action.

In this country, state and national (or federal) governments have specific and separate powers. The national government can do things that the states cannot and the states can do things that the national government cannot. The list below compares the powers of national and state governments.

- National Government Powers:
  - Make currency.
  - Declare wars.
  - Create military branches.
  - Sign treaties with foreign nations.
  - Regulate interstate and international commerce.
  - Make post offices and stamps.
  - Make laws to support the Constitution.
- State Government Powers:
  - Establish local governments.
  - Issue licenses for marriage, driving, hunting, etc...
  - Regulate commerce within the state.
  - Conduct elections.
  - Ratify amendments.
  - Support the public health of the citizens.
  - Set laws for legal drinking and smoking ages.
  - Create state Constitutions.
  - Any power not specifically given to the national government.
    Link to the table.

However, there are some powers that both governments share concurrently, such as:

- Creating courts
- Starting and collecting taxes
- Building highways
- Borrowing money
- Creating banks
- Spending money to better the people
- Condemning private property with reason

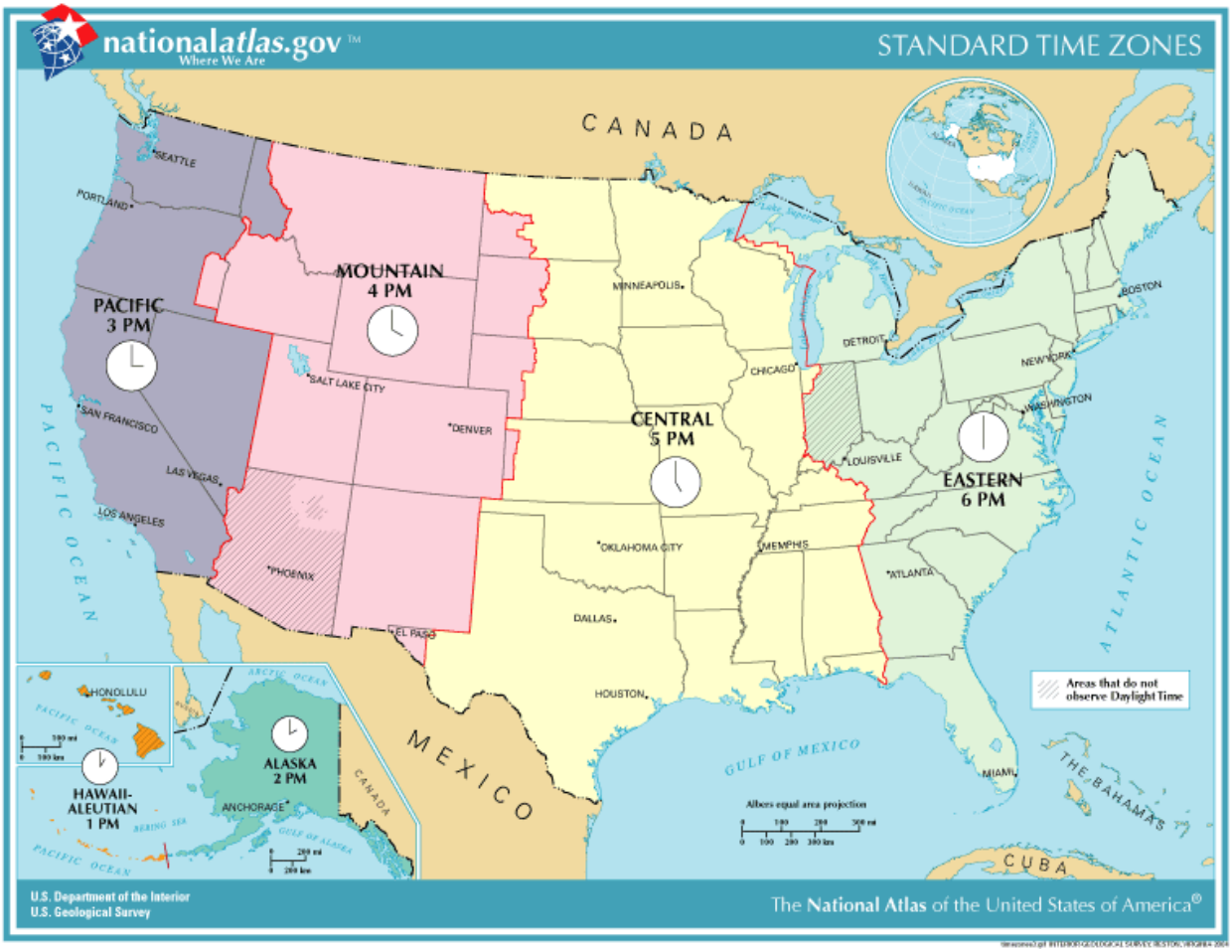
To learn more about the separation of powers, watch the TED-Ed Video: How Is Power Divided in the U.S. Government?

Watch on YouTube https://edtechbooks.org/-aqk

The separation of powers between the state and federal government is not clear cut and leads to tensions and disputes between the different levels of government. The creation of time zones and daylight saving time and current government responses to the COVID-19 pandemic are two revealing historical examples of those tensions. In the first example, the federal government acted, but many states and local communities were reluctant to comply; in the second instance, the state government acted, but the federal government was, in many instances, not willing to support those decisions.

### Time Zones and Daylight Saving Time

For the first half of United States history, time was measured locally by the position of the sun in the sky. Clocks in one town were not the same as in other towns (A Walk Through Time: The Evolution of Time Measurement Through the Ages).




United States Time Zones
Credit: United States Department of the Interior/Public Domain

The rise of the railroads forced a change in how time was measured and communicated. Trains needed to run on fixed schedules so engineers would know where other trains were on the same tracks. At 12 noon on November 18, 1883 (the Day of Two Noons), major railroads in the U.S. and Canada began operating based on agreed upon time zones that established a standard time across the country, varying by one hour per time zone from coast to coast. Interestingly, time zones did not become a federal law until the passage of the Standard Time Act of 1918. With that legislation, the regulation of time zones became a function (or power) of the federal government and not a matter of state or local control.

With time zones came the concept of **Daylight Saving Time** which was instituted and repealed more than once between 1918 and 1966. There was federally-mandated daylight saving time for 7 months in 1918 and 1919 and again during World War II. There was no federal law about time between 1945 and 1966.

The Uniform Time Act of 1966 created daylight saving time across the nation, **except for the states of Arizona and Hawaii that did not adopt it**. The Navajo nation whose tribal lands fall within Arizona's borders did adopt daylight saving time. In 2020, 32 states are now considering moving to permanent Daylight Saving Time (track state daylight saving time legislation here). One historian has

connected the push for more daylight saving time to corporate desires to sell products that Americans can use during the extra hours of afternoon daylight (Downing, 2006).

Time zones and Daylight Saving Time are just one of many areas where the powers of federal and state governments may overlap and potentially conflict. Currently there are state and federal disputes over responses to the COVID-19 pandemic, health care (the Affordable Care Act or Obamacare), education (the Common Core), environmental regulations including air pollution standards, immigration policies and sanctuary laws, selling of federal lands, and coastal state rights to submerged lands and their natural resources, to name just a few. Each can be studied as examples of the evolving relationship between federal and state governments.

For more, read Who Really Benefits from Daylight Saving? New York Public Radio.

## Teacher-Designed Learning Plan: Government Power and the Pandemic

**Government Power and the Pandemic** is a learning plan developed by Amy Cyr, a middle school social studies teacher in the Hampshire Regional School District, Westhampton Massachusetts. It addresses a Massachusetts Grade 8 curriculum standard as well as Advanced Placement (AP) Government and Politics unit.

This activity can be adapted and used for in-person, fully online, and blended learning formats.

- Masschusetts Grade 8
    - Topic 6.1: Compare and constrast the functions of state and national government
- Advanced Placement: United States Government and Politics
    - Unit 1.7: Relationship between States and the Federal Government

**Introduction to the Activity**

In spring and summer 2020, as the coronavirus pandemic raged in the United States, serious disagreements arose between local, state, and federal government leaders about how to respond to the crisis.

Use the interactive chart to assess who has - and who should have - the power to act in a pandemic. Read each scenario, record your initial reactions, and then research and record your final answer in the right hand column of the matrix.

**Link to Table 6.1.2  Government Power and the Pandemic Matrix**

- **Scenario**
    - As the first wave of coronavirus cases spiked in March 2020, governors and members of Congress urged the President to invoke the Defense Production Act of 1950 (DPA) to require private companies to prioritize government orders for N95 respirator masks, ventilators, and protective equipment. The Presidency initially resisted, then issued limited DPA orders. Who has the power?
    - As the COVID-19 pandemic worsened, state governors around the country issued “shelter-in-place” or “stay-at-home” orders. The President refused to issue a national order, citing constitutional problems with a federally mandated lockdown. The President further claimed he alone had the power to reopen states. Who has the power?
    - On April 11th, 2020 New York City Mayor Bill De Blasio said that all NYC schools would

be closed for the remainder of the 2019-2020 school year. However, New York Governor Andrew Cuomo said that the decision was his. Who has the power?
    - Places of worship were amongst the many establishments closed by governors across the country as the pandemic struck. On Friday, May 22, 20202, President Trump asked that places of worship be opened to the public. Who has the power?
    - On Tuesday, May 26th, 2020, President Trump tweeted that mail-in ballots would be fraudulent. That same afternoon, Twitter added a warning message that read, “Get the facts about mail-in ballots.” Does Twitter have this power?
- **Questions for each scenario**
    - Who has the power?
      What do you think?
    - Record Evidence. Write down what you learn from your research.
    - Final Answer? Who has and who should have the power?

### Suggested Learning Activities

- **Create a Visual Representation of Different Powers of the State and National Government**
    - Choose any digital tool to design a visual representation (e.g., mindmaps, slideshows, memes, infographics, stop motion animation videos).

- **Debate** (in class or on Flipgrid)
    - If the powers shared by the state and national government (e.g., building highways, borrowing money) had to be separated between the two institutions, which powers should go to the state government and which ones should go to the national government?

- **Develop a Public Policy Proposal**
    - Make the case for and against permanent Daylight Saving Time and share your proposal on a school or class website or social media platform.

### Online Resources for the Powers of State and National Government

- How the Constitution's Federalist Framework Is Being Tested by COVID-19, *Brookings* (June 8, 2020)
- Learning Plans:
    - Federalism and Lawmaking: Claim Your Powers State vs. Federal Government
    - Separation of Powers: What’s for Lunch?

## 2. UNCOVER: Native American Tribal Governments

There are 573 federally recognized Indian Tribal Nations in the United States today—229 are located in Alaska; the rest are in 35 other states. Taken as a whole, the land of American Indian nations would be the country’s fourth largest state.

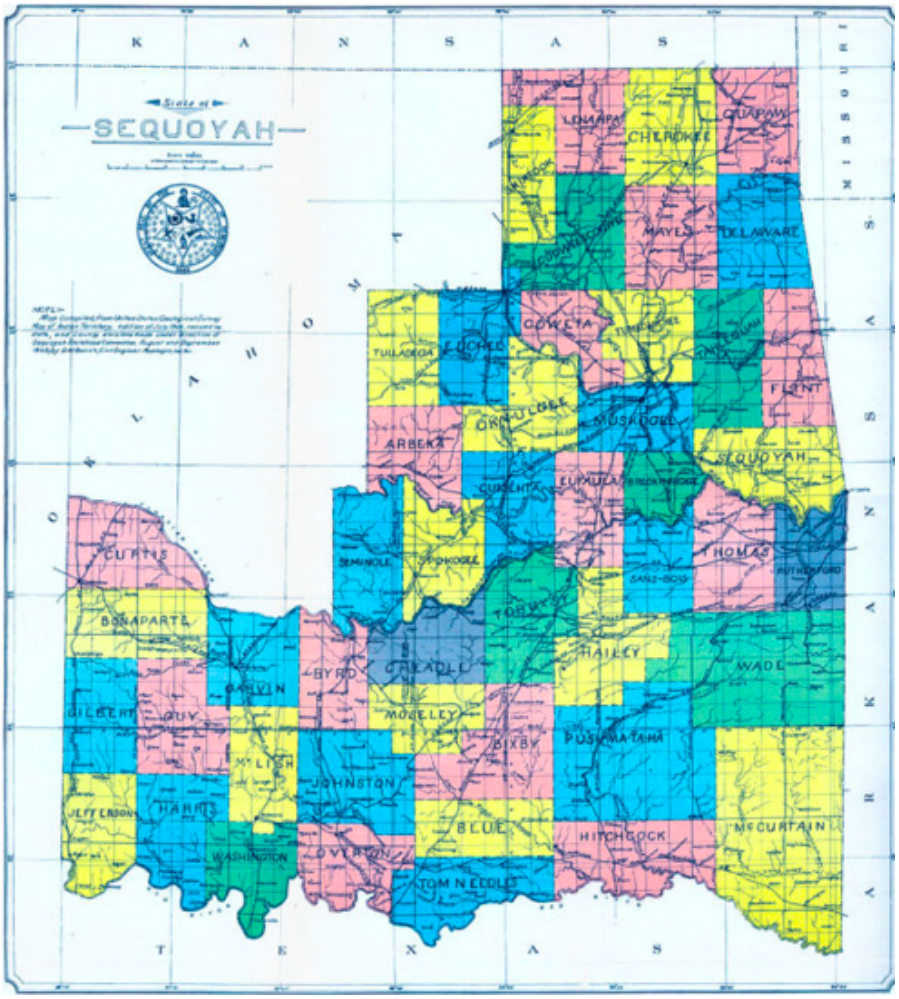
Otoe Tribal Seal, by Nathan Soliz, licenced under CC BY-SA 2.0

Each tribal nation is recognized as a **sovereign (meaning self-governing)** entity by the United States Constitution, Article 1/Section 8:

> "The Congress shall have the power to . . . regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

The Supreme Court reaffirmed that principle in its decision in *Worcester v. Georgia* (1832) when it declared "Indian Nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil … The very term 'nation,' so generally applied to them, means 'a people distinct from others.'"

**Each tribal nation has its own government** with the power to pass laws, operate police departments and courts, provide education and other social services, and build roads, bridges, and other public facilities (Tribal Nations and the United States: An Introduction, National Congress of American Indians, 2019).




Sequoyah map by D.W. Bolich | Public Domain

**Sequoyah, the U.S. State That Almost Existed** is a fascinating hidden history/untold story of Native-American governed communities. In 1905, American Indian leaders held the Sequoyah Statehood Convention in which they proposed that lands that are now part of central and eastern Oklahoma become a native-governed U.S. state. The territory had a large population of native people whose ancestors had been dislocated from their homelands in the southeastern United States between 1830 and 1850 by the Indian Removal Act, an event known as the Trail of Tears.

The Sequoyah Convention drafted a Constitution with a Bill of Rights and proposed the structure of a native state government, but the proposal was never voted on by Congress. Instead, Oklahoma which had been formerly opened to White settlement in 1889, became the 46th state in 1907; today 13.5% of the state's population is American Indian and Alaska Native, the second highest of any state in the nation. In 2020, the United States Supreme Court declared that much of eastern Oklahoma is an Indian reservation (McGrit v. Oklahoma).

Learn more at Remembering the State That Never Was, from Oklahoma Center for the Humanities (August 31, 2018).

### Media Literacy Connections: Evaluating Native American Mascots and Logos

Watch on YouTube https://edtechbooks.org/-zQC

In 1933, the Washington Braves NFL football team changed their name to the Washington Redskins. In 2020, facing increasing public pressure over its racially-themed mascot and logo, the team is planning to change their name again and drop the use "redskins." As a placeholder, they are called the Washington Football team. What do you think their new team name should be? How can their new name/image rectify their previous culturally insensitive history? Does it matter that other professional sports teams have similar names (Kansas City Chiefs, Cleveland Indians, Atlanta Braves) and high schools across the country still use Native American symbols and images?

The Washington football team name change was done by a private business. The issue at the level of state and local government remains a matter of open policy debate. By the end of 2020 and despite a number of name changes in response to the Black Lives Matter Movement, 26 communities in Massachusetts, the most in New England, still have a Native American mascot at their school. A bill to prohibit the use of Native American Mascots in public schools has been introduced in the Massachusetts Legislature. Multiple states have laws or resolutions prohibiting or limiting Native American mascots in public schools: Maine, Oregon, California, Wisconsin, Minnesota, Washington, New York, New Hampshire, and Michigan (MA Indigenous Legislative Agenda).

What steps do you think state and local governments might take to combat racial/cultural stereotypes and promote fully inclusive histories of indigenous peoples?

**Activity: Analyze Native American Mascots and Logos in the Media, Locally, and Nationally**

- **Step 1: Explore**
  - What public schools and colleges still have Native American mascots or logos in your region?

- How are Native American mascots and logos used on school websites and social media posts?
- How do national sports team or product manufacturers use Native American imagery and symbols?

- **Step 2: Critically Evaluate**
  - Select 1 Native American logo from a school or sports team to analyze.
    - Who designed logo?
    - What is the background of the logo (why is it designed the way it looks)?
    - What bias does the designer present about Native Americans based on their design?
    - Do you think Native Americans were consulted during the design of this logo? Why or why not?

"Flagstaff Sinagua HSJROTCSSI" | Public Domain

- **Step 3: Redesign New Logos Honoring Native Peoples**
  - Before it was closed in 2010, Sinagua High School in Flagstaff, Arizona were known as the Mustangs. The shoulder sleeve insignia/logo for the school's JROTC featured a mustang in the center with a row of mountains in the background symbolizing the San Francisco Peaks, one of the state's highest landmarks and sacred ground to local indigneous people. The logo honored Native peoples as well as the school's nickname.
  - Propose a design for school logos in your community or state that would honor indigneous people.
    - What features of native culture and life would you illustrate?
    - How would your logo design support culturally relevant learning for students and community members?

**Additional Resources:**

- For Teachers:
  - Native American Heritage Sites, National Park Service
  - Impact of American Indian on American Culture (Wiley)
- For Students:

- I am Native American and a Former Football Player. Our History is Much Darker than Racist Mascots, *Vox* (July 19, 2020).
- Indians, Braves and Chiefs: what now for US sports' other Native American names?
- School Mascots as a Native American Stereotype (Yale Insights)

## Suggested Learning Activity

- **Analyze First American History in Your Community**
  - Explore how Indigenous people in your area are represented online.
    - Where did the names of local towns, rivers, and other landmarks come from?
    - How does the local news represent Indigenous people?
    - Are there monuments or memorials to Native Americans in the community? What messages do these artifacts convey about history?
  - Develop a proposal to submit to your local or state government to combat stereotypes and/or promote more inclusive histories. You could propose a design for a First American monument, rename a road or a building, expand a school curriculum, or something else.
- **Research Native American Tribal Governments in New England**
  - Tribes have developed their own tribal constitutions, expressing in writing the rights, values, and laws of tribal members
    - Mashpee Wampanoag Tribe Constitution (Massachusetts)
    - Passamaquoddy Tribe Constitution (Maine)
    - Penobscot Tribal Code (Maine)
    - Mashantucket Pequot and Mohegan Tribe Constitutions (Connecticut)
    - The Constitution of the Iroquois Nations
      - (State by State Native American Tribal Constitutions)
  - In groups, select a Native American tribe in New England and collaboratively create a multimodal presentation on Google Slides about the tribe's constitution.
- **Sketchnote or Create a Digital Poster about a Dramatic Event in Native American History** from one of the following pages on the *resourcesforhistoryteachers wiki*:
  - Cahokia and Etzanoa, Pre-Contact Native American Cities
  - The Pueblo Revolt of 1680
  - English Settlers and Native Peoples
  - The Trail of Tears
  - Westward Expansion and Native Americans
  - Mount Rushmore and Native Americans
  - Native American Rights Movement

## Online Resources for Native American History

- Learn more about the status of Indian tribes in the country today from Frequently Asked Questions from the Bureau of Indian Affairs.
- Book: The Indian World of George Washington: The First President, The First Americans, and The Birth of the Nation. Colin G. Calloway (Oxford University Press, 2018)

# 3. ENGAGE: Should More States Adopt Part-time Citizen Legislatures?

A **Citizen Legislature** is a government organization whose members are not full-time politicians. Members of citizen legislatures work on a part-time basis in addition to full-time jobs in other fields and professions.

Large states like Massachusetts, California, New York, Illinois and Florida have legislatures consisting of members whose full-time job it is to debate and enact state laws and policies. By contrast, Vermont, Maine, New Hampshire, Rhode Island and some states in the western part of the country have part-time legislatures that meet less often and have part-time lawmakers.

State House, Montpelier Vermont, by Jared C. Benedict, Licensed by CC BY-SA 3.0

The National Conference of State Legislatures organizes the 50 state legislative bodies into five major categories, ranging from full to part-time:

- Green (full-time, well-paid, large staff; average compensation $82,358)
- Green Lite
- Gray (hybrid; average compensation $41,100)
- Gold Lite
- Gold (part-time, low pay, small staff; average compensation $18,449)

Base salaries range from $107,241 in California (full-time legislature) to $200 for a 2-year term in New Hampshire (part-time legislature) (see 2018 Legislator Compensation Information).

The idea of part-time citizen legislatures has supporters and critics. Supporters believe that part-timers are more likely to remain closely connected to the communities that elect them, making government more responsive to the will of the people. Critics maintain that the responsibilities of state government are so large that full-time legislators are needed to understand the issues and develop workable solutions to pressing problems.

### Suggested Learning Activities

- **Listen & Discuss**
  - Listen to the Podcast Debating the Pros and Cons of a Citizen Legislature from Vermont Public Radio.
  - Discuss:
    - What are the advantages and drawbacks of citizen legislatures?
    - Who is more likely to respond to a single citizen or a small group about ideas for change in their community or state - a part-time or full-time legislator?

- **Civic Action/Community Engagement Project**
  - Contact your state representative about an issue (Who's my Representative)
    - Write: Use the National Education Association's guide to Writing to Your Legislators
    - Tweet/Post: See if your legislator is on social media. Write a tweet, post on their social media page, or create a short video about a community issue, upload it to social media, and tag your legislator.

### Online Resources for Citizen Legislatures

- Read Vermont's Legislative Process to learn about the workings of the Vermont legislature.
- For more, see Under the Golden Dome: The Stories Behind Vermont's Citizen Legislature: Program 10.
- Some Vermonters Can't Afford to Serve in the Citizen Legislature.
- State Legislature Session Length from the University of Vermont compares Vermont's citizen legislature to Maryland's professional one.

## Standard 6.1 Conclusion

The United States has a federal system of government (known as federalism). **INVESTIGATE** examined how powers are divided between state and national government. **ENGAGE** asked whether part-time citizen legislatures can more effectively represent people than full-time legislative bodies. **UNCOVER** explored the roles and functions of Native American tribal governments.

# 6.2

# United States and Massachusetts Constitutions

## Standard 6.2: United States and Massachusetts Constitutions

*Describe the provisions of the United States Constitution and the Massachusetts Constitution that define and distribute powers and authority of the federal and state government.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.2]**

Massachusetts Quarter, 2000, United States Mint, Public Domain)

## FOCUS QUESTION: How Does a Constitution Organize Government for People?

A **constitution** sets forth "the basic principles of the state, the structures and processes of government and the fundamental rights of citizens" (What is a Constitution? Principles and Concepts, International Institute for Democracy and Electoral Assistance, August 2014, p.1). Standard 6.2 explores the nature and structure of the United States (1788) and Massachusetts constitutions

(1780), two of the oldest governing documents in the world.

### Modules for this Standard Include:

1. INVESTIGATE: Powers and Restrictions on Powers of the Government
   MEDIA LITERACY CONNECTIONS: Writing a Constitution for the Internet
2. UNCOVER: Elizabeth Freeman (Mum Bett) and the Abolition of Slavery in Massachusetts
3. ENGAGE: Should the Government Pay Slavery Reparations for African Americans?

## 1. INVESTIGATE: Powers and Restrictions on Powers of the Government

For a government to act, it must have the power to do so. A **power** is a legal right to take an action.

Under the United States Constitution, certain powers are reserved for the federal government while others belong to state governments alone, while still other powers are shared by both. For example, the federal government has the power to mint (make) money. No other government (state or local) or private individual has the power to make its own money.

2019 Native American Dollar, United States Mint, Public Domain. Description: The coin depicts Mary G. Ross, a Native American engineering pioneer, writing one of the mathematical formulas she helped discover

By contrast, state and local governments have the power to provide education for its citizens.

Amendment X of the Constitution: Rights of the States under the Constitution (Part of Bill of Rights):

- "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people"

List 6.2a and 6.2b below shows the powers of federal and state governments.

**List 6.2a Federal Government Powers and Restrictions on Powers**

- **Powers Reserved for the Federal Government**
  - Regulate foreign commerce
  - Regulate interstate commerce
  - Regulate naturalization and immigration
  - Grant copyrights and patents
  - Mint money
  - Create and establish post offices
  - Admit new states
  - Declare and wage war, declare peace
  - Fix standards for weights and measures
  - Raise and maintain an army and a navy
  - Govern the federal city (Washington D.C.)
  - Conduct relations with foreign powers
  - Universalize bankruptcy laws
- **Restrictions on Federal Government Powers**
  - No ex post facto
  - No bills of attainder
  - Two-year limit on appropriation for the military
  - One port may not be favored over another
  - All guarantees as stated in the Bill of Rights
  - No suspension of habeas corpus, unless it is a time of crisis

**List 6.2b State Government Powers and Restrictions on Powers**

- **Powers Reserved for State Governments**
  - Establish voter qualifications
  - Provide for local governments
  - Regulate intrastate commerce
  - Provide education for its citizens
  - Maintain police power over public health and safety
  - Conduct and monitor elections
  - Maintain integrity of state borders
  - Regulate contracts and wills
- **Restrictions on State Government Powers**
  - Treaties, alliances, or confederations may not be entered into
  - Letters of marque and reprisal may not be granted
  - Contracts not impaired
  - Money may not be printed or bills of credit given out
  - No import or export taxes
  - May not wage war, unless a state is invaded

## Media Literacy Connections: Writing a Constitution for the Internet

In addition to the federal constitution, **every U.S. state and territory has its own constitution** that serves as its governing document. Massachusetts has the oldest state constitution (1780); Rhode Island is the newest (revised in 1986). Adopted by the people, a **constitution** is the supreme law that defines the rights of individuals and the powers of the government.

Watch a video: What is a Constitution?

You can read the constitutions of every state and territory here.

The Internet has no constitution and the laws about its use and rights of people using it are still being debated and defined, country by country, state by state. In this activity, you have the opportunity to envision a constitution for the Internet.

**Activity 1:** Design a Constitution for the Internet

- In groups, begin building a constitution for the Internet.
- Establish a set of basic principles the creators and users of the internet have to abide by.
    - Remix language from the federal and state constitutions into your constitutional document

**Activity 2:** Envision a Bill of Rights for the Internet

- Write a Bill of Rights for the Internet and share it with others in your class.
- Include articles regarding respect for privacy, personal data protection, freedom of speech, freedom of usage, and protection from harassment and false information.
- You can use the proposed 2010 Bill of Rights in Cyberspace to guide your planning.

**Reflect:**

- After creating an Internet Constitution and an Internet Bill of Rights, why do you believe Internet is in need of such laws and principles?
- Do you believe a constitution or bill of rights is a living document or is it rooted in its time/place?

**Additional Resources:**

- For Teacher:
    - Connecting Human Rights and Internet Protocols (Internet Society)
    - Interactive Constitution Media Library (Interactive Constitution)
- For Student:
    - What can social media platforms do for human rights? (Open Democracy)

### Suggested Learning Activities

- **Explore & Design**
  - Create an infographic depicting the similarities and differences in powers in the U.S. Constitution and Massachusetts Constitution.

- **State Your View of Government Power**
  - If you could introduce an addition or a restriction on a state or government power in the Constitution, what would it be? Why?

### Online Resources for the Powers of Governments

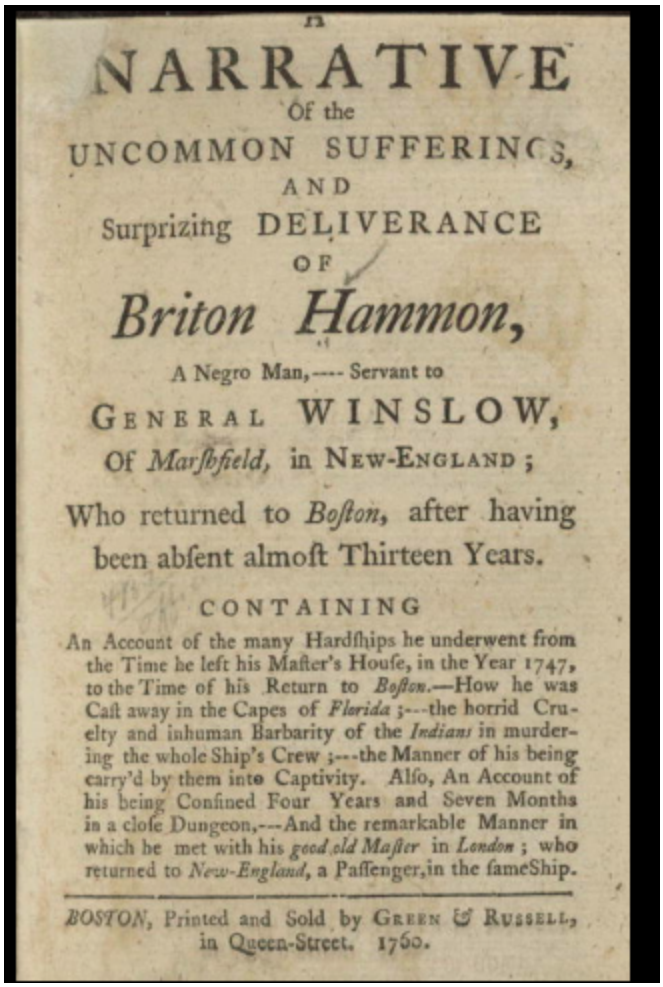
- Learning Plans:
  - Federalism and Lawmaking: Claim Your Powers State v. Federal Government
  - The Supreme Court | Define and Classify the Powers Associated with Federalism: Lesson Plan
- John Adams and the Massachusetts Constitution - The 1780 Constitution of the Commonwealth of Massachusetts, drafted by John Adams, is the world's oldest functioning written constitution
- Ben's Guide to the U.S. Government
- TED-Ed: A 3-minute guide to the Bill of Rights - Belinda Stutzman

## 2. UNCOVER: Elizabeth Freeman (Mum Bett) and The Abolition of Slavery in Massachusetts

In 1641, Massachusetts became the first slave-holding colony in New England when Governor John Winthrop—himself an owner of American Indian slaves—helped write the Massachusetts Body of Liberties, a document that included the statement: “There shall never be any bond slaverie, villinage or Captivitie amongst us unles it be lawfull Captives taken in just warres, and such strangers as willingly selle themselves or are sold to us." Winthrop is often hailed in history textbooks for his “City on a Hill Sermon” (1630), a statement of American exceptionalism and how America would be different and better than previous civilizations.

The first slaves arrived in Massachusetts on February 26, 1638 and slavery continued to exist in New England throughout the colonial period. Slaves accounted for as much as 30% of the population in South Kingston, Rhode Island, and were a significant presence in Boston (10%), New London (9%), and New York (7.2%). It is estimated that there was one African for every white family in Rhode Island, Connecticut, and Massachusetts.

Many New England merchants, including Peter Faneuil (who gave Faneuil Hall to Boston) made their fortunes through the slave trade (Slaves in New England, Medford Historical Society & Museum, 2019 and Peter Faneuil and Slavery, National Park Service, 2017).



A
NARRATIVE
Of the
UNCOMMON SUFFERINGS,
AND
Surprizing DELIVERANCE
OF
*Briton Hammon*,
A Negro Man,---- Servant to
GENERAL WINSLOW,
Of *Marſhfield*, in NEW-ENGLAND;
Who returned to *Boſton*, after having
been abſent almoſt Thirteen Years.
CONTAINING
An Account of the many Hardſhips he underwent from the Time he left his Maſter's Houſe, in the Year 1747, to the Time of his Return to *Boſton*.—How he was Caſt away in the Capes of *Florida*;---the horrid Cruelty and inhuman Barbarity of the *Indians* in murdering the whole Ship's Crew;---the Manner of his being carry'd by them into Captivity. Alſo, An Account of his being Confined Four Years and Seven Months in a cloſe Dungeon,---And the remarkable Manner in which he met with his *good old Maſter* in *London*; who returned to *New-England*, a Paſſenger, in the ſame Ship.
*BOSTON*, Printed and Sold by GREEN & RUSSELL, in Queen-Street. 1760.

Briton Hammon was an enslaved African from Massachusetts who wrote about his adventures and struggles following a shipwreck in 1748
Image on Wikimedia Commons/Public Domain

Most slaves in Massachusetts were house servants of wealthy families, although some did work as field hands. Despite citizens' growing opposition, slavery continued in Massachusetts until the 1780s when a series of court cases led to its end. The **Massachusetts state constitution** was used in a 1781 Berkshire County court case, *Brom and Bett v. Ashley*. That case was brought forth by a woman called Mum Bett (Elizabeth Freeman) who became the first enslaved African to be freed under the Massachusetts Constitution that included the phrase "all men are born free and equal."

Historians suggest that Mum Bett may have been inspired to pursue freedom from slavery after overhearing a group of men (including her owner John Ashley and her future attorney Theodore Sedgwick) writing the Sheffield Resolves, a precursor to the Declaration of Independence's claim at all people are free. W.E.B. Du Bois was one of Mum Bett's great-grandchildren, born in Great Barrington, the town where Mum Bett's court case was heard.

The outlawing of slavery statewide followed from the Quock Walker Case - a series of three cases in which the chief justice of the state's Supreme Court declared slavery was unconstitutional under the Massachusetts State Constitution. Learn more: Massachusetts Constitution and the Abolition of Slavery.

### Suggested Learning Activities

- **Listen & Discuss**
  - Listen to the NPR podcast How an Enslaved Woman Sued for Freedom in 18th Century Massachusetts
  - Then discuss, what do you think were the most important factors leading to the abolition of slavery in Massachusetts?
    - Changing public attitudes
    - Court cases
    - Ideals expressed in the Declaration of Independence
    - The U.S. Constitution
    - The Massachusetts State Constitution
    - Shifting economic needs
    - Other factors

- **Analyze a Primary Source**
  - Explore the Petition for Freedom to Massachusetts Governor Thomas Gage, His Majesty's Council, and the House of Representatives, submitted by a group of black slaves from Massachusetts, asserting that they share a common and natural right to be free with white citizens (May 25 1774).

## 3. ENGAGE: Should the Government Pay Slavery Reparations for African Americans?

**Reparations for slavery** is the idea that African Americans are **owed compensation** for the more than three centuries (1619 to 2019) of enslavement, discrimination, and prejudice they have had to face in the United States. This legacy of slavery and second-class citizenship explains in part why African Americans today have higher infant mortality rates, lower life expectancies, higher rates of unemployment, lower incomes, and higher rates of imprisonment (Reparations for Slavery? Constitutional Rights Foundation).

### Suggested Learning Activity

- **Debate** (in-class or on Flipgrid)
  - First, explore the online resources for reparations for African Americans listed below.
  - Then, discuss and debate: Should the government pay reparations to African Americans? If so, is it the responsibility of the state government or national government to pay the reparations?

### Online Resources for Reparations for African Americans

- Lesson Plan: How to Make Amends: A Lesson on Reparations, Zinn Education Project
- Should the U.S. Pay Reparations to Black Americans, PBS Point Taken
- Americans Have Tried Reparations Before. Here is How It Went, *The New York Times* (June 19, 2019)
- For eugenic sterilization victims, belated justice
- Commission to Study and Develop Reparation Proposals for African Americans Act

- Japanese American Evacuation Claims Act of 1948
- As Redress for Slavery, Americans Oppose Cash Reparations
    - Gallup Poll says of all Americans, 67% oppose reparations
    - 73% of African Americans support reparations

## Standard 6.2 Conclusion

A constitution is the law of a state or a nation. Throughout American history, the Massachusetts state constitution has led change in the laws of other states and the nation itself. **INVESTIGATE** identified constitutional powers and restrictions on powers - what state and national government can and cannot do. **UNCOVER** detailed the case of Elizabeth Freeman (Mum Bett) and the abolition of slavery in Massachusetts. **ENGAGE** asked whether state or national government should pay slavery reparations to Black Americans.

# 6.3

# Enumerated and Implied Powers

## Standard 6.3: Enumerated and Implied Powers

*Distinguish among the enumerated and implied powers in the United States and the Massachusetts Constitution.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.3]**

## FOCUS QUESTION: What is the Difference Between Enumerated and Implied Powers?

This standard looks at the differences between **enumerated** and **implied** powers in the United States and Massachusetts Constitutions.

- **Enumerated powers** are those expressly granted to the federal government by the Constitution.
- **Implied powers** enable the federal government to carry out tasks outlined by the enumerated powers.

### Modules for this Standard Include:

1. INVESTIGATE: The Enumerated and Implied Powers of the U.S. Constitution
2. UNCOVER: Federal Minimum Wage Laws, Young Workers and the Implied Powers of Congress
   MEDIA LITERACY CONNECTIONS: Using the Media for Military Recruitment
3. ENGAGE: Should the Nation Adopt a Living Wage Rather Than a Minimum Wage?

## 1. INVESTIGATE: The Enumerated and Implied Powers of the U.S. Constitution

The **enumerated powers** of the federal government are listed in Article 1 Section 8 of the U.S. Constitution. Among the 18 direct powers given to Congress are the power to levy and collect taxes, borrow money, regulate commerce, coin money declare war, and support an army and navy (for a full list, see Key Constitutional Grants to Powers to Congress).

The 18th power gives the federal government the ability to create and enact laws that are **"necessary and proper"** for its use of the other 17 powers. The Necessary and Proper clause (sometimes called the "Elastic Clause") gives Congress **implied powers**; that is powers not named in

the Constitution, but necessary for governing the country. Historically, the way Congress has used its implied powers has led to important developments in law and society.

Garrett Epps (2011, para. 13,) a contributing writer at The Atlantic, uses the United States Armed Forces to summarize how enumerated and implied powers of the government function. Congress has the explicit power "to raise and support" armies and it has an implied power to designate an American flag for those forces to use. If it did not do so, soldiers would have 50 different flags for 50 different states, an impossible situation. In this case, the expressed powers of the federal government include the implied powers needed to carry them out.

You can find more information about the necessary and propoer clause in Topic 5.1 of this book.

### Suggested Learning Activity

- **Role-Play**
  - Explore the examples of how Congress has exercised its use of implied powers in the article The Implied Powers of Congress.
  - In small groups, propose a law that is necessary and proper for the federal government to enact and enforce.
  - As a class, discuss and debate the proposed laws and vote on which ones should be approved as an official government power.

#### Online Resources for Enumerated and Implied Powers

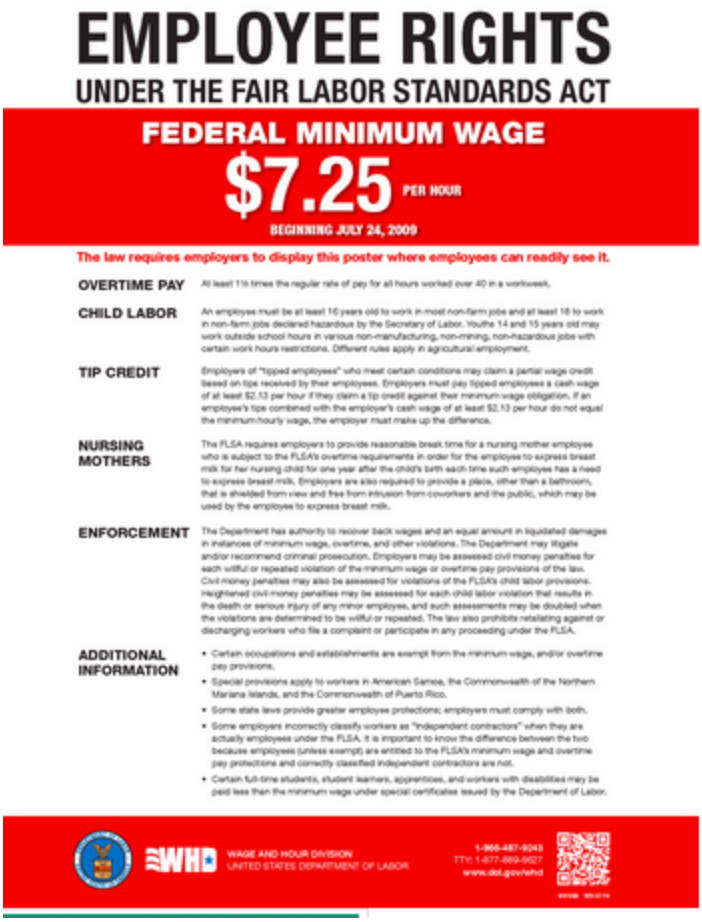
- Justifying the Implied Powers of the Federal Government
- Video: Implied Powers of the President of the U.S.
- Wiki Page: John Marshall and Marbury v. Madison
- Enumerated Powers of the State, University of Nevada Las Vegas.

## 2. UNCOVER: Federal Minimum Wage Laws, Young Workers and the Implied Powers of Congress

**Minimum wage laws** are an example of both Congress and state governments using their implied powers to enact change in society. “Minimum wage laws establish a base level of pay that employers are required to pay certain covered employees” (Legal Information Institute, Cornell University).

In 2019, the federal minimum wage was set at $7.25 per hour. That same year, 29 states and the District of Columbia had higher wage rates; seven states had moved to $15 an hour. The minimum wage rate in Massachusetts was raised to $12 per hour, effective January 1, 2019.

For much of United States history, however, there was no such thing as a minimum wage or a minimum wage law.




Employee Rights Under the Fair Labor Standards Act, United States Department of Labor, Public Domain

**Massachusetts passed the nation's first minimum wage law in 1912**, followed by Oregon in 1914. But a 1923 Supreme Court decision struck down the District of Columbia's minimum wage law as unconstitutional under the Fifth Amendment. Over time, public attitudes changed and so did the opinion of the Supreme Court when they declared a state minimum wage law constitutional in 1937 (West Coast Hotel v. Parrish).

Following that decision, President Franklin Roosevelt proposed, and Congress passed, the Fair Labor Standards Act of 1938, setting the minimum wage at $0.25 an hour ($1.00 in 1938 is worth $17.45 in 2019 dollars).

### Rules and Rights for Young Workers

Teens and pre-teens are often unaware of their rights as young workers. The Fair Labor Standards Act (1938) also set the maximum work week at 44 hours, banned child labor and established rules about the minimum age for **young workers** (also known as underage workers).

Presently, 14 years-old is the minimum age for employment outside of agricultural settings. Youngsters under 16 years-old also have limits on the number of hours they can work each week. The U.S. Department of Labor has ruled that youth at any age can be employed to "deliver newspapers; perform in radio, television, movie, or theatrical productions; work in businesses owned by their parents . . . perform babysitting, or perform minor chores around a private home" (Fair Labor

Standards Act Advisor).

Some states offer greater protections for young workers than others and in those places, the greater protections offered by the state apply to all youngsters.

**Child Farmworkers**

The plight of child farmworkers in the United States is a serious "hidden problem" (In Our Backyard: The Hidden Problem of Child Farmworkers in America). Children working in agriculture are not covered by the Fair Labor Standards Act. Children as young as 12 can be hired to perform farm labor (Center for Public Integrity, 2020). It has been estimated that there are some 500,000 child farmworkers in the United States, some as young as 8 years-old and some working more than 10 hours a day (Child Labor in the United States, American Federation of Teachers). The number is contested and some groups believe there could be more than one million children working on farms, many of whom are immigrants whose parents are undocumented.

## Media Literacy Connections: Using the Media for Military Recruitment

Recruiting soldiers to serve in the nation's military offers an example of the complex dynamics surrounding the government's enumerated and implied powers as well as the power of the media to influence individuals' decisions about a military career.

First and foremost, the Constitution gives the federal government the **enumerated power to raise armies and a navy**. Article I states Congress has the power "to provide for the common Defense and general Welfare of the United States."

But, establishing a **draft** (mandatory enrollment in the armed forces) is an **implied power** that was used at different times in U.S. history from the Civil War to 1973.

The U.S. military has been an **all-volunteer force** since 1973 with now more than 1.3 million active troops in **six armed services**: Army, Navy, Air Force, Marine Corps, Coast Guard, and Space Force.

Presently, men ages 18 to 25 are required to register with the Selective Service System in case the draft were reinstituted. Women do not have to register and cannot be drafted, although all combat jobs in the military are open to volunteer women enlistees. Women presently make up 16% of all enlisted personnel; 19% of military officers (Demographics of the U.S. Military, Council on Foreign Relations, July 13, 2020).

There are multiple debates surrounding what Congress should do with its implied powers regarding military service. Should the gender composition of the military more closely resemble society as a whole? Should military service be mandatory for all young people, as it is in 28 countries around the world? Is excluding women from the draft unconstitutional?

In this activity, you will investigate how the military uses the media to recruit men and women into the armed services as a backdrop to whether the U.S. should continue to have all-volunteer forces.

**Activity: Using the Media for Military Recruitment**

- Choose two of the following armed services: Army, Navy, Air Force, Marine Corps, Coast

Guard, and Space Force.

- Conduct Internet research to examine how the two armed services you selected use media (e.g., websites, posters, graphics, videos, social media, and podcasts) to recruit members.
- Compare and contrast the use of media by the two different armed services you selected.
    - How does each armed force seek to convince young people to enlist?
    - What visuals and colors do they use?
    - How do they use language to motivate people to enlist?
    - Who is their intended audience (based on the visual design and language used)? Or, do they have different intended audiences based on the platform they use (e.g., website vs. Facebook vs. Instagram).
    - Do you think their use of media is effective? Why or why not?
- Based on your research, should Congress use its implied powers to institute mandatory military/national service instead of an all-volunteer armed forces? Why or Why Not?

**Additional Resources**

- Military Recruiting FAQ, ACLU New Jersey
- Mandatory Service Around the Globe
- Contact a Recruiter for the Army

### Suggested Learning Activities

**Debate** (in-class or on Flipgrid)

- Should be the minimum wage be raised to $15 an hour nationwide?
- Explore the arguments for and against this change:
  - Should the Minimum Wage Be Increased? Background on the Issue
  - Seattle's Minimum Wage is now $15 an hour: is that a good idea? by economist Gary Burtless

- If there was a national minimum wage implemented, how would that affect your hometown?
  - What is the minimum wage now and how could it differ?
- Should the minimum wage be raised?
  - Create a pros and cons list of a high minimum wage, how would this affect small or mid-sized businesses?
  - Who would face the most consequences and benefits of this increase?

**Express Your Ideas about the Minimum Wage**

- Explore the #raisethewage hashtag and @MinimumWageInfo handle on Twitter.
- Design a visual social media post representing your thoughts about minimum wage laws.
- Bonus points: Tweet your design on Twitter using the previously mentioned hashtag or handle.

**Design a Social Media Campaign for the Protection of Child Farmworkers**

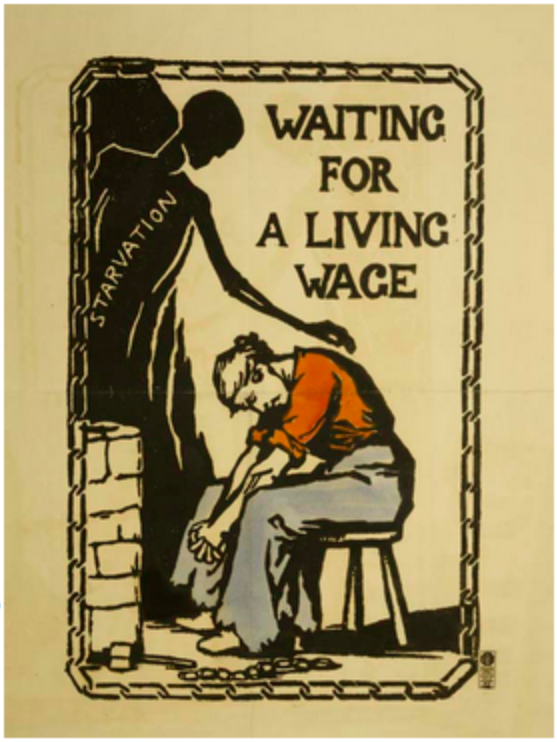
- Research the issues facing young workers in your state, on farms and in other areas.
- Create a social media campaign deisgned to convince members of state government to use their implied powers to enact change
- Create a public service announcement that focuses on the rights and protections or child farmeworkers and other young workers.

**Additional Resources:**

The Children's Act for Responsible Employment (CARE) Act

## 3. Engage: Should the Nation Adopt a Living Wage Rather Than a Minimum Wage?

A **Living Wage** is the minimum income needed for an individual or a family to meet their basic needs for food, shelter, clothing, health care, and other needs (What is a Living Wage? from Global Living Wage Coalition). A living wage is based on the reality that most people cannot live adequately earning a minimum wage.




Waiting for a Living Wage Poster 1913, by Catherine Courtauld, Public Domain

A **Living Wage Calculator** from Massachusetts Institute of Technology demonstrates the gap that exists between minimum wage and a living wage. In 2019, a single adult with one child earning $11 an hour minimum wage actually needs to earn $29.66 an hour to support her or his family.

## Suggested Learning Activities

- **Play & Discuss**
  - Play the simulation game Spent and try to live on a monthly budget with limited financial resources.
    - What did you have to give up to make it through the month?
    - What do you think should be the living wage in your community?
- **Research and Report**
  - Find out how much money people earn in different jobs and occupations at the Occupational Outlook Handbook from the U.S. Government's Bureau of Labor Statistics.
    - Which jobs provide a salary at or above living wage? Which jobs do not? Why do you think this gap exists?

## Online Resources for Minimum and Living Wage Laws

- Minimum Wage, Living Wage and Worker Productivity.
- Basic Needs Budget Calculator shows how much it takes for families to afford minimum daily necessities, from National Center for Children in Poverty.
- The Minimum Wage Just Went Up—But the Fight for a Living Wage is More Urgent Than Ever, Valley Advocate, February 24, 2016

## Standard 6.3 Conclusion

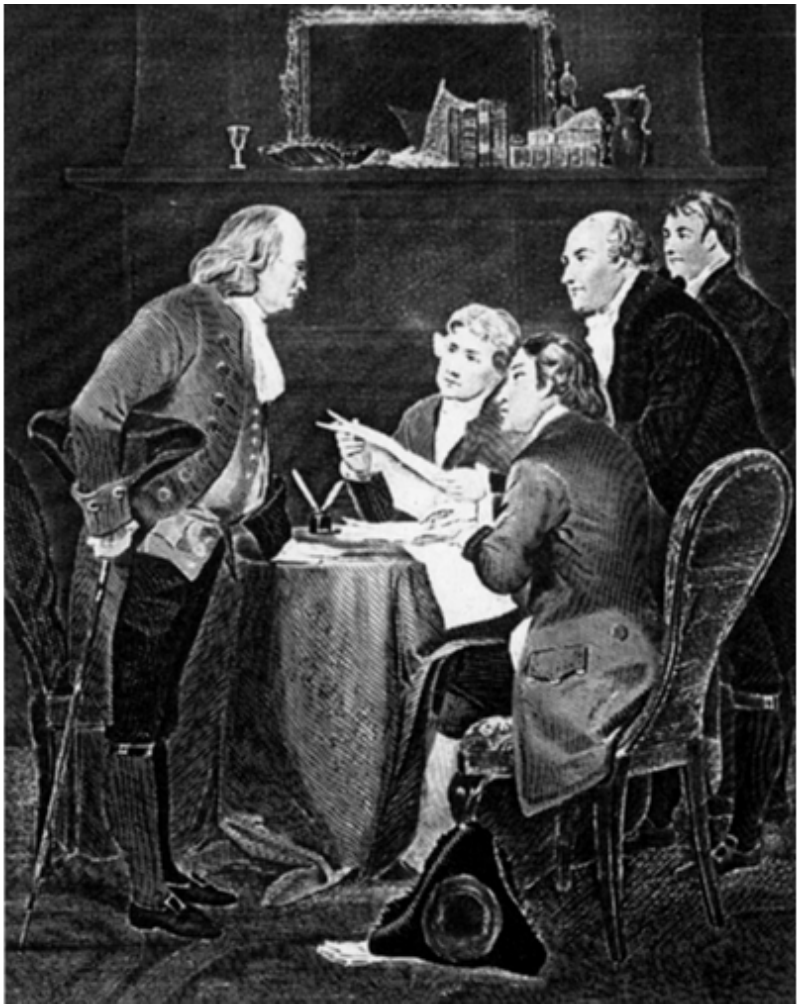
The United States and Massachusetts constitutions have both enumerated (directly stated) and implied (assumed to exist) powers. **INVESTIGATE** outlined what those enumerated and implied powers are in the federal constitution. **UNCOVER** looked at the history of minimum wage laws as an example of the implied powers of the federal government. **ENGAGE** asked whether our country should adopt a living wage rather than a minimum wage as people's living standard.

6.4

# Core Documents: The Protection of Individual Rights

## Standard 6.4: Core Documents: The Protection of Individual Rights

*Compare core documents associated with the protection of individual rights, including the Bill of Rights, the 14th Amendment, and Article 1 of the Massachusetts Constitution.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T7.4]**



Drafting the Declaration of Independence, copy of 1857 engraving by Alonzo Chappel, Public Domain {{PD-US}}
The Committee in the picture: Franklin, Jefferson, Adams, Livingston, and Sherman (1776)

## FOCUS QUESTION: How are Individual Rights Expressed in the Core Documents of American Democracy?

The individual rights of Americans are set forth in core documents, including the **Bill of Rights**, **the 14th Amendment**, and **Article 1 of the Massachusetts Constitution**. Each of these documents serve as foundations for our democracy and have been influenced and shaped by historical pressures by the government, political groups, and the courts. Standard 6.4 offers an opportunity to investigate what these core documents promise all citizens while also uncovering the long road to marriage equality in our society.

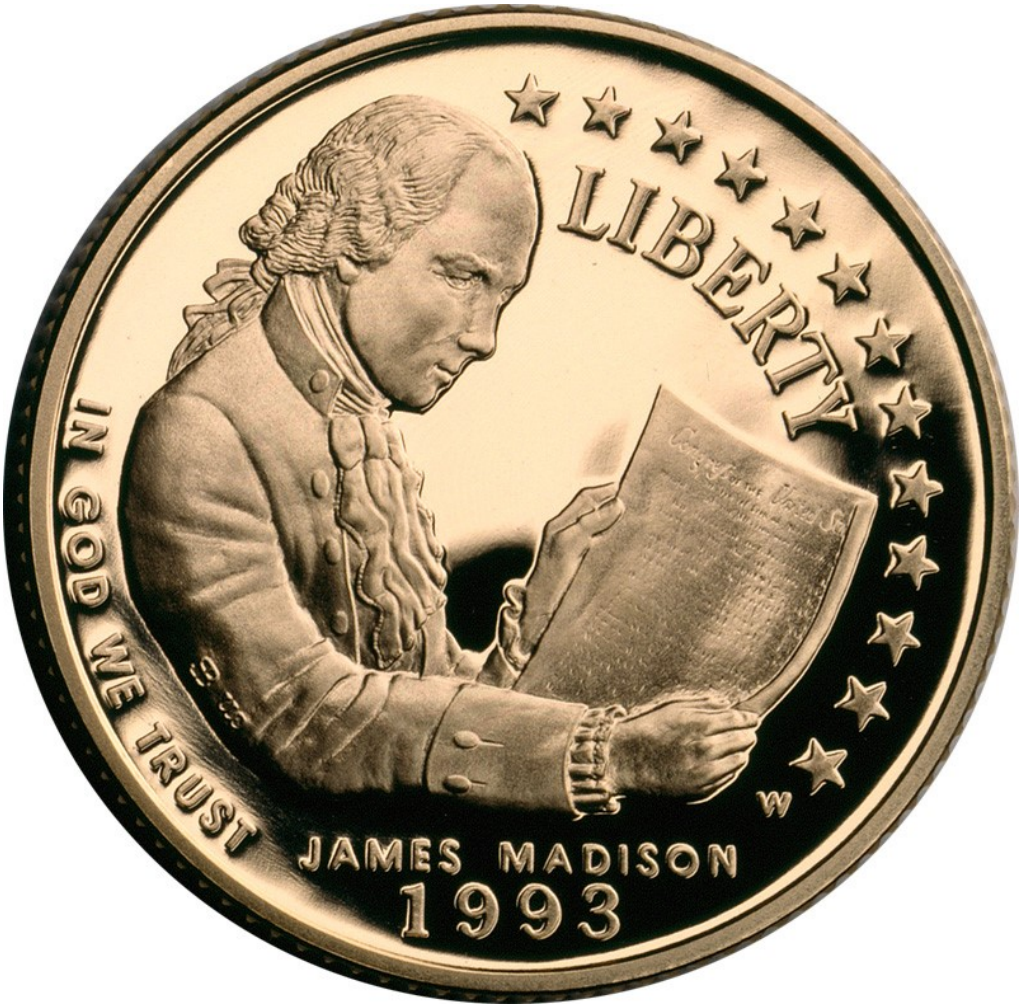
### Modules for this Standard Include:

1. INVESTIGATE: The Bill of Rights, the 14th Amendment, and Article I of the Massachusetts Constitution
    MEDIA LITERACY CONNECTIONS: Evaluating Your Privacy on Social Media
2. UNCOVER: Marriage Equality Court Cases
3. ENGAGE:  When Should You Go to Small Claims Court?

# 1. INVESTIGATE: The Bill of Rights, the 14th Amendment, and Article I of the Massachusetts Constitution

## Bill of Rights

The first 10 Amendments of the United States Constitution is known as **The Bill of Rights**. It was proposed in 1789 and ratified by the states in 1791. Written by James Madison along with Thomas Jefferson, Alexander Hamilton, and the other authors of the Constitution, it is a fundamental document of American freedom.




James Madison Bill of Rights $5 commemorative gold coin, United States Mint, Public Domain

The Bill of Rights makes clear what Thomas Jefferson meant by the phrase "inalienable rights" in the Declaration of Independence. People's rights exist "prior to government and thus cannot be rescinded by it." As a statement and a symbol of freedom and legal protection for every individual, the Bill of Rights "lies at the heart of American conceptions of individual liberty, limited government, and the rule of law" (Santow, nd., pp. 2-3).

The Bill of Rights is explored more fully in Topic 2, Standard 5 in this book.

## The 14th Amendment

The 14th Amendment is explored in Topic 4, Standard 4 in this book.

## Massachusetts Constitution, Article I

The Massachusetts Constitution, including Article I, was drafted by John Adams, the second President of the United States. Written in 1787, it was adopted in 1789. The Massachusetts Constitution is the world's oldest functioning Constitution and it served as a model for the United States Constitution. Article I set forth many of the rights that would later be included in the Bill of Rights ("Why Study the

Massachusetts Constitution," from John Adams & the Massachusetts Constitution, MassGov.)

Article I of the Massachusetts Constitution focuses on the rights of people (see Table 6.4).

Table 6.4 Original and Modified Annulled Text of Massachusetts Constitution Article I

| **Original Text of Massachusetts Constitution Article I** | **Modified Text of Massachusetts Constitution Article I** |
|---|---|
| All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness. [Annulled by Amendments, Art. CVI.] | Article I of Part the First of the Massachusetts Constitution is hereby annulled and the following is adopted:<br>All people are born free and equal and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin**.** |

## Media Literacy Connections: Evaluating Your Privacy on Social Media

A person's right to privacy has become a contentious issue with regards to the information and data that is collected by technologies, social media platforms, and digital tools and apps.

**Privacy** means freedom from "interference or intrusion" while **information privacy** is having "some control over how your personal information is collected and used" (International Association of Privacy Professionals, 2021, para. 1).

While the Constitution has no explicitly stated right of privacy, courts have ruled that there is, in the words of Supreme Court Justice William O. Douglas, a "**zone of privacy**" that includes privacy of beliefs (established by the First Amendment), privacy of the home (Third Amendment), privacy of one's person, possessions, papers, records (Fourth Amendment ), and personal liberty (Fourteenth Amendment). Learn more at The Right of Privacy from the *Exploring Constitutional Conflicts* website from the University of Missouri Kansas City School of Law.

But what about your privacy online? Social media sites collect your personal information as soon as you register. Websites use trackers to capture and share your data. How protected is your data online? Explore the *New York Times* article: I Visited 47 Sites. Hundreds of Trackers Followed Me.

**Activity 1: Evaluate the privacy policies of widely used social media sites**

- Review TikTok, Facebook, Twitter, Instagram, and YouTube's personal privacy policies.
- How is your personal information recorded and used?
- Use the following rubric to evaluate a social media platform in terms of privacy. Explain your rating by citing the site's privacy policy and commenting on how personal information is used or shared with others.
    - **Reliable** (5 stars): The user can decide what personal information (e.g., e-mail address, name, location) to share and how that information is used or shared with others
    - **Somewhat reliable** (3 stars): The user must share some personal information (e.g., e-mail address, name, location). The privacy policy may not clearly state how the

information is used or shared
    - **Not reliable** (1 star): The user must share personal information (e.g., e-mail address, name, location) and has no control over how that information is used or shared.
- Write a PRAISE or PROTEST letter to social media company about their privacy policy.

**Activity 2**: **Rewrite a Social Media Privacy Policy in Kid-Friendly Language**

- Explain the privacy policy of one of the major social media platforms using language that is easily understandable by kids.

**Activity 3: Propose an Amendment**

- Write a proposal to add an Amendment to the Constitution that focuses on giving people the explicit right to privacy in both in-person and digital settings.

**Additional Resources:**

- Privacy and Internet Life: Lesson Plan for Immediate Classrooms
- Tips for Protecting Your Social Media Privacy

### Suggested Learning Activities

- **Compare and Contrast**
    - Explore the original and modified versions of Article I of the Massachusetts Constitution (see Table 6.4).
    - Looking at the modified text, which wording change has had (or will have) the most impact on your life?

- **Discuss**
    - Do you believe that all U.S. citizens have the rights, freedom, and equality as promised in the government's core documents in today's society? Why or why not?

**Online Resources for the Massachusetts Constitution**

- Visit the Massachusetts State Constitution
- *resourcesforhistoryteachers* wiki pages:
    - Articles of the Constitution and the Bill of Rights
    - The Bill of Rights
    - Founding American Political Documents

## 2. UNCOVER: Marriage Equality Court Cases

**Marriage equality**, as established by the 2015 landmark *Obergefell v. Hodges* Supreme Court decision, means that same-sex couples can be lawfully married in all 50 states.

Rainbow White House, The White House, Public Domain

In the Obergefell case, the court held that the 14th Amendment requires states to license marriages between two people of the same sex and to recognize such marriages as legal when performed in another state. The decision resulted from decades of legal action, political controvesy, and changes in societal attitudes toward gay, lesbian, and transgender people.

The first major same-sex marriage court case took place in Hawaii in 1993. The trial judge in the case Baehr v. Miike (originally Baehr v. Lewin) ruled that denying marriage licenses to same-sex couples was a form of discrimination and therefore unjustified. This first-ever ruling in favor gay marriage was later overturned by the Hawaii Supreme Court, but a legal foundation for the freedom to marry movement was set. The decision also produced a widespread anti-gay backlash, including the passage of the 1996 Defense of Marriage Act. For more information, read Baehr v. Lewin and the Long Road to Marriage Equality.

Passed by Congress in 1996, the **Defense of Marriage Act (DOMA)** defined marriage as a relationship between a man and a woman and prevented the federal government from recognizing marriages by same-sex couples even if these were considered legal in their home state. DOMA was overturned by the Supreme Court in U.S. v Windsor (2013) which held that the law deprived same-sex couples of their 5th Amendment rights for equal protection under federal law.

In 2004, **Massachusetts became the first state to legalize gay marriage**, following the state's Supreme Court decision, Goodridge v. Massachusetts Department of Public Health (2003). On May 17, 2004, Marcia Kadish and Tanya McCloskey of Malden, Massachusetts became the first legally married same-sex couple in the United States.

### Suggested Learning Activities

- **Construct a Timeline**
  - Explore the online resources for marriage equality court cases (listed below).
  - Then, construct a timeline of the history of marriage equality using Timeline JS, Tiki Toki, or Sutori.
- **Analyze a Primary Source**
  - Read excerpts from the oral history source Unheard Voices: Stories of LGBT History from GLSEN.
  - Consider: What do the writers say about their experiences as gay and lesbian individuals?
  - Discuss: How might the wording of the core Government documents protecting individual rights be amended to better protect LGBT individuals in the United States?

#### Online Resources for Marriage Equality Court Cases

- The Gay Rights Controversy from the University of Missouri Kansas City. This site includes an updated map of states recognizing marriage for same-sex couples.
- Defense of Marriage Act at the Clinton Presidential Library
- The Goodridges reflect on the passing of Goodridge v. Massachusetts Department of Public Health, 10 years later
- The Long Road to Marriage Equality, a New York Times opinion piece that gives an overview of the history of LGBTQ+ rights in the United States, and discusses the Lavender Scare.
- Marriage Equality: Different Strategies for Attaining Equal Rights, Teaching Tolerance
- First Comes Love, Then Comes Marriage (Equality): Welcoming Diverse Families in the Elementary Classroom, *Social Studies and the Young Learner* (2018)
- Effects of Social Media on Public Awareness: On Gay Marriage (Portland State University)

## 3. ENGAGE:  When Should You Go to Small Claims Court?

In Massachusetts, **Small Claims Court** is a place where people go to settle financial disputes of $7000 or less (the amount differs by state). Popularly known as “the people’s court” or “the money court,” small claims typically involve disputes about back-owed rent, unpaid bills, damaged property, professional malpractice, product liabilities or inadequate services (Small Claims Court, Massachusetts Government, 2020).

Criminal offenses, traffic tickets, and divorce proceedings are not settled in these courts. Anyone 18 or over can file a claim. There is no jury; the case is heard and decided by a judge or a magistrate.

As an example, in A Guide to Small Claims Court Cases, written by Legal Aid of North Carolina, there are two cases, one where you are the **plaintiff** (the person who starts the lawsuit) and the other where you are the **defendant** (the one being sued).

| Plaintiff | Defendant |
|---|---|
| A repairman came to fix your refrigerator and in the process knocked a hole in your kitchen wall. The repair shop won't pay for the damages, so you sue the shop for your loss. | A finance company sues you for money it claims you owe on a loan. |

Small claims courts have their origins in a longstanding American belief in **individualism** and an

“image of the simple, **lawyerless court** where ordinary people can represent themselves and deal with their own affairs” (Steele, 1981, p. 302).

There are many advantages to small claims court. Court proceedings do not involve costly legal paperwork. You can speak for yourself without paying for an attorney to represent you (although many people consult with an attorney beforehand).  The process is less formal than criminal court and the issue is usually resolved quickly.

Learn about the steps in the small claims court process from “What Do I Need to Know about Filing a Small Claims Court Case?” by the Massachusetts Law Reform Institute.

However, going to court involves time off from work or school - a potential burden for many people. There are court fees to be paid. Also, it is not easy to collect money even if you win in court. The other party may delay or even fail to pay, setting in motion a lengthy process to gain the funds owed.

Given these disadvantages, many people prefer to try and settle disputes outside of court through negotiations between the parties or using a formal mediation process.

### Suggested Learning Activity

- **Defend Your Position**
    - Larry’s landlord refuses to return his damage deposit of $850 when Larry moves out of his apartment, even though the apartment is in excellent condition. Larry wants his money back, but doesn’t want to hire a lawyer. (This example is from Judges in the Classroom “Claim Your Jurisdiction Game” from the state of Washington Court System).
    - Take on the role of Larry's landlord or Larry and then defend your position in a small claims court role play.

## Standard 6.4 Conclusion

The concept of individual rights is essential to democracy in this country. **INVESTIGATE** explored three key documents that set forth the rights of the individual - the Bill of Rights, the 14th Amendment, and Article 1 of the Massachusetts Constitution. **UNCOVER** examined the history of marriage equality court cases. **ENGAGE** asked when should an individual consider going to small claims court to settle a dispute.

# 6.5

# 10th Amendment to the Constitution

## Standard 6.5: 10th Amendment to the Constitution

*Explain why the 10th Amendment to the United States Constitution is important to state government and identify the powers granted to the states by the Tenth Amendment and the limits to state government outlined in it.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.5]**

The **10th Amendment** to the Constitution states that **any powers not granted to the federal government "are reserved to the states, or to the people**." It was ratified along with the rest of the Bill of Rights on December 15, 1791. The 10th Amendment allows the powers not specifically given to the federal government to be given to the states and people of the states. It allows for states to create specific guidelines and regulations separate from the federal government.

Historians credit Anti-Federalists with the inclusion of the 10th amendment in the Constitution. Anti-Federalists were worried about a concentration of power in the national government and the 10th Amendment states that federal power is limited. In theory, the 10th Amendment prevents the federal government from having total authority over policies. In reality, the 14th Amendment's mandate that states must provide "any person within its jurisdiction the equal protection of the laws" provides for an active federal role in state policies.

But exactly what are those limits has been, and still is, today a matter of intense political debate, especially given the Constitution's **necessary and proper clause** that states Congress can make the laws needed to perform its constitutional functions. Learn more about The 10th Amendment from National Constitution Center. You can learn more about the necessary and proper clause in Topic 5.1 of this book.

### Modules for this Standard Include:

1. INVESTIGATE: State Government Pandemic Policies
   MEDIA LITERACY CONNECTIONS: Informing the Public about Pandemic Policies
2. UNCOVER: The Regulation of Sports Betting

### 1. INVESTIGATE: State Government Pandemic Policies

Throughout the COVID-19 pandemic, states have used their 10th Amendment powers to implement emergency public health and education policies, generating strong public debate and, in some cases,

intense opposition.

At different times as the pandemic has evolved, state coronavirus-related restrictions have included regional and statewide stay-at-home orders; non-essential business closings; occupancy restrictions in stores, bars, restaurants, houses of worship, and other establishments; curfews; limits on the size of public and private gatherings; school closings; self-quarantine restrictions for out of state travelers; and vaccine distribution priorties and procedures. In other instances, state governments have insisted on opening businesses and facilities despite urging from the federal government and the Centers for Disease Control and Prevention not to do so.

You can learn more than Federal, State and Local Government Responses to COVID-19 from the Library of Congress.

## Media Literacy Connections: Informing the Public about Pandemic Policies

How have you learned about state government policies during the pandemic? In this activity, you will explore online news articles, local newspapers, social media posts, and televised news broadcasting to examine how government has used the media to communicate its COVID-19 policies.

### Activity: Using the Media to Inform the Public

Step 1: Go to your state government's website, research one of its current COVID-19 policies, and answer the following questions:

- How does the website communicate COVID policy information to readers and viewers?
- Given that many COVID policies are subject to intense debate, how does the state seek to use social media to convince people to follow its advice?

Step 2: Compare and contrast your state's policies with those of at least 1 or 2 other states and then answer the following questions:

- How have these guidelines affected local businesses and schools in your state?

Step 3**:** Re-design a section of the state government's website to more effectively communicate public health and education messages to the public

**Additional Resources:**

- For teachers:
    - In Terms of Education, What is the Federal Government In Charge Of? (Harvard Graduate)
    - Government Initiatives to Combat Fake News (Library of Congress)
- For Students:
    - Why Does the 10th Amendment Matter? (Forbes)

## 2. UNCOVER: The Regulation of Sports Betting

Sports betting is a huge industry in the United States. The American Gaming Association has estimated during the past decade some $150 billion dollars a year was gambled on sports, 97% of which was bet illegally (Perez, 2018). Based on a federal law, the 1992 Professional and Amateur Sports Protection Act (PASPA), sports betting was illegal in all but the state of Nevada and three other states that allowed more limited gambling.

In 2018, however, the Supreme Court declared the PASPA unconstitutional under the 10th Amendment. The federal government had overstepped its powers, the Court said. **A federal law cannot "commandeer the legislative process of the states by compelling to enact or enforce a regulatory program"** (as cited in "There's Gambling Going on Here? Shocking!" "Your Winnings, Sir" by Greenfogel, 2018). It is up to each state to decide whether or not to authorize or operate sports betting systems, just as states do with lotteries, sweepstakes, or other forms of wagering.

The Court's decision dramatically changed the practice of sports gambling, making betting on NFL football, NCAA March Madness games, and many other sports legal instead of illegal activities. States across the country are passing sports betting legislation led by New Jersey that is seeking to reestablish Atlantic City as an entertainment center and revenue-generating tourist destination.

It is projected that by 2024, half of all Americans will live in a state with legal sports betting. But many politicians believe that the federal government should re-introduce laws to regulate gambling on sports, a move that will again raise 10th Amendment issues of state versus federal authority.

### Suggested Learning Activities

- **Discuss**
  - To What Extent Does the 10th Amendment Limit the Power of the Federal Government?

- **Debate** (in class or on Flipgrid)
  - Should sports gambling be regulated by the federal or state government? (see New Jersey bets on 10th Amendment in Supreme Court case).

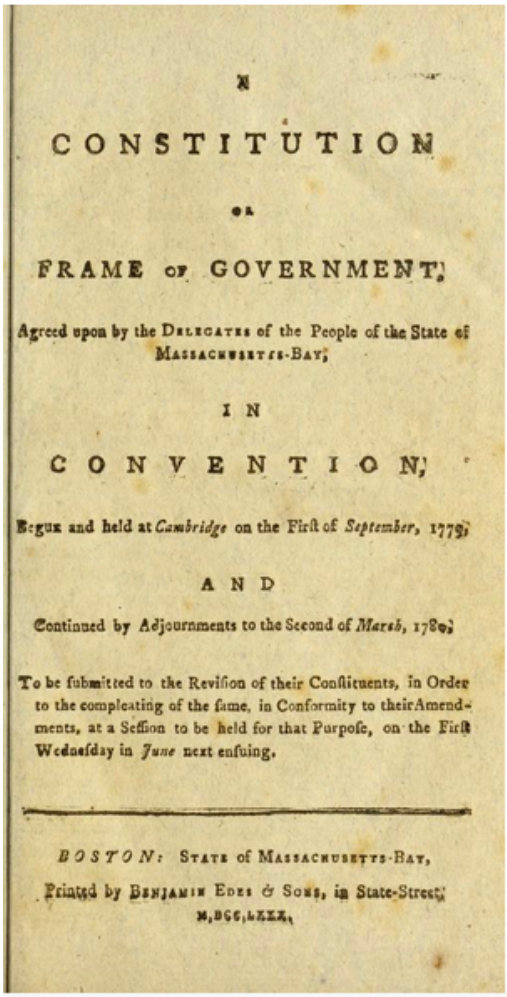
- **Debate** (in class or on Flipgrid)
  - Do you believe COVID-19 guidelines should be federally mandated or that states should continue to implement guidelines individually without the federal government?

6.6

# Additional Provisions of the Massachusetts Constitution

## Standard 6.6: Additional Provisions of the Massachusetts Constitution

*Identify additional protections provided by the Massachusetts Constitution that are not provided by the U.S. Constitution.* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.6]**



A

CONSTITUTION

OR

FRAME OF GOVERNMENT,

Agreed upon by the DELEGATES of the People of the State of MASSACHUSETTS-BAY,

IN

CONVENTION,

Begun and held at *Cambridge* on the First of *September*, 1779;

AND

Continued by Adjournments to the Second of *March*, 1780;

To be submitted to the Revision of their Constituents, in Order to the compleating of the same, in Conformity to their Amendments, at a Session to be held for that Purpose, on the First Wednesday in *June* next ensuing.

*BOSTON*: STATE of MASSACHUSETTS-BAY,

Printed by BENJAMIN EDES & SONS, in State-Street;

M,DCC,LXXX.

Title page of the first published edition of the original 1780 Massachusetts Constitution, State of Massachusetts, Public Domain

Written by John Adams in 1780, the **Massachusetts State Constitution** is the oldest still-functioning written constitution in the world. It served as a model for the federal Constitution. It set forth a "government of laws, and not of men" (see John Adams & the Massachusetts Constitution by Mass.gov). It stated a commitment to education for all through public schools. The free exercise of religion was protected.

The Massachusetts Constitution included "provisions dealing with search and seizure, self-incrimination, confrontation of witnesses, cruel and unusual punishment, freedom of the press and right to petition" and stated that people had the right to frequent elections, an independent judiciary and a clear separation of powers between the branches of the goverment (Teaching American History Project, Ashbrook Center at Ashland University, 2020, para. 1). Accordingly, many historians believe the Massachusetts Constitution is the more expansive document - providing greater protections and liberties than the federal Constitution.

In the 21st century, the state of Massachusetts, guided by the Massachusetts Constitution, continues to expand liberties and protections for individuals and groups. To explore this standard, we look at the differences between the federal and state constitutions and examine the effort to incorporate gender-inclusive language in state constitutions and laws. In addition, we consider whether

Massachusetts, the first state to legalize marriage for same-sex couples, should also mandate an LGBTQIA-inclusive curriculum in its K-12 schools.

### Modules for this Standard Include:

1. INVESTIGATE: Comparing the Federal and Massachusetts Constitutions
2. UNCOVER: Gender-Inclusive and Anti-Racist Language and Images in State Constitutions, Laws, and Materials
   MEDIA LITERACY CONNECTIONS: Utilizing Gender-Inclusive Language in Schools, Conversations, and Media
3. ENGAGE: How Can Teachers and Students Develop an LGBTQIA-Inclusive Curriculum in Schools?

## 1. INVESTIGATE: Comparing the Federal and Massachusetts Constitutions

An article from WGBH News, "4 Things Worth Knowing about the Massachusetts Constitution" discusses key differences between the federal and Massachusetts Constitutions. The first section of the Massachusetts Constitution lists 30 fundamental rights while the federal Bill of Rights has only 10. The more expansive set of rights in the Massachusetts Constitution were the basis for court decisions that ended slavery in the state (*a 1781 court case, Brom and Bett v. Ashley;* see Standard 6.2 Elizabeth Freeman (Mum Bett) and the Abolition of Slavery in Massachusetts*)* and in 2003 granted same-sex couples the right to marry in the state (*Goodridge v. Dept. of Public Health;* see section Standard 6.4: Core Documents: The Protection of Individual Rights).

There are other differences as well. The Massachusetts constitution has been amended 120 times; the federal constitution only 27. One of the Massachusetts amendments placed an environmental rights provision into the state's constitution in 1972.

### Suggested Learning Activities

- **Writing Activity**
  - What rights would you include if you were writing your state's constitution?
    - For example, Article 19 of the Massachusetts State Constitution states: "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good."
    - Would you include that right in your constitution? Why or Why Not?
- **Research & Design**
  - Create an infographic, website, or presentation comparing and contrasting the Massachusetts and federal Constitutions.

### Online Resources for Comparing the Massachusetts and Federal Constitutions

- Comparing Constitutions:  Massachusetts, iCivics
- Compare State and Federal Constitutions, American Bar Association

- State Constitutions and Environmental Bills of Rights

## 2. UNCOVER: Gender-Inclusive and Anti-Racist Language and Images in State Constitutions, Laws, and Materials

Words matter in everyday conversations and in government documents, laws, and Constitutions as well. The **Massachusetts State Constitution uses the word "he" 84 times and "she" once**. This explicit gender bias led activists to urge lawmakers to replace the word "he" with the gender-neutral pronoun "they." For more information, read Lawmakers Want Gender-Neutral State Constitution.

**Image for Humankind**
Image by OpenClipart-Vectors from Pixabay

"Roughly half of all U.S. states have moved toward using such gender-neutral language at varying levels, from laws that are drafted to revisions proposed to their state constitutions" (Wade, 2019, para. 11). Vermont, Maine, New York and Rhode Island have changed their state constitution to gender-neutral terms (Wade, 2019). In 2019, the city of Berkeley, California replaced 40 gender-specific words in the city code with gender-inclusive alternatives: manholes are now maintenance holes; manpower is now human effort (Fuller & Bogel-Burroughs, 2019).

Changing the wording of state constitutions, state laws and city codes is part of a wider movement to replace **gendered language** with **gender-inclusive language**. Gendered language happens when speakers and writers use masculine nouns and pronouns to refer to individuals and groups who are not men (Gender-Inclusive Language, The Writing Center, University of North Carolina at Chapel Hill).

The word **"Ms."** is a widely known example of efforts to establish gender-neutral langauge as the preferred form of communication.  Ms. as a replacement for "Mrs." and "Miss" was first proposed by an anonymous writer in the Springfield (Massachusetts) *Republican* newspaper in 1901, but it was not till the early 1970s that the word only gained prominence following the Women's Strike for Equality led by Betty Friedan (Zimmer, 2009; Pollitt, 2020). The word was powerfully liberating for

millions of women and helped propel the feminist movement of the time. Read about history of the term in the New York Times On Language Feature Ms..

How else might legal documents, governmental laws, and everyday language be changed to become more gender-inclusive? Mankind can be replaced by humankind. Policemen can be referred to as police officers—12.5% of police officers in the United States are women. Many colleges now encourage students to designate pronouns for use on class rosters. However, conservative groups object to changing pronouns in documents and in everyday speech, setting off an ongoing pronoun war in many settings.

**Anti-Racist Language and Imagery**

The 2020 Black Lives Matter protests that followed the killing of George Floyd have also led to renewed efforts to remove racist imagery and language from state government materials. Across the country, statues of historical figures associated with slavery, racism, and European colonialism have been taken down by governments or toppled by demonstrators. A Jefferson Davis statue was removed from the rotunda of the Kentucky state capitol. At the Dallas airport, a statue of a Texas Ranger was taken down and put in storage - an acknowledgement of a long history of police brutality by the Rangers toward Mexican Americans and Native Americans. In Columbus, Ohio, a statue honoring the explorer was removed. Efforts have been underway to remove the Robert E. Lee statue in Richmond, Virginia (How Statutes Are Falling Around the World, *The New York Times*, June 25, 2020)

Legislators and governors have also been acting to combat anti-racist language and imagery. After 126 years, Mississippi passed a law mandating the removal of the Confederate emblem from the state flag. In Rhode Island, whose official full name is the State of Rhode Island and Providence Plantations, the governor ordered the word "plantations" to be removed from all state documents and websites. Rhode Island was the first colony to abolish slavery in 1652, but as the New York Times reported, historians have concluded that slavery likely continued in the state till it was abolished nationwide (Fazio, 2020, p. 24).

**Combating Exclusionary Language in Technology**

There is also a movement underway to replace exclusionary language in technology and engineering vocabulary which has long featured words like "master," "slave," and "blacklist" to describe technical functions in hardware and software (Conger, 2021). An international group, the Internet Engineering Task Force, has proposed replacing offensive terms with more inclusionary language: "primary" or "main" could replace "master," "replica" could replace "slave," "blocklist" could replace "blacklist."

Twitter is one social media platform that has actively begun changing terms to be more inclusive and less exclusive. What alternatives would you propose for terms like "man hours," "grandfathered," "sanity check," or "dummy value?" What other technology and engineering-related terms would you change in addition to the ones just listed?

## Media Literacy Connections: Utilzing Gender-Inclusive Language in Schools, Conversations, and Media

We have all heard the statement “You Guys” spoken in all kinds of mixed gender settings from restaurants and stores to school classrooms and corridors. It is a common part of everyday language, spoken almost automatically as though everyone present is a member of one gender. To object seems almost hopeless; few speakers take the time to use alternatives like “folks,” “everybody,” “friends,” “ya’ll,” or “team.”

Yet, words and the meanings we assign to them matter hugely to how people think and act. As George Orwell famously observed in his essay “Politics and the English Language,” our language “becomes ugly and inaccurate because our thoughts are foolish, but the slovenliness of our language makes it easier for us to have foolish thoughts.” Still, Orwell remained hopeful because, as he further noted, “the point is that the process is reversible.” Language is a social construction and people can shape language to express greater democratic and positive purposes.

**Activity 1**: **Develop a list of Gendered Words and Gender-Inclusive Alternatives for use in schools, everyday conversations, and the wider society.**

- **Step 1:** Read Using Gender Neutral Language in Your Classroom and Gender-Inclusive Language from the United Nations
- **Step 2**: Record words you hear and use in the classroom and in everyday conversations and propose gender-inclusive alternatives, such as:
    - Freshman --> first year
    - Chairman → Chair

**Activity 2**: **Use of Gendered Language on Television Shows and YouTube Channel Streams**

- Record how many times the term "You Guys" is said in a single episode of your top 3 favorite TV shows or YouTube channel stream.
- Repeat the research for other uses of gendered language on favorite shows and YouTube streams.
- Write a PRAISE or PROTEST letter to the producer of the TV show about the use gendered language or gender-inclusive langauge.

### Suggested Learning Activities

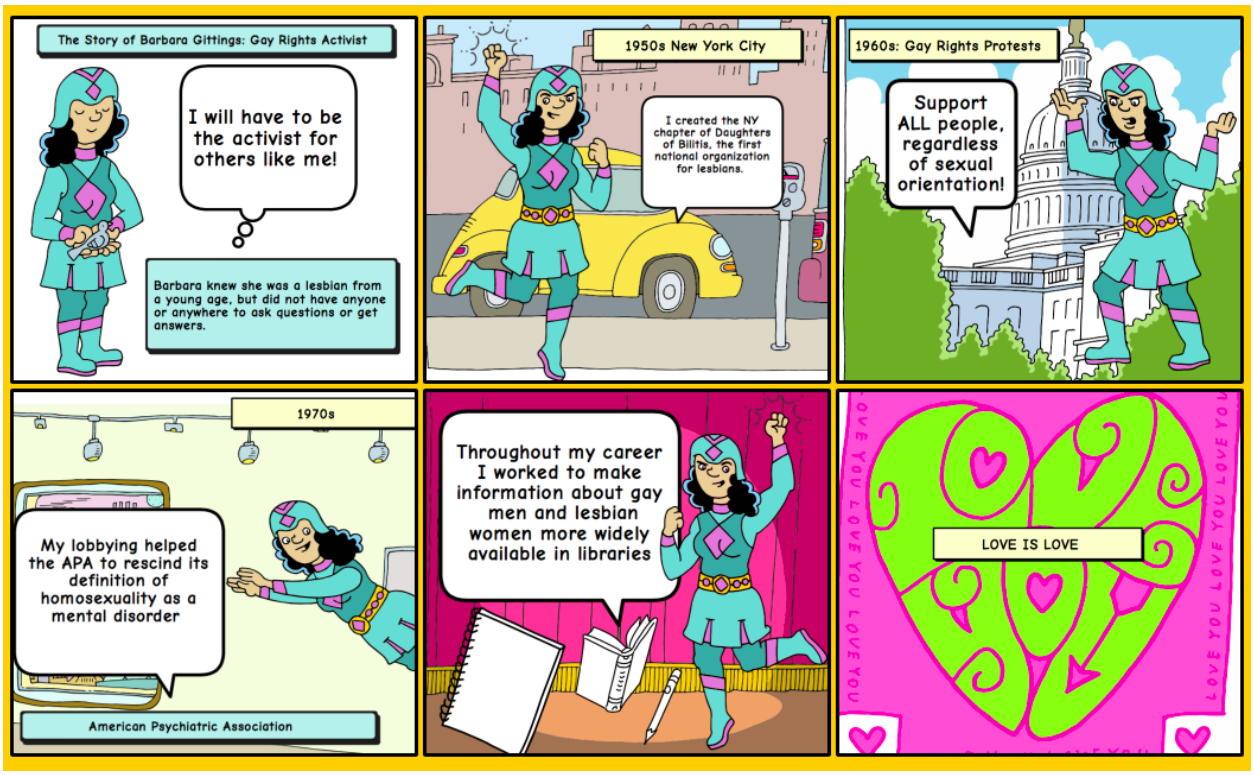
- **Design a Gender-Inclusive, Anti-Racist State Seal and Motto**
    - In January 2021, the Massachusetts legislature established a commission to recommend a new state seal and motto to replace the current one deemed offensive to Native Americans.
    - Draw online or on paper a new state seal and motto for Massachusetts
    - Research the state seal and motto for other states in the nation.
        - How would you redesign those materials to make them more gender-inclusive and anti-racist?

- **Investigate and Propose Gender-Inclusive Civic Action**
    - Examine the use of gendered language in your state laws/Constitution and the federal Constitution. Massachusetts' constitution changed "men" to "people."
        - Reading the wording of the U.S. Constitution, do you think "all men are created equal" means all persons are created equal?
        - What wording revisions would you propose to your state or the federal Constitution?

- **Investigate and Propose Anit-Racist Civic Action**
    - What statues, monuments, or other symbols conveying racist messages are found in your community or state?
    - What should be done about them?
        - Remove them?
        - Add plaques with more historical information?
        - Expand Black history and ethinc studies curriculum in schools?
        - Other steps?

## 3.ENGAGE: How Can Teachers and Students Develop an LGBTQIA-Inclusive Curriculum in Schools?

Changing public attitudes about gay rights have intensified calls for states to offer an LGBTQIA-inclusive curriculum across the elementary and secondary school grade levels. In 2019, Illinois joined California, New Jersey, Oregon, Maryland and Colorado to add LGBTQ history requirements in the public schools. Several other states are moving in that direction or have included LGBTIA topics in their curriculum frameworks. At the same time, six states—Alabama, Louisiana, Mississippi, Oklahoma, South Carolina and Texas—have laws prohibiting teaching about lesbian, gay or bisexual people.




Designed by Tyler Volpe-Knock

Other organizations have started to incorporate LGBTQIA history and topics into their programs. October is now established as **LGBTQ+ History Month**. The National Park Service has issued a first-ever report on historic LGBT sites: LGBTQ Heritage and LGBTQ America:  A Theme Study of Lesbian, Gay, Bisexual, Transgender and Queer History. Newsela, a web resource used by 25 million students, has launched an LGBTQIA+ Studies Collection.

There are multiple entrypoint for the development of LGBTQIA curriculum in schools. In a series of landmark cases, the United States Supreme Court has expanded LGBTQIA rights:

- *Romer v. Evans* (1966)
- *Lawrence v. Texas* (2003)
- *United States v. Windsor* (2012)
- *Obergefell v. Hodges* (2015)
- *Bostock v. Clayton County* (2020)
- Marriage Equality Court Cases are discussed in Topic 6.4 in this book

We discuss the Electing of LGBTQIA legislators in Topic 3.3 in this book. The political leadership of Harvey Milk is profiled in Topic 4.7.

What other topics do you think are essential for students to learn about LGBTQIA people and LGBTQIA history and social issues as well?

### Suggested Learning Activities

- **Design**
  - A 3D digital model or statue representing a LGBTQIA individual who shaped and changed U.S. history.
  - Host a gallery walk of the printed versions of the models/statues with placards to be read by the class and/or members of the school community.

- **Make a Poster**
  - What topics would you include in an LGBTQIA-inclusive curriculum?
  - How would you integrate LGBTQIA topics in English/language arts, science and math as well as history/social studies classes?

- **Create a Sketchnote** for Landmark Supreme Court cases Dealing with LGBTQIA Rights

### Online Resources for LGBTQIA History

- Teaching LGBTQ History: Instructional Resources for California Educators, Students, & Families
- Contextualizing LGBT + History with Social Studies Curriculum, Position Statement from the National Council for the Social Studies, 2019
- Making Gay History, Podcast series

## Standard 6.6 Conclusion

In the United States, constitutions establish the essential framework for democratic government at the state and national level. Despite peoples' different genders, ethnicities, religions, and social and economic positions, a constitution "binds us all together" as members of a nation (Is the Constitution Important? Bill of Rights Institute, 2011, para. 2). INVESTIGATE examined the differences between the Massachusetts and federal Constitutions. UNCOVER looked at ongoing efforts to add gender-inclusive language to constitutions and laws. ENGAGE asked whether the equal protections guaranteed by the Constitution requires that states offer an LGBTQIA-inclusive curriculum in K-12 schools.

6.7

# Responsibilities of Federal, State and Local Government

## Standard 6.7: Responsibilities of Federal, State and Local Government

*Contrast the responsibilities of government at the federal, state and local levels.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.7]**

In the United States, there is one federal government, 50 state governments, 89,004 local governments, 573 American Indian tribal governments, and 5 territorial governments. These different governments directly affect the lives of people who live in the areas governed by the laws passed and the actions taken.

### Modules for this Standard Include:

1. INVESTIGATE: The Functions of State and Local Government
2. UNCOVER: COVID-19, Vaccinations, Face Masks, and Jacobson v. Massachusetts (1905)
3. ENGAGE: What Single-Use Plastic Items Should Local Governments Ban to Help Save the Environment?
   MEDIA LITERACY CONNECTIONS: Designing Environmental Campaigns Using Social Media

## 1. INVESTIGATE: The Functions of State and Local Government

Local, tribal, and territorial governments in the United States plan and pay for most roads, run public schools, provide water, organize police and fire services, establish zoning regulations, license professions, and arrange elections for their citizens.

Local governments work in connection with their state government, and sometimes those governments do not agree. Sanctuary city declarations, all gender restrooms, minimum wage laws, fracking policies, ride-hailing company regulations, and red light cameras at traffic lights are a few examples where local and state governments may disagree. Disagreements are furthered by the fact

that most states are controlled by Republicans while most cities (where two-thirds of all Americans live) are controlled by Democrats. Nevertheless, legally and constitutionally, **state governments have power over local governments**.

The COVID pandemic accentuated disagreements between state and local governments. Throughout 2020 and 2021, local officials have both defied emergency health restrictions set by states and implemented local health policies in defiance of state orders not to do so. At the end of 2020, in the state with the lowest coranavirus numbers in the country, the Stamford Vermont town selectboard voted to "terminate" the state governor's face-mask requirements, quarantine rules, and family and public gathering restrictions. The 3 to 2 majority claimed the governor's orders violated the town's constitutional right to opt-out of emergency declarations.

Broadly speaking, however, communities do not have the right to defy a state order, as established by the 1905 *Jacobson v. Massachusetts* Supreme Court decision discussed in the next section. However, as the American Bar Association points out, "In judging a governor’s or local official’s authority to exercise such powers under the 10th Amendment, Supreme Court decisions require a “compelling governmental interest” be shown and evidence that the action has been narrowly tailored to achieve that interest."

### Suggested Learning Activities

- **Research Local Laws**
  - Research your local city and town laws (see Massachusetts city and town ordinances and bylaws).
  - Create an infographic or sketchnote comparing and contrasting local city/town laws with state laws.
- **Explore Preemption Conflicts**
  - Review the article Preemption conflicts between state and local governments.
  - Select a topic (e.g., firearms, fracking, GMOs, labor and wages, LGBT, plastic bags, housing, soda taxes).
  - Conduct research to examine the state and local views on the topic.
  - Create a video or podcast to present your opinion about whether the state or local government should have the power to address that topic.
- **Debate** (in-person, on social media, or on Flipgrid)
  - Should States Dictate that Student Athletes Can Be Paid to Play College Sports?
    - In 2019, the state of California passed the **Fair Pay to Play Act**. Scheduled to go into effect in 2023, this law allows college athletes to earn money from uses of their names, images and likenesses. As Sports Illustrated reported, "this act guarantees college athletes a right to profit from their identities" (McCann, 2019). Similar measures are being proposed in other states around the country.
    - Proponents of the Fair Pay to Play Act, including NBA stars LeBron James and Draymond Green as well as presidential candidate Bernie Sanders, believe this legislation will address gross inequities in college sports where coaches, universities, and television networks make huge amounts of money while athletes receive no compensation.
    - Opponents including the NCAA (National Collegiate Athletic Association) contend that this law will ruin the college sports by making professionals out of amateur athletes. They also contend California schools will have an unfair advantage in recruiting the best players over schools in the states that do not allow athletes to be paid.
  - What are the arguments for and against the Fair Pay to Play Act? Would you vote to adopt or reject this law?

## 2. UNCOVER: COVID-19, Vaccinations, Face Masks, and *Jacobson v. Massachusetts* (1905)

The COVID-19 pandemic has generated intense debates over whether state, local, or national governments can mandate vaccinations as well as require face masks and/or social distancing as public health policies that everyone must follow.

Basically, the federal government cannot mandate **vaccinations**, but state governments have the authority to do, particularly for health workers and essential employees, because states are required to "provide for the public health, safety, and morals" (An Overview of State and Federal Authority to Impose Vaccination Requirements, Congressional Research Service, May 22, 2019). Vaccination

policy matters greatly since in early 2021 nearly 25% of the population say they will probably not or definitely not get a vaccine when it is made available to them.

Disputes over vaccinations as matter of health policy are not new historically.

**Vaccinations**

In 1809, the town of Milton became the first Massachusetts community to offer free smallpox vaccinations. The town of Milton's action was followed that same year by a state law requiring smallpox vaccination, making Massachusetts the first state in the nation to promote the use of vaccination as a public health policy. Since then, advances in medical science have enabled physicians to use vaccinations to treat previously incurable diseases, including Avian Cholera (1879); Rabies (1885); Polio (1955); Measles (1963), and Mumps (1967) (Vaccine History: Developments by Year, Children's Hospital of Philadelphia).

Nurse immunizing young girl in dress in the1930s, Mississippi Department of Archives and History, No Restrictions

In a landmark case, *Jacobson v. Massachusetts* (1905), the Supreme Court upheld the authority of states to enforce compulsory vaccination laws, confirming the "state's duty to guard and protect . . . the safety and health of the people." Wrote the Court, "Upon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members" (quoted in Face-Covering Requirements and the Constitution, Price & Diaz, American Constitution Society, June 2, 2020).

Today kindergarten through 12th grade students in Massachusetts are required to be immunized with DTaP/Tdap, polio, MMR, Hepatitis B, and Varicella vaccines. Religious and medical exemptions are granted to individuals and families in a small number of cases.

**Masks and Face-Coverings**

Mask-wearing is and has been a contested public policy. During the 1918-1919 influenza pandemic, there were mask-wearing ordinances, particularly in states in the western part of the United States, including the cities of San Francisco, Seattle, Oakland, Sacramento, Denver, Indianapolis, and

Pasadena. Masks were of poor quality by today's standards; people wore gauze or other similarly light fabrics (learn more: The Flu in San Francisco from PBS American Experience).

Georgia Tech football game 1918 during Spanish Flu by Thomas Carter, public domain

Though enforcement of mask-wearing rules was relatively lax, there were citations and fines. There was also organized resistance, including the Anti-Mask League of 1919. For more on this hidden history, explore "The Mask Slackers of 1918," The New York Times (August 3, 2020).

In 2020, opposition to mask-wearing became a centerpiece of Donald Trump's unsuccessful campaign for a second term as President. Groups across the country opposed mask-mandates - citing disruption for businesses and violations of personal liberties. In some places, reactions were extreme - there were credible threats against the life of Michigan Governor Gretchen Whitmer for her responses to the pandemic in that state.

Can the President or Congress enact a nationwide mask mandate? The independent Congressional Research Service concluded Yes (August 6, 2020), each branch has authority to do so, although the political will may not be there for this to happen. At present, mask-wearing essentially depends on people's willingness to cooperate with requests to do so. As of December 2, 2020, 37 states have mandated face covering in public - meaning both public indoor and outdoor spaces.

Left undecided is what to do with those who choose not to comply with mask mandates. There could be fines for individuals not wearing face covering or fines and suspensions for businesses that serve customers without masks. Such penalties exist already for individuals caught not wearing seat belts or not observing smoking bans or businesses who sell alcohol or cigarettes to underage buyers.

### Suggested Learning Activity

- **Evaluate and Respond**
  - Evaluate the vaccine/mask-mandate stance of local and state officials as well as the administrators of the school you attend.
  - Then write a letter of PRAISE or PROTEST (or create a PSA) based on your findings.
- **Write a Public Policy Memo**
  - After exploring the online resources for the history of pandemics and vaccines listed in the section below, consider the following:
    - Should a local, state, or federal government have the power to require people to get a COVID-19 vaccine?
    - Should students in schools be required to receive such a vaccine?
    - What response should schools take if students or their families refuse vaccinations?
  - Turn your public policy memo into an animated whiteboard video using the *Explain Everything* or *ShowMe* apps.

### Online Resources on the History of Pandemics and Vaccines

- WIKI PAGE: The 1918 Pandemic and Other Plagues in History
- History of Vaccine Safety, Centers for Disease Control and Prevention
- Making the Vaccine Decision
- Just How Safe Are Vaccines? Here are the Numbers, LiveScience (January 12, 2017)
- California Court of Appeals Rejects Challenge to Vaccine Law, Bill of Health, Harvard Law (July 30, 2018)
- The History of Vaccines, College of Physicians of Philadelphia
- What the Supreme Court Has Said About Mandating Vaccines for School: Jacobson v. Massachusetts
- Jacobson v. Massachusetts: It's Not Your Great-Great-Grandfather's Public Health Law, National Library of Medicine
- School Immunizations and Religious and Medical Exemptions by County in Massachusetts

## 3. ENGAGE: What Single-Use Plastic Items Should Local Governments Ban to Help Save the Environment?

In the article How Plastics Contribute to Climate Change, Claire Arkin commented “Plastic pollution is not just an oceans issue. It’s a climate issue and it’s a human health issue,” (Bauman, 2019, para. 2). The creation, use, and incineration of **plastics has a significant impact on the environment,** including using up finite fossil fuels, increasing greenhouse gas emissions, filling up landfills, increasing the number of pollutants in the air, and harming or killing animals.

Experts, including the 2018 United Nations Intergovernmental Panel on Climate Change, agree that urgent governmental action—nationally, internationally, and locally—is needed to try and **reverse the effects of human impact on the environment**. People, as well as governments, are concerned about climate change and global warming. A 2018 study by researchers from Yale University and George Mason University found that "seven in ten Americans (73%) think global warming is

happening, an increase of ten percentage points since March 2015; six in ten understand it is human-caused" (Climate Change in the American Mind, p. 3).

In response, local and state governments across the country are adopting laws intended to help save the environment. Establishing rules and regulations about **single-use plastic containers** is one place to begin addressing climate change. *National Geographic* reports that nearly half the plastic ever made has been produced since 2000 while less than a fifth of plastic trash is recycled (Parker, 2018). Worldwide, one million plastic bottles are purchased every minute, 91% of which are not recycled (Nace, 2017). In the United States, one billion toothbrushes (most of which are plastic and not biodegradable) are discarded every year (Goldberg, 2018).

More than 300 communities in California, Hawaii, Puerto Rico, and American Samoa, and 55 countries have banned or charge fees for the **single-use plastic bags** (Funkhouser, 2019). New York State's plastic bag ban will go into effect in March 2020.

Portland, Oregon Plastic Bag Ordinance, by Tony Webster, licensed under CC BY 2.0

**Additional Government Actions to Address Climate and Environment**

State and local governments are taking multiple steps to respond to the climate and environment crisis:

- It is estimated 500 million **plastic straws** are used and thrown away daily in the U.S. In response, communities in California, Washington, New Jersey, Florida and Massachusetts have banned plastic straws.
- The city of Cambridge, Massachusetts has become the first city in the country to mandate climate warnings on gas pumps. The goal is to make drivers think about the impacts of gasoline consumption right at the point of purchase.
- Researchers urge governments to charge property owners for leaf and brush pickups, restrict use of leaf blowers, plant more trees, shrubs, and grasses (Yale Climate Connections, 2019).
- California and Washington state have taken a lead on requiring net-zero buildings with solar

panels, high efficiency windows and insulation, and reduced gas-powered systems (Audobon Magazine, Fall 2019).

Which of these actions do you think will be most effective and why? What other actions would you propose be taken?

## Media Literacy Connections: Designing Environmental Campaigns Using Social Media

Environmental and climate justice organizations make extensive use of Twitter, Facebook, YouTube, Instagram and many other social media platforms to communicate their ideas for sustainability and change to wide audiences. The Shorty Social Good Awards honor programs, projects, and initiatives that successfully "promote, protect, and preserve our environment" (para. 1).

Shorty Awards are given in many different categories. Past winners include Michelle Obama, Bill Nye, Lorde, Neil DeGrasse Tyson, and Retta.

But, does social media change people's behaviors, attitudes, and opinions about climate and the environment? Do social media-based efforts result in tangible governmental action for change? What type of social media campaign would you design to promote meaningful change?

**Activity: Analyze an Environmental Awareness or Change Campaign on Social Media**

- Examine at least 2 entries from the "Best in Environment & Sustainability" category of the Shorty Awards. Second annual winners and finalists included National Geographic Chasing Genius; "Under the Canopy" virtual reality presentation on the Amazon rainforest; Dive Deeper 2, interactive water preservation stories; and Human/Nature, a series of human and animal research.
- Answer the following questions:
    - What strategies and approaches did these organizations use to communicate their messages?
    - What visuals were used and why? What rhetoric was used?
    - What did you find effective in educating you and others?
    - What features did you find less effective in making a case for awareness or change?

**Activity: Design Your Own Social Media Campaign**

- Choose an environmental or climate issue that matters to you.
- What type of social media campaign would you create to generate awareness and change at a local, state, or national government level?
- For comparison and inspiration, review the "Save the Turtles" campaign and watch *A Plastic Ocean (2016)* on Netflix or The Majestic Plastic Bag (embedded below).
    - How did this movement translate to social media?
    - Has the "Save the Turtles" trend of not using plastic straws ended up creating tangible legislation?
    - How will your media change public opinions on important environment issues like plastic?

Watch on YouTube https://edtechbooks.org/-BnYq

## Suggested Learning Activities

- **Write a Public Policy Brief**
  - Compose a public policy brief for a new environmental policy that local or state governments should enact.
    - Provide evidence of the problem, policies currently in place, alternative approaches, and your preferred recommendation for change.
  - Turn your brief into an animated whiteboard video using the *Explain Everything* or *ShowMe* apps.

- **Discuss and Debate**:
  - Which of the following single-use products would you support banning or limiting in an effort to reduce plastic waste?
    - Plastic water bottles
    - Plastic packaging and containers
    - Styrofoam containers
    - Plastic utensils
    - Plastic packing straps
    - Sandwich bags
    - Plastic Wrap
    - Baby diapers

- **Research**
  - Would a fee-per-bag (paper or plastic bag) policy encourage more retail store customers to bring their own resusable bages when they shop?

- **Civic Action Project**
    - Calculate the costs of eco-friendly school supplies for your classroom.
    - Write or create a video proposal to persuade your school administrators to purchase eco-friendly school supplies. Share your proposal with local government officials to persuade them to enact eco-friendly laws.
    - Eco-Friendly is defined as "vegan, plastic-free, sustainable and/or re-usable" (Ragg-Murray, 2018).
    - Example eco-friendly school materials are:
        - Stainless Steel Boxes
        - Reusable Cardboard Shoeboxes
        - Canvas Bags
        - Lead-free biodegradable pencils
        - Solar-powered corn plastic calculator
        - Bamboo ruler
        - Paper supples made from 100% post-consumer waster paper and non-toxic soy-based inks
        - Sugarcane paper notebooks
        - Beeswax crayon sticks
        - Biodegradable pens
        - Bamboo pens
        - Natural grass pens
        - Note: Natural grass pens are made from natural meadow grass and BPA-free plastics.  BPA is the name for Bisphenol A, an industrial chemical found in polycarbonate plastics and epoxy resins which can seep from products into food and beverages. Sugarcane paper is made from leftover sugarcane pulp.

### Online Resources for Environmental Action and Climate Justice

- The Plastic Tide:  Exploring Plastic Waste in Our Environment, NPR
- Why Lakes and Rivers Should Have the Same Rights as Humans, Kelsey Leonard TEDTalk, December 2019.
- 25 Books That Teach Kids to Care About the Environment, *Huffington Post*, September 11, 2019.

## Standard 6.7 Conclusion

The nation's federal, state, local, tribal and territorial governments have overlapping and sometimes competing goals and policies. **INVESTIGATE** examined the responsibilities of government at the state and local levels. **UNCOVER** looked at the history of Massachusetts state government efforts to mandate vaccinations. **ENGAGE** asked students to consider the roles local governments can and should play in reducing plastic consumption, waste, and pollution.

# 6.8

# Leadership Structure of the Massachusetts Government

## Standard 6.8: Leadership Structure of the Massachusetts Government

*Explain the leadership structure of the government of the Commonwealth of Massachusetts and the function of each branch.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.8]**

Photo of the Great Blue Hill in Milton, Massachusetts (2009), by Swampyank, Public Domain

Massachusetts is an **Algonquin Indian word** which roughly translates to ***"large hill place"*** or ***"at the great hill."*** This refers to the Great Blue Hill in Milton, Massachusetts - an ancient volcano last active over 400 million years ago (History of Massachusetts Blog, December 2, 2015). The names of

the state's 14 counties were borrowed from places in England (Where Did Massachusetts Counties Get Their Names? from MassLive).

The state's population in July 2019 was estimated at **6.8 million people**, 16.5% over age 65 (slightly more than the national average) and 19.8% younger than 18 (somewhat less than the national average). About 16.5% of the state's residents are foreign-born (higher than the national average). Median household income was $77,378 compared with $60,293 nationwide; 10% of the population were living in poverty, less than the national average of 11.8%. 90.1% of Massachusetts households have a computer; 84.7% have broadband subscriptions (Anderson, 2020).

The state government's legislative, executive, and judicial structure is similar to the three branches of the nation's federal government. Importantly, Massachusetts has had many history-making political milestones which have made its government more representative of all genders and races. Going forward, with millions of people living in a geographically small area, that state's government faces enormous challenges.  One of those challenges - how can state government promote greater equity in jobs and careers for women and men - is at the center of how democracy in the 21st century.

### Modules for this Standard Include:

1. INVESTIGATE: The Structure of Massachusetts Government
   MEDIA LITERACY CONNECTIONS: Campaigning for State Office Online
2. UNCOVER: Milestones in Massachusetts Politics
3. ENGAGE: How Can Society Eliminate Gender Gaps in Wages and Jobs?

# 1. INVESTIGATE: The Structure of Massachusetts Government

Massachusetts is one of four states that are legally called a "commonwealth" - Kentucky, Virginia, and Pennsylvania are the others. There is no real difference between a commonwealth and a state. All have a structure similar to the federal government with three co-equal branches - executive, legislative and judicial - that check and balance each other.

### Executive Branch

The executive branch is made up of the Governor, the governor's cabinet, the state treasurer, the state auditor, the attorney general, the state comptroller, and the state secretary.

**Governor:** The governor is the chief executive officer, similar to the president in the federal government. The governor is elected in a state election and serves a four-year term. The current governor of Massachusetts is Charlie Baker (2020).

**The Governor's Cabinet:** The governor's cabinet is similar to the president's cabinet. The governor's cabinet is made up of Executive Office for Administration and Finance, the Executive Office of Health and Human Services, the Executive Office of Transportation and Public Works, the Executive Office of Public Safety and Security, the Executive Office of Housing and Economic Development, the Executive Office of Labor and Workforce Development, the Executive Office of Education and the Executive Office of Energy and Environmental Affairs.

**The Attorney General:** The attorney general represents all legal proceedings in both state and federal courts. The attorney general also brings actions to enforce environmental and consumer protection statutes.

## Legislative Branch

The legislative branch is made up of the State Senate and House of Representatives:

- **State Senate:** The state Senate is made up of 40 members. State senators are elected for two-year terms.
- **House of Representatives:** the House is composed of 160 members. Representatives also serve two-year terms.

## Judicial Branch

The judicial branch is made up of the Supreme Judicial Court, the Appeals Court, and the Trial Court. The **Appeals Court** and the **Trial Court** are appointed by the Governor.

In some states, judges are elected by the voters, but in Massachusetts they are appointed by the Governor with advice and consent of the Governor's Council. Judges have a lifetime appointment with a mandatory retirement age of 70. You can learn more at How a Judge is Selected in Massachusetts.

## Media Literacy Connections: Campaigning for State Office Online

In Massachusetts, like most states, voters elect people to multiple positions in state government, including: Governor, Lieutenant Governor, Secretary of the Commonwealth (or Secretary of State), Attorney General, Treasurer, Auditor, Governor's Council Member, state senator, and state representative. They do not elect judges who are appointed. You can learn more at Who Are My Elected Officials?

**Activity**: **Design an Online Political Campaign for a State Political Office***

Imagine that you have decided to run for a political office in your state's government. Since considerable amounts of time and money are involved in traveling the state and meeting voters face-to-face, you have decided to do most of your campaigning online. How will you do this?

1) What office are you seeking and why?

2) Design one or more of the following parts of your online campaign and explain how you will use them to share your ideas and attract voters to your campaign?

    - Campaign Website
    - Facebook page
    - Twitter account and posts
    - YouTube or Instragram videos

*Note: In some states, people also elect State Supreme Court Justices so you could design a campaign for this office as well.

### Suggested Learning Activity

- **Research how other state governments are organized**
  - Comparing Federal and New York State Government
  - The Government of Mississippi: How It Functions
  - California State Government

### Online Resources for the Structure of Massachusetts Government

- Executive Branch, Mass.gov
- Legislative Branch, Mass.gov
- Look up your state legislators
- Judicial Branch, Mass.gov
- Massachusetts Supreme Court rulings

## 2. UNCOVER: Milestones in Massachusetts History and Politics

Massachusetts has had many historical firsts, including:

- First public park (Boston Common, 1634)
- First public secondary school (Boston Latin Grammar School, 1635)
- First university (Harvard)
- First public library
- First state constitution
- First church built by free Blacks (African Meeting House)
- First basketball game (Springfield)
- First American subway system (Boston).

The Boston Common by Winslow Homer, 1858, Boston Public Library, Public Domain

The structure of Massachusetts government, while similar to that of the federal government, also provides important firsts and key developments (see Table 6.8).

Table 6.8 Milestones in Massachusetts History and Politics

| **First African American Men Elected to the Massachusetts Legislature** | **Edward Garrison Walker and Charles Lewis Mitchell (1866)** |
|---|---|
| First African American Woman Elected to the Massachusetts House | Doris Bunte (1973) |
| First African American Man Elected to the Massachusetts Senate | Bill Owens (1975) |
| First Hispanic Man Elected the Massachusetts Legislature | Nelson Merced (1988) |
| First Hispanic Woman Elected the Massachusetts Legislature | Cheryl Coakley-Rivera (1999) |
| First LGBT Candidate Elected  the Massachusetts Legislature | Elaine Noble (1975) |

### Suggested Learning Activities

- **Research**
  - Expand upon Table 6.8 by adding a list of other firsts for Massachusetts government and politics. Here are three more examples to get your started:
    - First African American Elected to the United States Senate: Edward Brooke (1966)
    - First African American Chief Justice of the Massachusetts Supreme Court: Roderick L. Ireland (2010)
    - First African American Woman Elected to the United States House of Representatives: Ayanna Pressley (2018)

- **Design a Firsts eBook for Your State**
  - Create a class eBook (on Book Creator or Google Docs) about milestones in your state's history and politics.
  - Each student can select a milestone and create a multimodal, interactive (e.g., hyperlinks, embedded media) page or chapter to add to the collaborative class book.

- **Analyze Media Coverage of "Firsts"**
  - How did the media cover the "firsts"?
  - How did the media influence what happened?

## 3. ENGAGE: How Can Society Eliminate Gender Gaps in Wages and Jobs?

In 1945, Massachusetts became the first state to pass an **Equal Pay Law** mandating that women be paid the same as men when doing the same job. That law was updated in 2018 with the Massachusetts Equal Pay Act. Today, most states have laws against wage discrimination based on gender—only Alabama and Mississippi do not have equal pay laws.

It's time for equal pay for equal work (Gillibrand, 2020), by Kristen Gillibrand for President, Public Domain

Still a gender pay gap exists across most occupations and industries in this country.  Women make less money than men, often much less—on average 82 cents for every dollar made by men (The Simple Truth about the Gender Pay Gap). In 2019, 26 of the 30 highest paying jobs were male-dominated; 23 of the 30 lowest paying jobs were female-dominated (Women in Male-Dominated Industries and Occupations: Quick Take, Catalyst, February 5, 2020).

**Equal Pay Day** is the day in a year that women must work until they earn what men earned the previous year. Equal Pay Day for all women in 2019 was June 10; for Black women it was August 22.

## Suggested Learning Activity

- **Design a Public Policy Initiative**
  - What else must be done besides equal pay laws to eliminate gender gaps in wages and jobs?
  - Develop a short video or podcast explaining your proposal for action

### Online Resources for Equal Pay Laws

- Equal Pay Laws by State, AAUW
- Paycheck Fairness Act of 2019, passed by the House of Representatives. It is opposed by the U.S. Chamber of Commerce.

## Standard 6.8 Conclusion

Massachusetts has a system of government like the other states in the United States. **INVESTIGATE** outlined the structure of the state's legislative, executive and judicial branches of government. **UNCOVER** presented milestones in Massachusetts government, many of which opened the way for wider transformations in politics throughout the nation. **ENGAGE** asked what steps state government can and should take to eliminate gender gaps in wages and jobs.

# 6.9

# Tax-Supported Facilities and Services

## Standard 6.9: Tax-Supported Facilities and Services

*Give examples of tax-supported facilities and services provided by the Massachusetts state government and by local governments.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.9]**

"Tax The Rich" mural by Megan Wilson on Clarion Alley, San Francisco California, licensed under CC BY-SA 3.0

This standard explores how state and local governments use taxes to provide services and facilities for people. A **tax** is a fee or a charge that people have to pay. To understand what services you are entitled to receive as a member of a state or local community, it is essential to understand how state and local governments use tax monies, including how public education is funded.

Debates over tax policy tend to focus on whether to implement a more progressive tax system, which relies on those who earn more income to pay more tax, or to maintain a mainly regressive tax system which is uniformly applied, such as a sales tax or a lottery, that results in those with a lower income paying more of their income in taxes.

### Modules for this Standard Include:

1. INVESTIGATE: People's Taxes and How They Are Spent
2. UNCOVER: A Brief History of Taxation in the U.S.
3. ENGAGE: Should States Expand Lotteries to Raise Money for Communities?
   MEDIA LITERACY CONNECTIONS: Advertising the Lottery

# 1. INVESTIGATE: People's Taxes and How They Are Spent

Massachusetts collected **$27.8 billion in taxes** in 2018. A billion is a thousand million. How big is a billion? If you saved $100 a day, it would take you 27,397.26 years to reach $1 billion (UC Berkeley Museum of Paleontology, nd).

## Sources of Revenue

State and local governments in Massachusetts get tax revenue from multiple sources as shown in Table 6.9 (Learn more: The State of the State (and Local) Tax Policy).

Table 6.9 Sources of Revenue for State and Local Government

| State Government | Local Government |
|---|---|
| property taxes | funds from state and federal government |
| individual income taxes | local property taxes |
| corporate income taxes | individual income taxes |
| sales taxes | charges for services such as water and sewer |
| motor vehicle license taxes | parking meter fees |
| marijuna sales taxes* | corporate taxes |
| other assessments | hotel taxes |
| | business license taxes |

*Massachusetts gained a new source of tax revenue when the first legal recreational marijuana stores opened in the state in November, 2018. Marijuana has been legal for purchase by people 21 and older in Massachusetts, under certain conditions, since 2016 (Marijuana in Massachusetts--What's Legal?). Marijuana sales are subject to taxation.

To explore marijuana taxation, read What is Massachusetts Planning To Do with All That Marijuana Tax Revenue?, Boston.com, December 5, 2018 and Weed Taxes Roll into Massachusetts, WBUR, July 8, 2019.

By 2021, every state except Nebraska and Idaho have legalized marijuana in some form. You can explore state-by-state policies with this interactive map.

## Areas of Spending

In Massachusetts, and in most state and local governments, spending falls into one of six broad categories: elementary and secondary education, public welfare, higher education, health and hospitals, police and corrections, and highways and roads (State and Local Expenditures, Urban Institute).

Explore How Are My State Taxes Spent? to see how much money is typically spent on the following services:

- Education
- Health Care
- Transportation
- Corrections
- Low-Income Assistance
- Parks and Recreation

## Paying for Schools

"Education is the only area where the state tells cities and towns how much to spend on a local function. We don't tell cities and towns how much to spend on a local fire department or on their public works department" (Jeff Wulfson, Massachusetts Department of Elementary and Secondary Education quoted in Toness, 2019, para. 7).

Massachusetts uses a formula to determine what it thinks communities need to pay for the expenses of K-12 education—everything from teacher salaries to books and curriculum materials to the costs of maintaining school buildings. This is called the **foundation budget**. The current foundation budget is $11,448 per student multiplied by the number of students in the school district. The foundation budget is the minimum amount that must be spent. State and local governments pay their share of the foundation budget based on a complicated formula.

Cities and towns may spend more than the foundation budget, but they have to raise that money themselves through local taxes. As a result, wealthier communities, if they choose to do so, can raise more money through taxes and spend more money on education than poorer communities. According to *Boston Magazine*, in 2017, Cambridge, Weston, Dover-Sherborn and Watertown spent more than $20,000 per pupil while Haverhill, Lowell, Malden and Taunton were some of the communities spending less than $14,000 per pupil.

## Suggested Learning Activities

- **Discuss and Analyze**
  - What are people's rights as taxpayers?
    - Read and review the Taxpayer Bill of Rights
- **Research & Design**
  - Did you know that more money is spent on nuclear weopons than foreign aid? More money is spent on disaster recovery rather than climate change investments. The average U.S. taxpayer worked 63 days to fund military spending by the U.S. government. Explore the site: Where Your Tax Dollar Was Spent in 2018.
    - The National Priorities Project is a Northampton, Massachusetts-based organization dedicated to making the federal budget accessible to citizens.
  - Create a public service announcement (PSA) video or podcast about a taxpayer issue of your choosing.

### Online Resources for Government Spending and School Funding

- The Federal Power to Spend, from Exploring Constitutional Conflicts
- Who Sets Fiscal Policy--the President or Congress? *Investopedia* (August 19, 2018)
- How School Funding Works in Massachusetts, WBUR (January 16, 2015)
- How Progressive Is School Funding in the United States? Brookings (June 15, 2017)
- The States That Spend the Most (and the Least) In One Map *The Washington Post* (June 2, 2015)
- How Massachusetts Pays for Its Schools is a WGBH video on how Massachusetts decides to distribute school funding.

## 2. UNCOVER:  A Brief History of Taxation in the U.S.

In the article, "The History of Taxes in the U.S.," Fontinelle (2019) noted that "most of the taxes we pay today have been around for less than half of the country's history" (para. 2). The modern estate tax appeared in 1916; the federal income tax was established by the 16th Amendment in 1916; West Virginia established the first sales tax 1921; social security taxes were first collected in 1937.

Poster Declaring Women Who Pay Taxes Want Votes Too (1913)
Image on Wikimedia Commons/Public Domain

Broadly speaking, Americans pay seven different types of taxes (Hess, 2014):

- **Income taxes** on the money or taxable income made by individuals and corporations. The first income tax was put in placed in 1862 to help pay for the Civil War.
- **Sales taxes** on goods and services purchased.
- **Excise taxes** on items such as gasoline, cigarettes, beer, liquor, etc...
- **Payroll taxes** on salaries to cover Social Security and Medicare.
- **Property taxes** on value of real estate.
- **Estate taxes** on cash and other assets when a person dies.
- **Gift taxes** on items of value given to a person by another person.

While everyone pays taxes, the richest Americans pay the least, concluded economists Emmanuel Saez and Gabriel Zucman (2019). While all income groups pay about 28% of their income in taxes, the very top earners - billionaires or the 400 wealthiest individuals - pay only 23%. Corporations pay a 21% tax rate. You can track the accumulation of wealth at The World's Real-Time Billionaires from Forbes.

**People filling out tax forms in Internal Revenue office, 1920**
(Credit: Library of Congress/Public Domain)

The Constitution gives Congress the power to tax and spend, otherwise known as the "**power of the purse**."

**The Internal Revenue Service** (IRS) is the nation's tax collection agency. Following the passage of the 16th Amendment, it was originally known as the Bureau of Internal Revenue, and renamed the Internal Revenue Service in 1952.

Once tax money is collected, the Federal Government engages in two types of spending: **Mandatory Spending** (required spending for programs such as Medicare, unemployment, social security and interest on the national debt) and **Discretionary Spending** (all the other spending that is requested by the President and approved by the Congress). Military spending now accounts for almost 60% of

all discretionary spending and the rest goes to education, transportation, housing, energy, environment, food, agriculture and everything else.

At the center of discussions about taxes are the terms **Progressive Taxes** and **Regressive Taxes**. The **progressive income tax** was institutionalized by the 16th Amendment to the Constitution in 1913. Under a progressive income tax system, the more money a person makes doing work, the more money that person owes in taxes.

Much of the Massachusetts tax system is regressive, not progressive. **Regressive taxes**, such as sales taxes, force those with the least money to contribute a higher percentage of their total income to cover taxes. For example, Mary has a weekly salary of $300 and Julie has a salary of $1,500, but both pay a $6 sales tax on their $100 grocery bill. Mary pays 2% of her weekly salary in taxes while Julie only pays 0.4% of hers (Why the Sales Tax is Considered a Regressive Tax, AccurateTax, 2017). Similar to sales taxes, property taxes, payroll taxes, and excise taxes all require lower-earning individuals and families to pay a higher percentage of their income in taxes.

The Massachusetts income tax is somewhat less regressive in nature. Since everyone pays Massachusetts income taxes at a flat rate, lower-income households pay less than do higher-income households.

Nationally and at the state level, there are calls for establishing more fair and equitable tax policies by increasing taxes on the wealthiest individuals and families. New York State extended its **"millionaire tax"** through 2024. Under its millionaire tax, those making more than one million dollars a year pay taxes at a higher rate than everyone else.

Noting that the richest 130,000 families now have nearly as much wealth as the bottom 117 million families combined, 2020 Presidential candidate Elizabeth Warren proposed an "Ultra-Millionaire Tax" that would place additional taxes on those making more $50 million a year. Presidential candidate Bernie Sanders also proposed a Tax on Extreme Wealth as part of his 2020 campaign.

## Suggested Learning Activity

- **Debate** (in person, on social media, or on Flipgrid)
    - Should everyone pay the same percentage of their income in taxes or should those with more money pay more in taxes?
    - Should minors (individuals under 18 years old) be required to pay taxes?
        - Does a Teenager Have to File a Tax Return? *The Balance*, May 30, 2019.
        - Teens and Taxes:  The Five Most Significant Things A Teen Needs to Know

## Online Resources for Taxes and History of Taxation

- Lesson Plans:
    - Regressive Tax Lesson Plan
    - Progressive Taxes Lesson Plan
- Getting to Know the Commonwealth Formerly Known as "Taxachusetts", American Bar Association, November 18, 2016
- History of the U.S. income tax, Library of Congress
- History of the IRS

# 3. ENGAGE: Should States Expand Lotteries to Raise Money for Communities?

A **lottery** is a drawing of lots (tickets with numbers) in order to award prizes to individuals who have paid money to buy chances to win. Forty-eight governments (45 states plus the District of Columbia, Puerto Rico and the U.S. Virgin Islands) operate lotteries. Massachusetts began its lottery in 1972; MegaMillions started in 2000 and Powerball in 2010. By law, youngsters under 18 years old cannot buy lottery tickets, although adults can purchase them for minors as gifts.

Image on Wikimedia Commons/Public Domain

Lotteries have been part of American society since colonial times. Massachusetts had the first authorized lottery in Boston in 1745; 25,000 tickets were sold. Rhode Island soon did the same, starting their first lottery to build a bridge over the Weybosset River in Providence. You can learn more at Colonial America Lotteries from The Ephemera Society of America.

Lotteries generate huge sums of money for state governments. One study found that Americans spent $71,826,670 on lotteries in 2017 or about $220 for every individual in the country. Prior to the pandemic, Massachusetts residents spent the most money on lottery tickets of any state in the nation; about $933 per person annually, more than $300 more than the next highest state. Five percent of the state's people said they play the lottery everyday ("These 22 States Love Playing the Lottery the Most," July 28, 2020).

State governments redistribute the money they take in from lottery sales to prizes for winners and financial support for local communities. In Massachusetts, 72% of lottery revenue is paid out in prizes (most states pay out less); 8% goes to cover operating expenses; and the remaining 20% is returned to cities and towns throughout the state (Massachusetts State Lottery Commission, 2019). Proponents contend lotteries provide needed revenue for cities and towns; opponents question whether the money goes to the communities that need it the most (How to Fix the Unfair Distribution of Revenue Collected by the Massachusetts State Lottery, 2018).

## Media Literacy Connections: Advertising the Lottery

A lottery is a **game of chance**. Players are not guaranteed to win; in fact, hardly anyone ever does. The thrill that keeps people playing and paying is the hope that "today might be your lucky day" - the time when it all comes together and you win big money with its accompanying celebrity status.

"1887 advertising flier for the semi-annual Louisiana State Lottery drawing at New Orleans, 14 June. Artwork shows a boy and girl with coins and banknotes, presumably to symbolize the schoolchildren the lottery was advertised as benefiting."
Public Domain

Lotteries are a form of **regressive taxation** where lower-earning individuals spend a higher percentage of their incomes on games of chance in which they have little opportunity to earn back what they spend. A few people do win large amounts of money, but the likelihood is extremely small. The chance of winning a Mega Millions jackpot is about 1 in 302.5 million; the odds of being struck by lightning are only 1 in 500,000.

"A ticket from the first public lottery in Massachusetts" | Public Domain

You can review the math for the odds in Mega Millions in this graphic from the Florida Lottery.

You can learn more about lotteries as a form of taxation at Progressive, Proportional and Regressive Taxation.

**Activity 1: Analyzing Lottery Advertisements**

- Examine online and print advertisements for Mega Millions and your own or neighboring state lotteries.
    - For a primary source to analyze, here is the home page for the Massachusetts Lottery and its promotions.
    - What do you notice about how lottery advertisements use words, numbers, and graphics to encourage people to play?
    - Where do you see advertisements for the lottery: sporting events, city billboards, diners, particular television shows, certain websites, other locations? Why do you think the lottery has chosen to places to advertise?
    - What visual and textual techniques do they use to persuade people to buy lottery tickets?
- Design your own advertisement to convince people not to spend their money on lottery tickets - use the same techniques you discovered during your assessment.

**Activity 2: Informing People About Their Chances**

While psychologists recommend that people only bet what they can afford to lose on lottery tickets and other games of chance, some individuals spend money recklessly in hope of winning big.

- Create a series of TikTok or Snapchat videos to inform people about their odds in winning a lottery.
- Include alternative investment strategies where individuals might get a higher return on the money they are spending on lotteries every year.

### Suggested Learning Activities

- **Research & Discuss**
  - Examine the mathematics of lotteries, probabilities, and games of chance with the **Local Lotto Curriculum** at the City Digits website developed by Laurie Rubel and her team at Brooklyn College.
  - After examining the mathematics of lotteries, discuss whether you will buy lotto tickets when you turn 18 years old.
- **Design an Infographic**
  - Display the probabilities of winning a lottery versus other likely and unlikely events (e.g., getting eaten by a shark!).
- **Discuss & Debate**
  - Are Lotteries an effective public policy?
  - Why do Massachusetts people spend the most on lotteries of any state in the nation?
  - How should states distribute the money from lottery sales?

### Online Resources for Lotteries

- See How Much Money Your City or Town Gives, and Gets, from the Lottery, WBUR (November 20, 2018).
- VIDEO: The Lottery:  Last Week with John Oliver (note: The language isn't appropriate for students, but the stats are intriguing).

## Standard 6.9 Conclusion

Taxes and how state and local governments spend them were the focus of this standard. **INVESTIGATE** examined what taxes people pay and how some of those funds are used to support public education. **UNCOVER** reviewed the history of taxation, including progressive and regressive taxation. **ENGAGE** asked whether lotteries are a fair and sensible way to raise money for communities.

# 6.10

# Components of Local Government

## Standard 6.10: Components of Local Government

*Explain the major components of local government in Massachusetts*. (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.10]**

Image by Kevin Norris from Pixabay

Look at a map of the United States and you will see **towns and cities** in every part of every state. The Census Bureau considers towns and cities to be **incorporated places** that "expand (or contract) over time as population and commercial activity increases (or decreases)" (Understanding Place in Census Bureau Products, slide 3).

There are over **19,000 incorporated towns and cities in the country**. Those with a population of 50,000 or more are generally considered to be cities. New York City is the nation's largest with more than 8.6 million people.

Towns and cities have governments that provide services to the people who live there. In Massachusetts, there are 50 cities and 301 towns, each with its own local government (see Forms of Local Government: Commonwealth of Massachusetts).

Local governments have an executive (a Select Board or a Mayor) and legislative branch (a town

meeting or town/city council), depending on the size of the community (see the local government organizational chart from Mass Audubon).

You can learn more at Who Runs the Show? Understanding Your Local Government from Cincinnati Public Radio (2019).

### Modules for this Standard Include:

1. INVESTIGATE: Town Meetings as a Form of Local Government
   MEDIA LITERACY CONNECTIONS: Analyzing Local Governments, Social Media, and Digital Democracy
2. UNCOVER: Democratic Decision Making in Cooperative Organizations and Worker/Employee-Owned Companies
3. ENGAGE: Should Communities Declare Themselves Safe or Sanctuary Cities?

## 1. INVESTIGATE: Town Meetings as a Form of Local Government

The **town meeting** is one of our most enduring political legacies from colonial America. A town meeting happens when members of a community gather to discuss issues and make decisions about them.*

Town meeting, Huntington, Vermont, 2006

A Town Meeting in Huntington, Vermont, by Redjar, licenced under CC BY-SA 2.0

A town meeting is a form of **direct democracy** in which people from the town, rather than elected representatives, make decisions about government policies and practices. Read the Rules of a Town Meeting.

The earliest recorded town meeting was in Dorchester, Massachusetts, October 8, 1633. In colonial

America, only White males participated in town meetings.

Today, communities in Maine, New Hampshire, Vermont, Massachusetts and Connecticut, and in the western part of the United States hold town meetings where everyone can attend and speak, although only registered voters can vote. In Vermont, Town Meeting Day is a designated once-a-year public holiday.

Switzerland is the only other country in the world with town meetings. Every Swiss community, from alpine villages to the city of Zurich, has town meeting governance. In Swiss communities with large populations, a local parliament replaces the all-community member meeting (Clark & Teachout, 2012).

There are two types of town meetings in the United States: Open and Representative.

- **Open town meetings** are held in towns with less than 6,000 people.
    - A board of selectmen reads a list of issues to be voted on.
    - A moderator runs the meeting, explains each issue, and holds the vote for each issue.
    - The meetings are run on Parliamentary Procedure.
    - Votes are taken on a voice basis, not a written ballot.
- **Representative town meetings** are held in towns with more than 6,000 people.
    - Townspeople elect representatives to vote for them, acting similarly to a town council.
    - The number of town meeting members depends on town population.

The time-honored traditions of New England-style town meetings were upended by the COVID-19 pandemic. Throughout the spring of 2020, communities struggled to hold town meetings while upholding state and local policies and Centers for Disease Control (CDC) guidelines that recommended limiting large gatherings of people while maintaining social distancing protocols. Some towns chose to meet virtually on Zoom. Others opted for outdoor meetings on high school football fields; others chose large indoor facilities where social distancing could be maintained. Not everyone found the process either productive or fair. One parent in a western Massachusetts community called it "democracy only for those with access to transportation; child care; time; agency to speak long after your stated limit is up" (Goodman, 2020, para. 4).

In fact, the pandemic only heightened the already-present complexities of town meetings in today's society where not every community member has the time or resources to participate in making decisions in face-to-face meetings held in the evening or on a weekend. The future of town meeting-style direct democracy is still to be decided, but new formats that offer more ways for more people to particiate may be needed.

*Note: The term town meeting is also used in modern political campaigns where candidates meet face-to-face with voters to present ideas and answer questions from the audience. Television networks often televise these as “town meetings” when they are held by presidential candidates.

## Media Literacy Connections: Analyzing Local Governments, Social Media, and Digital Democracy

"All politics is local," the former Speaker of the House, Thomas P. "Tip" O'Neill, Jr. famously remarked, suggesting that people are intensely interested in those political matters they believe

directly affect them, their families, and their communities. It follows from O'Neill's statement that much of what is political locally involves the policies and actions of local governments.

To build greater political engagement among people, cities and towns across the country are now using social media to bring local government to the people. For example, on social media, some communities livestream mayor, council, or select board meetings; send online memes, greetings, messages, and reminders to local individuals and groups; respond to people's requests for information and services; promote programs and initiatives by city and town departments; and notify everyone about natural disasters, impending weather, and other emergencies (The Truth about Local Government and Social Media, CivicPlus, 2020).

Social media has been hailed as a way promote what has been called **digital democracy** (or e-democracy or e-government). In theory, online access will give everyone in a community opportunities to express their views and influence public policy. The record to date has been far less than that, as one researcher noted, "democratic institutions have witnessed no digital revolution through the Internet" (Bastick, 2017, p. 3).

We discuss digital government in the context of the history of democracy going back to ancient Athens in Topic 1 in this book. That section introduces the idea of **government in a smartphone** where members of a community vote, access information, pay taxes and fines, and express opinions by using an Internet-connected handheld device.

Still, can technology revolutionize democracy? One starting point for considering this question is analyzing how your local government uses social media and how might it use it more effectively and democratically.

**Activity**: **Analyze Your Local Government's Use of Social Media**

- Examine social media posts from your local city or town government over a period of a week or more.
    - What kinds of information posted?
    - What visuals do they use in their posts? How might these visuals influence viewers' reactions to the information provided in the post?
    - Do city or town officials reply to comments from viewers?
    - How accessible are the posts?
    - Is information available in multiple languages? Should it be?
- Compare how different parts of local government (city or town council, police, schools, board of heath) use social media.
    - Are there differences in how these groups communicate with members of the community?

**Activity: Envision How Community Members Might Further Engage with Local Government using Social Media**

- What new ways would you propose for local government to communicate to people and for people to communicate with local government?
- Do you support e-voting by community members on local issues of importance? Why or Why Not?

### Suggested Learning Activity

- **Role-Play a Town Meeting**
  - Conduct a Town Hall Circle to discuss and vote upon a classroom issue.

### Online Resources for Town Meetings

- Town and City Governments in Massachusetts.
- Colonial Meetinghouses of New England has information on the origins of New England town meetings.
- Hear Ye! Hear Ye!  The Town Meeting is Called to Order, a Town Meeting lesson plan from National First Ladies Library.
- Counties Work.  Play this game and run your own town! Adjust taxes, help citizens, and get re-elected

## 2. UNCOVER: Democratic Decision Making in Cooperative Organizations and Worker/Employee-Owned Companies

October is Co-op Month, celebrated nationally since 1964. **Co-op** is short for **cooperatives -** "democratic businesses and organizations, equally owned and controlled by a group of people. There are worker co-ops, consumer co-ops, producer co-ops, financial co-ops, housing co-ops, and more. In a cooperative, one member has one vote" (Thoen, 2014, para. 3).

Moving Van Company Employees Load a Moving Van, by Rharel, Public Domain

Cooperatives are everywhere. In the region near the University of Massachusetts Amherst campus there are food co-ops, agricultural co-ops, arts co-ops, compost and recycling co-ops, food sharing co-ops, credit unions, and worker-owned businesses installing solar panels, brewing beer, and designing and building sustainable structures.

The number of **worker-owned companies** and community co-ops is growing throughout the country. About 17 million people, or 12% of the U.S. workforce, are employed in worker-owned enterprises (Case, 2010). There are two main types of worker-owned organizations:

- Employee Stock Ownership Plans (ESOP) - approximately 6,600 in the U.S (ESOPs by the Numbers, March 2018)
- Worker Cooperatives (300 in the U.S.)

Some worker-owned companies consist of small groups of artisans or craft workers; for example, Rock City Coffee in Rockland, Maine or PV Squared Solar and Real Pickles in Greenfield, Massachusetts. Large agricultural cooperatives like Land O'Lakes and Ocean Spray have also become major players in dairy production and fruit farming, earning hundreds of millions in annual revenue as member-owned firms.

The democratic decision-making that happens in co-ops and worker-owned organizations provides models for how many businesses and government agencies are, and could be, run. Using different procedures and formats, members run these organizations democratically. Participating in democratic workplaces offer workers powerful reasons to invest time and energy in making decisions through their voices and votes.

## Suggested Learning Activities

- **Create a Podcast or Video**
  - Interview employees that work at a local co-op or worker-owned enterprise to learn what it is like to work in an employee-owned organization.
  - What are the advantages and drawbacks of working in this type of organization.
- **State Your View**
  - What skills, knowledge, and competencies do you think worker-owners need to successfully support their organizations?
  - At PV Squared Solar, a prospective worker-owner must work at the company for a year and then complete an additional one year worker-owner training program dealing with all aspects of cooperative organizations including socially responsible business practices (Solar Design and Installation Company Empowers Employees to be Owners).
- **Propose an Educational Change**
  - How might a school classroom become a more democratic setting where students feel like owners of their education?
  - What might a student-owned classroom look like in everyday practice?
  - See Topic 1, Standard 1 Engage: How Can School Classrooms Become More Democratic Spaces? (*not yet available on the edtechbooks platform*)

## Online Resources for Cooperatives and Employee-Owned Businesses

- Why the U.S. Needs More Worker-Owned Companies, *Harvard Business Review*, August 8, 2018
- Workplace Democracy and Worker Owned Companies
- Employee Ownership, Harpoon Brewery
- Worker Co-Ops & Democratic Workplaces in the United States (2019)

- The Employee Ownership 100:  America's Largest Majority Employee-Owned Companies
- Employee Ownership for Small Businesses in Massachusetts, MassCEO (Massachusetts Center for Employee Ownership, 2020
- Rock City Coffee: Rock City Coffee Officially Becomes a Worker Cooperative

## 3. ENGAGE: Should Communities Declare Themselves Safe and Sanctuary Cities?

A **safe** or **sanctuary community** is "a city or county in which undocumented immigrants are protected from deportation or prosecution for violations of U.S. federal immigration laws" (Longely, 2019, para. 1).

Jesse Arguin reaffirming Berkley as a sanctuary city, by Alfred Twu, licenced under CC0 1.0

In opposition to the federal immigration policies of President Donald Trump's administration, communities all across the United States have declared themselves to be safe or sanctuary cities.

In safe cities, local officials, including police officers, are prevented from taking actions based on a person's actual or perceived immigration status (see Northampton council will vote on 'safe city' ordinance; Greenfield's safe community resolution passed by the Greenfield Human Rights Commission in 2017).

In Massachusetts, Amherst, Boston, Cambridge, Concord, Lawrence, Newton, Northampton, and Somerville passed safe or sanctuary city resolutions by mid-2019.

### Suggested Learning Activity

- **Argue For and Against**
  - Are Sanctuary Jurisdictions a Good Policy? (resources from the debate website ProCon.org)
    - Is a safe city designation needed if a community's police department has a policy of not asking for an individual's immigrant status?
    - What should a community do if the federal government threatens or decides to withhold funding from communities that limit cooperation with federal immigration enforcement by declaring themselves to be safe cities?
    - Is a safe city designation needed as a symbolic way to oppose federal immigration policies that community considers unfairly target people of color?

### Online Resources for Safe and Sanctuary Cities

- Map of Sanctuary Cities, Counties, and States, Center for Immigration Studies (2019)
- Welcoming Cities Resolution, Seattle, Washington (January 30, 2017)
- Executive Order 13768: Enhancing Public Safety in the Interior of the United States (January 25, 2017)
- Sanctuary Policy FAQ, National Conference of State Legislatures

## Standard 6.10 Conclusion

To explore different dimensions of local government, **INVESTIGATE** examined town meetings as a form of direct democracy used in some communities in Massachusetts and across the nation. To provide a contrast to how local governments function, **UNCOVER** looked at the practices of democratic decision making in cooperative organizations and worker/employee-owned companies. **ENGAGE** asked whether communities should declare themselves safe or sanctuary cities.

Topic 7

# Freedom of the Press and News/Media Literacy

World Press Freedom Day 2017 Poster from UNESCO licensed under CC BY-SA 3.0-igo

## Snapshot of Topic 7

As you explore this topic's standards and modules about the freedom of the press and news/media literacy, consider the following question: **How is a free press essential to democratic government?**

### Massachusetts Standards [8.T7.1-6]

1. Freedom of the Press
2. Competing Information in a Free Press
3. Writing the News: Functions of Different Formats
4. Digital News and Social Media
5. Evaluating Print and Online Media
6. Analyze Editorials, Editorial Cartoons or Op-Ed Commentaries

**Advanced Placement Standards**

- AP Government and Politics Unit 3.4:  First Amendment/Freedom of the Press
- AP Government and Politics Unit 5.12:  The Media
- AP Government and Politics Unit 5.13:  Changing Media

Topic 7 explores the **role of people and the press in 21st century America** in today's digital age.

The **press** is a broad term, referring to the people (reporters, photographers, commentators, editorial writers and behind-the-scenes workers in media organizations) that bring us the news. The press is the **Fourth Estate** or the **Fourth Branch** of government in our democracy because it reports openly and fairly on what is happening in the community, the nation and the world. The **news** is everything of importance that happens when we are not physically present to see it for ourselves.

As members of a democratic system of government, we rely on the people of the press to report the news about what happens in our neighborhood, city or town, state, nation, and world and help us make sense of what it means for our lives. Only when there is **clear** and **unbiased** information available from the press can people make decisions about what public policies and governmental actions they want to support or oppose.

Image by Gerd Altmann licenced under CC.0 1.0

The press includes organizations large and small—including the *New York Times* and the *Washington Post* newspapers, national television networks like NBC, CNN, or Fox, public radio, and local community-based publications and television stations. It includes writers and journalists, well-known and locally prominent, as well as bloggers and online commentators. The press includes print materials, multimedia (e.g., videos, podcasts, infographics), and social media (e.g., posts and tweets).

**World Press Freedom Day** has been celebrated around the world on May 3 every year since 1991 by UNESCO (United Nations Educational, Scientific and Cultural Organization).

Today's students are immersed in a world of computers, smartphones, apps, interactive digital tools, and instantaneously available online information. They get news and political information from Google, Facebook, YouTube, Instagram, Twitter, Reddit, Snapchat and other digital sources unlike

older generations of Americans who grew up reading newspapers and magazines, watching television, listening to the radio, and talking about politics in coffee places, lunchrooms, barber shops, community centers, and family dinner tables.

Students are challenged by how different media present facts and opinions in highly polarized political environments.  The Rand Corporation's 2018 report, *Truth Decay*, identified four alarming trends is how news is presented to readers and viewers in our digital age:

1. increasing disagreement about objective facts, data, and analysis;
2. a blurring of the line between fact and opinion;
3. an increasing relative volume of opinion over fact; and
4. declining trust in government, media, and other institutions that used to be sources of factual information (Kavanagh & Rich, 2018)

Given these trends, there is a pressing need for everyone to identify and rely on **fact-based media** that report the news fully, objectively and ethically in digital, electronic and print formats.  How students go about understanding and utilizing the media creates multiple challenges and opportunities for sustaining and energizing our democratic systems of government.

# 7.1

# Freedom of the Press

## Standard 7.1: Freedom of the Press

*Explain why freedom of the press was included as a right in the First Amendment to the United States Constitution and in Article 16 of the Massachusetts Constitution; explain that freedom of the press means the right to express and publish views on politics and other topics without government sponsorship, oversight, control or censorship.* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T7.1]**

1958 UNESCO Encourages the
"free flow of ideas by word and image"
U.S. postage stamp, Public Domain

## FOCUS QUESTION: What is the History of Freedom of the Press in the United States?

Freedom of the press is set forth in the First Amendment to the United States Constitution:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, **or of the press**; or the right of the people peaceably to

assemble, and to petition the Government for a redress of grievances" (Amendment 1: U.S. Constitution (Freedom of Religion, Speech, Press, Assembly and Petition).

Massachusetts has also asserted the importance of the freedom of the press in Article 16: Massachusetts Declaration of Rights (1780): "The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth." The state renewed that commitment in 1948, amending its earlier language to read: "*Article XVI.* The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth. **The right of free speech shall not be abridged**."

Freedom of the Press is a bedrock principle of our democratic system of government. It establishes that news reporters and news organizations must be free and unrestrained in their efforts to report events and uncover the truth. As young adult author, Linda Barrett Osborne (2020, p.1) noted of the First Amendment's protection of freedom of the press, "for more than 220 years, it has guaranteed that the federal government cannot stop news media from publishing news, ideas, and opinions, even those that disagree with the actions of presidents and lawmakers."

By contrast, totalitarian and authoritarian governments seek to control the press by dictating what can be told or shown to the people. Freedom House, a press watchdog organization, has reported that only **13% of the world's population experiences a free press** (Press Freedom's Dark Horizon, 2017).

A free press does not mean that everyone in the media reports the same events in the same way. **Rather a free press allows competing ideas and conflicting viewpoints to be freely expressed without censorship** so people can make up their own minds based on what they see, hear, and read. The press, through print and online media, provide information in different formats beyond what is considered "objective journalism," including political analysis, editorials, editorial cartoons, and Op-Ed commentaries. Readers and viewers, especially students, need to learn and practice the skills of media literacy so they can critically evaluate the information they encounter in all forms of news media.

### Modules for this Standard Include:

1. INVESTIGATE: Notable Freedom of the Press Court Cases
    - MEDIA LITERACY CONNECTIONS: Evaluating Press Freedom in the United States
2. UNCOVER: Censorship and the Campaign Against Comic Books in the 1950s, Banned Books in the U.S. Today, and the Great Chinese Firewall
3. ENGAGE: What are the Speech Rights of Student Journalists?

## 1. INVESTIGATE: Notable Freedom of the Press Court Cases

Landmark freedom of the press court cases include:

- The Peter Zenger Trial of 1735
- *Near v. Minnesota* (1931)
- *The New York Times Co. v. Sullivan* (1964)
- *The New York Times Co. v. United States* (1971) - also known as the Pentagon Papers case

## The Peter Zenger Trial of 1735

In 1734, William Cosby, the colonial governor of New York brought a libel suit against John Peter Zenger, a printer and journalist for the *New York Weekly Journal* newspaper. The paper had been highly critical of the governor in print.

However, Zenger had not written the critical material, only printed it since he was one of the few individuals with the skills to operate the printing press. At trial, Zenger was found not guilty. Although the case set no formal legal precedents, it impacted public opinion and set the stage for protections written into the Constitution and the Bill of Rights.

Andrew Hamilton defending John Peter Zenger in court, 1735, Library of Congress, Public Domain

## Online Resources for the Peter Zenger Case

- Key primary source: A Brief Narrative of the Case and Trial of John Peter Zenger, Printer of the New York Weekly Journal By: James Alexander (1972)
- Middle grades non-fiction: The Printer's Trial: The Case of John Paul Zenger and the Fight for a Free Press By: Gail Jarrow (2006)
- Wiki page for Peter Zenger Case: Development of Colonial Governments

## Near v. Minnesota (1931)

The defendant, Jay Near, published "The Saturday Press," a controversial and prejudicial newspaper intended to expose corruption in government. The paper criticized and offended many important people. In 1925, he was stopped from publishing the paper and convicted in court under a Minnesota Public Nuisance Law that banned the distribution of "malicious, scandalous and defamatory" materials. Central to the case was the idea of "prior restraint," meaning the government can prevent in advance the publishing of material it considers objectionable.

The Supreme Court overturned Near's conviction, thereby establishing "a constitutional principle the

doctrine that, with some narrow exceptions, the government could not censor or otherwise prohibit a publication in advance, even though the communication might be punishable after publication in a criminal or other proceeding"  (Near v. Minnesota).

A more detailed summary of this case can be found at the Bill of Rights Institute.

## The New York Times Co. v. Sullivan (1964)

In 1960, L. B. Sullivan, one of the leaders of the Montgomery, Alabama police force, sued the *New York Times* for **libel** (printing knowingly false and harmful information). The paper had run an advertisement from civil rights groups that included charges about police activities, some of which were exaggerated and therefore not true. Sullivan sought financial compensation for damages to his reputation.

The Supreme Court declared that the First Amendment protects the publication of statements in newspapers, even false ones, about the conduct of public officials except when the statements can be proved to have been made with “actual malice.” In extending the protection of freedom of the press, the Court said, “debate on public issues should be uninhibited, robust, and wide-open” and that was more important than occasional factual errors that may appear in print.

A more detailed summary of this case can be found at the Bill of Rights Institute.

## The New York Times Co. v. United States (1971)

The famous **Pentagon Papers** case happened when President Richard Nixon sought to block the *New York Times* and *The Washington Post* newspapers from publishing classified Defense Department materials about American conduct in the Vietnam War.

A former war analyst and whistleblower Daniel Ellsberg had leaked the information to the press. The Supreme Court ruled against the Nixon Administration’s efforts to prohibit the publication of the Pentagon Papers citing the *Near v. Minnesota* case as precedent.

A more detailed summary of this case can be found at the Bill of Rights Institute.

Syllabus

# NEW YORK TIMES CO. *v.* UNITED STATES

## CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

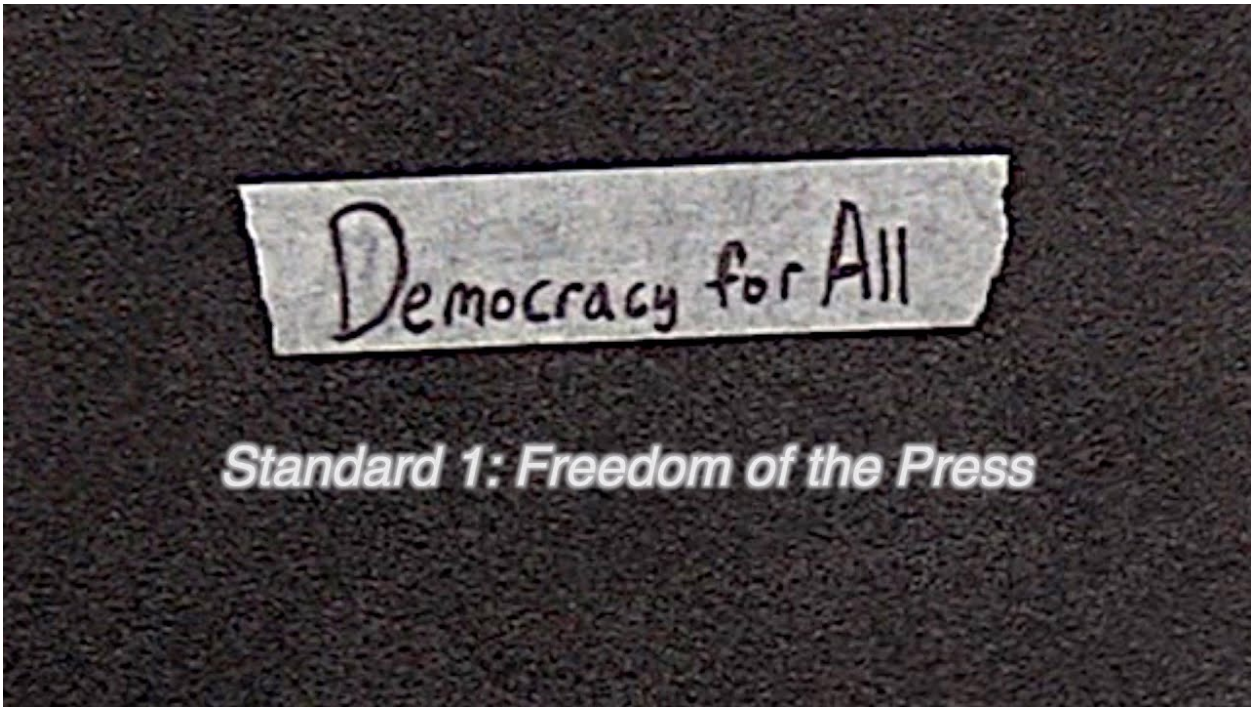
No. 1873. Argued June 26, 1971—Decided June 30, 1971*

The United States, which brought these actions to enjoin publication in the New York Times and in the Washington Post of certain classified material, has not met the "heavy burden of showing justification for the enforcement of such a [prior] restraint."

No. 1873, 444 F. 2d 544, reversed and remanded; No. 1885, — U. S. App. D. C. —, 446 F. 2d 1327, affirmed.

First Page of the Supreme Court Decision in New York Times Co. v. United States

### Media Literacy Connections: Evaluating Press Freedom in the United States




Watch on YouTube https://edtechbooks.org/-Vxv

**Focus Question: How is freedom of the press restricted today?**

Journalists and citizens have faced restrictions on the freedom of the press throughout United States history. How do current restrictions compare to the historical examples provided in this chapter? In what ways should protections for freedom of the press extend to social media platforms such as Twitter or Facebook?

"Newseum World Press Freedom Map" by Mr.TinDC is licensed under CC BY-ND 2.0

**Activity: Improving Freedom of the Press**

Freedom of the Press is considered one of the most important American rights. In a official statement, the U.S. Government claims that the Constitution provides broad protection of press freedom and those protections have been expanded by laws such as the Freedom of Information Act of 1966, the Privacy Act of 1974, and the Privacy Protection Act of 1980 (U.S. Diplomatic Mission to Germany, 2008).

Yet according to the World Press Freedom Index, the United States ranks 45th among 180 countries in terms of press freedom. The organization Reporters Without Borders 2021 ranking has the U.S. 44 among 180 countries. As evidence of declining press freedom, these reports cite the continuing closing of local newspapers, growing public mistrust in the media, attacks on the press by government officials during the Trump Administration, and assaults of reporters covering events like the January 6, 2021 Insurrection at the U.S. Capitol.

In this activity, you will act as an expert advisor tasked with helping the U.S. improve its ranking.

- **Step 1:** Read through the ratings on the World Press Freedom website to critically analyze why the U.S. received this rating.
- **Step 2:** Evaluate the U.S. rating in comparison to other countries, particularly those above and below it on the list. Note the different factors mentioned in the rankings that determine what makes the press more or less "free."
- **Step 3:** Provide a list of 3-4 recommendations for how the U.S. can rise in the rankings,

making sure to cite examples from other countries you found during your research.
    - **Step 4:** Publish your recommendations in an infographic on Canva, a Public Service Announcement video or podcast, or a social media post to be viewed by the public. Be sure the design clearly and effectively communicates your message.
    - **Step 5:** Share what you created with the class and compare and contrast the different recommendations you all contributed.

**Additional Resources:**

- For Teachers
    - Otis, C.L. (2020). True or false: A C.I.A. analyst's guide to spotting fake news. New York, NY: Feiwel and Friends.
    - ACLU Freedom of Press Resources
    - Empowering Independent Press (Center for International Media Assistance)
- For Students
    - World Press Freedom Index
    - Facing History

## Suggested Learning Activities

- **Role-Play** an important Freedom of the Press court case
    - What are current-day parallels to the issues addressed in each case?
    - How does a free and democratic society balance individual protections of privacy with the public's right to open information about government?
    - As part of these investigations, consider and discuss the question: Why Does a Free Press Matter?

- **Analyze Data**
    - View data pertaining to violations of press freedoms in the U.S. Press Freedom Tracker.
    - Construct an infographic or poster summarizing the results of your analysis

## Online Resources for Notable Freedom of the Press Court Cases

- Historic Collection of Whistleblower Daniel Ellsberg's Life Work Acquired by the University of Massachusetts Amherst
- Lesson plans
    - The Importance of a Free Press - *Facing History and Ourselves*
    - The Importance of a Free Press: Facing Ferguson - *Facing History and Ourselves*
    - Celebrate World Press Freedom Day, Pulitzer Center (May 2018)
    - The Price of a Free Press: Is Journalism Worth Dying for?, PBS

- Additional reading
    - Freedom of Speech and of the Press - Heritage Foundation
    - Freedom of Speech and Freedom of the Press - Lincoln University
- Video/Audio
    - Why press freedom is your freedom - CNN
    - The Pentagon Papers:  Secrets, Lies and Audiotapes:  Audio Tapes from the Nixon White

House - National Archives

# 2. UNCOVER: Censorship and the Campaign Against Comic Books in the 1950s; Book Banning in the U.S. Today; and the Great Chinese Firewall

**Censorship** involves the "suppression of words, images or ideas" that are deemed "offensive." It happens "whenever some people succeed in imposing their personal or moral values on others" (American Civil Liberties Union, 2019). Despite the First Amendment's guarantee of freedom of expression, censorship has a long history in this country and others—and it continues today. The Campaign Against Comic Books in the 1950s and current efforts to Ban Books in the United States along with the implementation of the Great Chinese Firewall reveal the threats censorship poses to a free press and peoples' freedoms.

## 1. The Campaign Against Comic Books in the 1950s

The first modern comic book, *Famous Funnies*, was published in 1933. Superman appeared in 1938, followed in 1941 by Batman, Wonder Woman, and Captain America, collectively launching a "Golden Age" of comics that lasted into the mid-1950s. It is estimated that 90% of boys and girls in the United States were reading comic books during the 1940s.

America's Best Comics #1 February 1942

America's Best Comics #1 February 1942, Public Domain

Yet, despite their popularity and readership, comic books were subject to intense opposition. There were comic book burnings and calls for greater comic book censorship appeared widely in the 1950s

following the publication of Frederic Wertham's book, *Seduction of the Innocent: The Influence of Comic Books on Today's Youth* (1954) that held that comics cause young people to commit violent acts. Hearings by the U.S. Senate's Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency put comics and the boundaries of free speech on trial.

Examining the comic book hearings, the **Comic Book Code of 1954,** and ongoing efforts to ban books offers an opportunity to explore how freedom of the press can be threatened by political censorship and media pressure.

## Suggested Learning Activities

1. **Consider and Report Out on** the online resources listed below:
    - What are your first impressions after reading, listening to and viewing these sources?
    - What were the arguments for banning comic books?
    - Do you agree or disagree with the ban on comic books? What is your reasoning?

2. **Create a Comic or Graphic Poster** about freedom of the press and/or censorship of comic books.

## Online Resources for The Campaign Against Comic Books

- **Read**
    - Primary Source Set: Truth, Justice and the Birth of the Superhero Comic Book from Digital Public Library of America
    - Comic Books, Censorship, and Moral Panic, Mudd Manuscript Library Blog, Princeton University
    - Comic Books and Censorship in the 1940s - Oxford University Press Blog
    - Comic Books as Journalism: 10 Masterpieces of Graphic Nonfiction, The Atlantic, August 10, 2011

- **Listen**
    - Senate Subcommittee on Juvenile Delinquency: Comic Books, "Soda-Pop," and Societal Harm (includes audio from the April 21, 1954 hearings)
    - It's a Bird, It's a Plane, It's a New Superman Bio!, *NPR Fresh Air*, June 18, 2012 (podcast based on Larry Tye's book, Superman: The High-Flying History of America's Most Enduring Hero). Transcript of the podcast.

- **View**
    - Confidential File: Horror Comic Books! Television Program, October 9, 1955. Includes interview with Senator Estes Kefauver.

## 2. Banned and Challenged Books Week

Politically active groups in the United States continue to try to ban or censor books they find objectionable in theme and content. Some of the most-challenged books are: *Harry Potter; To Kill a Mockingbird; The Adventures of Huckleberry Finn; Goosebumps; I Know Why The Caged Bird Sings;* and *Of Mice and Men*. Here is a list of some 250 books that have been challenged between 2002 and 2018.

Display of Banned Books, Carmichael Library, Montevallo, Alabama, licenced under CC BY 2.0

To counteract these efforts at suppression, every year the American Library Association celebrates **Banned and Challenged Books Week** during the last week in September to encourage everyone to read what others seek to prevent you from reading.

### Suggested Learning Activities

1. **Review and Summarize** a book from the banned books list:
    - Why was the book banned?
    - What parts of the book seem controversial?
    - What do you think it was banned? Do you agree with the book being banned?

2. **Write/Record** a persuasive essay or video defending or rejecting a challenge to a book

### Online Resources for Banned and Challenged Books

- Lesson Plan A Case for Reading - Examining Challenged and Banned Books, ReadWriteThink
- Get Ready to Celebrate Banned Books Week, ReadWriteThink
- Censorship: An Educator's Guide, Random House
- Banned Books Week Resources, Banned Book Week
- Top Ten Most Challenged Book List, American Library Association (2018)
- Banned Books: 10 of the Most-Challenged Books in America, *BigThink* (September 28, 2018)

## 3. The Great Chinese Firewall

**The Great Chinese Firewall** is the term given to efforts by the government of the People's Republic of China to regulate and control what information its citizens can access online.  A **firewall** is a

security system that blocks online material from coming to computers.  Firewalls can block hackers, spammers, and cybercriminals from infecting individual or organizational computers, but governments can also use them to block (or censor) access to legitimate websites.

Map of China from World Factbook, 2019, CIA

To see how extensive the firewall system is in China, consider the following question, "Which of the following websites do you think people in China can access?

- www.amnesty.org.uk  (Amnesty International's website about human rights)
- www.youtube.com  (a social media site where people put up their own videos)
- www.chinatimes.com.tw  (a Chinese website based in Taiwan)
- http://en.olympic.cn (the website of China's Olympic Committee)
- www.wikipedia.org  (a free encyclopedia)
- www.falundafa.org (a website of the Falun Gong spiritual movement)
- www.rsf.org (ReportersWithoutBorders—an international organization which campaigns for freedom of the press)

According to Amnesty International, the only website people in China can view is China's Olympic Committee website. The rest are blocked, along with Facebook, Twitter, Snapchat and many independent news sites (The Great Firewall of China).

CNN reporter and author James Griffiths (2019) has called China's firewall system the "most sophisticated in the world for controlling, filtering, and surveilling the internet" (*The Great Firewall of China: How to Build and Control an Alternate Version of the Internet*, 2019). While people in China can secretly access forbidden sites using a VPN service, the government is able to tightly control what content makes its way to smartphones, computers, and other devices in China.

The Great Chinese Firewall raises questions of how much a government (or for that matter any organization) should be allowed to control people's open access to information. Around the world, many governments restrict the flow of information to its citizens.

### Suggested Learning Activities

1. **State Your View:** How does censorship impact how people in China learn about their country and the world?
    - Why do you think the government of China would feel threatened by allowing open access to sites like Wikipedia, YouTube, Falun Gong or Reporters Without Borders?

**2. Create a Digital Presentation**

- Use Google Slides or Powerpoint to create a presentation in response to the question: "If you lived in a country that censored and controlled information, how would that affect your ideas, knowledge, and learning?"

### Online Resources for the Great Chinese Firewall

- Press Freedom's Dark Horizon, Freedom of the Press, 2017
- 2019 World Press Freedom Index, Reporters Without Borders
- 10 Most Censored Countries, Committee to Protect Journalists (2015)

## 3. ENGAGE: What are The Speech Rights of Student Journalists?

In 1983, a teacher and the principal at Hazelwood East High School in St. Louis County, Missouri refused to allow students to publish two articles they deemed offensive in the school-sponsored student newspaper. The articles dealt with divorce and teen pregnancy. The student journalists sued, claiming that the adults' censorship violated their First Amendment rights of free speech.

Girl taking note, Pixabay

In the landmark case, Hazelwood School District v. Kuhlmeier (1988), the Supreme Court disagreed with the students, ruling that a school newspaper was not a "forum for public expression." This ruling established that student journalists do not have the same speech and press protections as adult journalists in community settings.

In 2016, the state of Illinois expanded the press and speech rights of students with the passage the The Speech Rights of Student Journalists Act. California and Massachusetts have also passed legislation forbidding censorship of school newspapers unless the censored material would disrupt the functioning of the school.

## Suggested Learning Activities

- **Record a Podcast**
  - Listen to the podcast Education Matters - 10/06/18 featuring a discussion of the Hazelwood Case.
  - Students then create their own podcast to share their thoughts and interpretations of the case.

- **Engage in Civic Action**
  - Design and record a public service announcement to convince state and/or school officials to put protections in place for student journalists.

### Online Resources for the Rights of Student Journalists

- States that protect student journalists
    - Breaking News: Speech Rights of Student Journalists Bill is Law! - Illinois Journalism Education Association (July 29, 2016)
    - NJ Bill Proposed to Prevent Schools Meddling in Student Journalism - National Coalition Against Censorship (August 1, 2016)
    - Hawaii Student Free Expression Act - Proposed 2019 legislation
- Interactive Exploration
    - Student Reporting Labs, PBS Newshour - What is Newsworthy?; Finding Story Ideas; Facts v. Opinions; and others!
- Additional reading
    - News Literacy Curriculum for Educators, American Press Institute
    - Resources for High School Press Freedom and Censorship, Student Press Law Center

## Standard 7.1 Conclusion

To learn about the history of freedom of the press, **INVESTIGATE** examined notable court cases where the rights of journalists were challenged by efforts to suppress what people could read in newspapers and other publication formats. **ENGAGE** looked at the rights of middle and high school student journalists. **UNCOVER** focused on three occasions of censorship: 1) the campaign against comic books and the enactment of the Comic Code of 1954; 2) current efforts by groups to ban books in the United States; and 3) the Great Chinese Firewall that restricts Internet access to some 800 million Chinese citizens and represents one of the greatest global threats to free expression in a digital age.

# 7.2

# Competing Information in a Free Press

## Standard 7.2: Competing Information in a Free Press

*Give examples of how a free press can provide competing information and views about government and politics.* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T7.2]**

A girl holds *The Washington Post* of Monday, July 21st 1969 stating 'The Eagle Has Landed Two Men Walk on the Moon', by Jack Weir, Public Domain

## FOCUS QUESTION: How Does a Free Press Provide Competing Information about Government and Politics?

Standard 2 looks at how a free press provides information about government and politics to people, both historically and in today's digital age. In many countries around the world, the press is not free and people receive one side only of a story about a topic or issue—the side the government wants published. A **free press**, by contrast, presents topics so people get wide-ranging and informed perspectives from which they can make up their own minds about what candidates and policies to

support (explore the site AllSides to see how news is presented differently depending on the platform).

Central to free press is the role of **investigative journalism** that involves the "systematic, in-depth, and original research and reporting," often including the "unearthing of secrets" (Investigative Journalism: Defining the Craft, Global Investigative Journalism Network).

### Modules for this Standard Include:

1. INVESTIGATE: History of Newspapers, Then and Now
    - MEDIA LITERACY CONNECTIONS: Examining Objectivity in the News
2. UNCOVER: Investigative Journalists: Nellie Bly, Ida Tarbell, Ida B. Wells, Upton Sinclair, & Rachel Carson
3. ENGAGE: Does Every Citizen Need to be Her or His Own Investigative Journalist?
    - MEDIA LITERACY CONNECTIONS: Being an Investigative Journalist

## 1. INVESTIGATE: History of Newspapers, Then and Now

Historians cite Ancient Rome's Acta Diurna (Latin for daily proceedings or public acts and records) as the first **newspaper**. Carved on stone or metal and posted in public places, these publications shared the news of legal proceedings and court decisions as well as births, deaths, and marriages. Modern newspapers follow from Gutenberg's invention of the printing press in the early 1600s. Go here for an overview and learning plan on the History of Newspapers from the University of Minnesota Libraries.

More than a century ago, the newspaper was how people in the United States learned about what was happening in the world. It was the social media of the time. In 1900, more than 20,000 different newspapers were published in this country; 40 papers had over 100,000 readers. The viewpoints of these papers reflected different political parties and political philosophies, were published in many different languages besides English, and were written for both general and specialized audiences (Breaking the News in 1900, TeachingHistory.org). As historian Jill Lepore (2019, p. 19) noted, "The press was partisan, readers were voters and the news was meant to persuade."

Detail of a New York Times Advertisement - 1895, by "EP" (19th centruy), Paris, Musée des Arts Décoratifs, {{PD-US-expired}}

**Changing Outlets for the News**

Today, print newspapers are being replaced by many different kinds of television and digital news outlets: TV cable and broadcast news, YouTube, Apple News, Twitter, podcasts, digital magazines, blogs, and more. Broadcast news outlets have become the **main source of political and education news** for most Americans with Fox News (16%) and CNN (12%) being the most frequently named sources. News viewing has also become more intensely partisan politically. An overwhelming number of Republican or Republican-leaning adults named Fox News as their main source of political news; Democrats and Democrat-leaning adults named MSNBC as their main source (Pew Research Center, April 1, 2020).

While online and television news expands, a Brookings Institution researcher concluded that more than 65 million Americans live in what can be called "**news deserts**"—counties with only one or no local newspapers (visit Local Journalism in Crisis for a map of local newspapers in the United States).

Between 1970 and 2016, more than 500 daily newspapers went out of business, and the downsizing has continued—one-third of the nation's remaining newspapers reported laying off employees (Lepore, 2019). That same year, in 2016, Google made four times the advertising revenue of the entire American newspaper industry combined (Lemann, 2020, p. 39). A 2018 study found that just 2% of American teenagers read a print newspaper regularly—the report was subtitled "the rise of digital media, the decline of TV, and the (near) demise of print" (Trends in U.S. Adolescents' Media Use, 1976-2016).

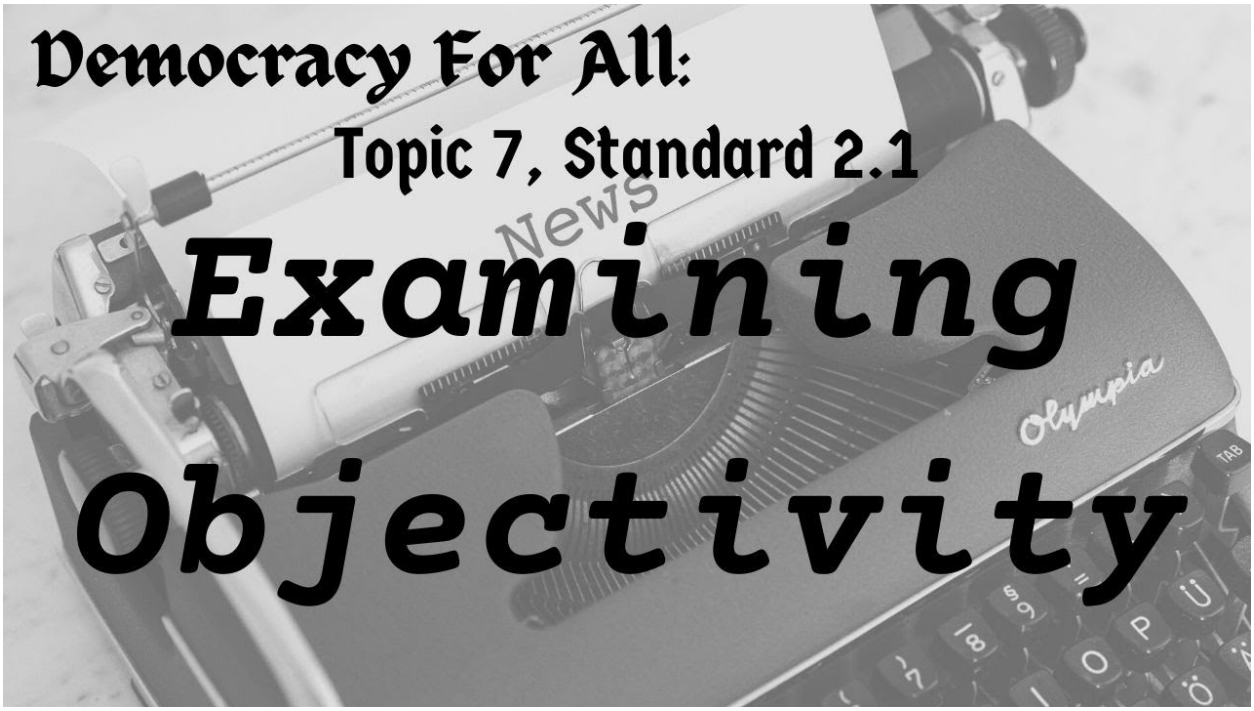
An added complexity are the ways that TV news outlets cover political news. Analyzing the frequency on which members of Congress appear on cable and broadcast news, researchers found that the most airtime goes to those with the most extreme views (Journalist's Resource, January 17, 2021). While

extreme viewpoints may drive ratings for news programs, such bias in coverage contributes to political polarization, dislike of opposing viewpoints, and distrust in institutions of government.

All these developments raise a fundamental question: How is the decline of print newspapers and the rise of digital media changing the roles of the press in our society?

Go here to view Today's Front Pages from 500+ newspapers worldwide.

### Media Literacy Connections: Examining Objectivity in the News




Watch on YouTube https://edtechbooks.org/-zJx

**Focus Question: How can readers evaluate the objectivity or perspective of a news article?**

**Activity 1**: **Analyzing the News From All Sides**

Below are the links to different news stories covering the same topic from different points of view: one conservative/right, one moderate/center, and one liberal/left. **Choose one topic to analyze**, then read through the three different articles written from each political perspective.

- Topics (choose one):
  - Coronavirus
  - West Coast Fires
  - Facebook banning political ads
  - QAnon
- Read through the stories featured for your selected topic (left, center, and right) and then respond to each of the following questions:
  - Which stories most closely follow the **Inverted Pyramid** format?
    - And do you think using the Inverted Pyramid format affects the trustworthiness of

the story?
    - How does the perspective differ in each story? Pay close attention to who is quoted in each article.
    - How does the descriptive language differ between the stories?
        - Note at least three adjectives in each story and if and how the use of these descriptors changes from one perspective to another.
    - How do the images used in each story differ?
    - Who do you think is the audience for each story?
        - And how do you think the article's choice of perspective is meant to target that audience?
- Then, create a rubric that your peers or family members can use to evaluate the objectivity or perspective of a news article.

**Activity 2: Writing the News From All Sides**

- Choose a school, local, or national issue that interests and impacts you directly.
- Write three brief news reports about the issue featuring three different perspectives or points of view: favorable, unfavorable, objective.
    - How will you use descriptive language and images in your story in ways that support your perspective or point of view?

## Suggested Learning Activities

**Construct a News Timeline**

- Develop an interactive multimodal history of newspapers in the United States (using Timeline JS, Adobe Spark, LucidPress, or Google Drawings).
    - Publick Occurrences which appeared in Boston, September 25, 1690 was the **first Newspaper** published in the British Colonies. The colonial governor did not approve, issued a ban on future publication and all copies—save one now in the British Library—were destroyed. The *Pennsylvania Packet and Daily Advertiser* was the first daily newspaper in America, beginning on September 21, 1784.
    - Covering America: A Narrative History of the Nation's Newspapers. Christopher B. Daly (University of Massachusetts Press, 2018)
    - A History of Newspaper: Gutenberg's Press Started a Revolution, *The Washington Post* (February 11, 1998)
    - Early American Newspapering, from Colonial Williamsburg (Spring 2003)
    - History of Newspapers in America, ThoughtCo. (May 31, 2018)
    - Newspapers Today Fact Sheet, Pew Research Center: Journalism & Media (June 13, 2018)
    - Top Ten U.S. Daily Newspapers (January 4, 2019)

**Create a Graphic History of The Newsboys Strike of 1899**

- The Newsboys (or Newsies) were young girls and boys who sold newspapers to make money for their families. They worked long hours for a little as 30 cents a day during the 1800s and early 1900s until child labor laws were passed.

- Extra! Extra! Read All About the Newsboys Strike of 1899
- Blast from the Past: Newsboy Strike of 1899
- Picture Book: Kid Blink Beats the World, Don Brown (Roaring Book Press, 2004)

**Design an Infographic on the History of the Black Press**

- Mary Ann Shadd Cary, activist, writer, abolitionist and first Black woman to publish a newspaper (*The Provincial Freeman*) in North America in 1853.
- John B. Russworm, founder of *Freedom's Journal* (1827-1829), the first newspaper owned and operated by African Americans.
- Frederick Douglass founded *The North Star* abolitionist newspaper in 1847. Frederick Douglass Newspapers, 1847 to 1874 from the Library of Congress.
- *The Chicago Defender,* founded in 1905 by Robert S. Abbott became one of the nation's most influential black newspapers before World War I.
- *The Philadelphia Tribune*, founded in 1884 by Christopher James Perry, Sr., is America's oldest and largest daily (published 5 days a week) newspaper serving the African-American community.
- In 1892, Ida B. Wells began a newspaper, *The Memphis Free Speech*, that exposed and denounced the lynching of African Americans in America, the beginning of her career as an activist and journalist.  Learn more at this **Ida. B. Wells historical biography wiki page**

Girl and Boy Selling Newspapers, Newark, New Jersey (1909), by Lewis Hine, Library of Congress, Public Domain

116th Anniversary of the Negro Press - with caption and reference to the founder of the first Negro Newspaper, John B. Russworm, by Charles Henry Alston, U.S. National Archives, Public Domain

### Online Resources about Newspapers

- Lesson and Unit Plans
  - Unit B: Become a Journalist, HIGH FIVE: Integrated Language Arts and Journalism Curriculum for Middle School Students
  - Analyze a News Story, Flocabulary (teaches students about the inverted pyramid of newspaper story writing)

- **Participate in "History Unfolded" Project**
  - History Unfolded: U.S. Newspapers and the Holocaust, a project of the United States Holocaust Memorial Museum in Washington, D.C. asks students, teachers, and history buffs what was possible for Americans to have known about the Holocaust as it was happening and how Americans responded.
  - Participants look in local newspapers for news and opinion about 38 different Holocaust-era events that took place in the United States and Europe, and submit articles they find to a national database, as well as information about newspapers that did not cover events.

## 2. UNCOVER: Investigative Journalists: Nellie Bly, Ida Tarbell, Ida B. Wells, Upton Sinclair & Rachel Carson

**Investigative journalism** is one of the ways that a free press provides truthful information to people. Investigative journalism "involves exposing to the public matters that are concealed–either deliberately by someone in a position of power, or accidentally, behind a chaotic mass of facts and circumstances that obscure understanding. It requires using both secret and open sources and documents" (Mark Lee Hunter as cited in UNESCO, 2015, para. 1).

Nellie Bly (Pseudonym of Elizabeth Jane Cochrane) (1867 - 1922), by H. J. Myers, Library of Congress {{PD-US}}

The United States has a history of courageous investigative journalists willing to “speak truth to power” by informing the public of intolerable conditions and corrupt practices by citizens and companies.

- **Ida Tarbell**, journalist and muckraker who wrote in 1904 about the monopolistic practices of John D. Rockefeller and the Standard Oil Company;
- **Nellie Bly**, a journalist who in the late 1880s and 1890s documented the plight of working girls in factories, the everyday lives of Mexican people, and life within New York's mental institutions where she went undercover to expose the corruption and mistreatment of the inmates;
- **Ida B. Wells** was a Black woman activist and journalist who became an activist, journalist and anti-lynching crusader and one of the most important civil rights pioneers of the early 20th century.
- **Upton Sinclair** who documented horrible sanitary health practices in Chicago’s meatpacking facilities at the turn of the 19th century - his book *The Jungle* was published in 1906;
- **Rachel Carson** who revealed the widespread unsafe use of pesticides in her book *Silent Spring* (1962), helping to launch the modern environmental movement.

Plaque at the Rachel Carson National Wildlife Refuge in Wells, Maine, by Captain Tucker, licenced under CC0 1.0

In recent decades, the work of reporters and writers demonstrate the enormous impacts that investigative journalism can have in society: **David Halberstam** earned a Pulitzer Prize for revealing the lack of truth in U.S. claims of military success during the Vietnam War; **Seymour Hersh** uncovered the 1968 My Lai Massacre of Vietnamese civilians by American troops; in 1971, **Daniel Ellsberg** released the Pentagon Papers, top-secret documents about the American War in Vietnam. In recent years, the **#MeToo Movement** has exposed widespread sexual misconduct toward women by prominent men in business, the media, and government (visit How investigative journalism sparked off the #MeToo movement). In early 2020, a group of **digital whistleblowers** made the world aware of the coronavirus outbreak in China (The Digital Radicals of Wuhan).

## Suggested Learning Activities

1. **Create a Graphic, Comic, or Poster on the Life of an Investigative Journalist**
    - Review the historical biography pages below for Nellie Bly, Ida Tarbell, Upton Sinclair, and Rachel Carson, and develop a summary of their life and impact as investigative journalists.
    - Highlight important investigations, obstacles faced, and results achieved.
        - Ida Tarbell, Investigative Journalist and Muckraker
        - Nellie Bly, Investigative Journalist
        - Rachel Carson and Silent Spring
        - Ida B. Wells, Activist and Journalist
        - Upton Sinclair and The Jungle
2. **Design a Statue for an Investigative Journalist**
    - A statute for Nellie Bly is planned to be added to Roosevelt Island in New York City. In 2017, the city had 150 statutes of men and only 5 of women.
    - Design a statute for Nellie Bly, or another investigate journalist, using physical materials (e.g., tape, cardboard, paper, PlayDoh), then recreate that design in a 3D modeling program, such as Tinkercad, so it can be 3D printed.

3. **Create a Sketchnote on the History of Whistleblowing**
    - Read: Why Do Some People Choose to Blow the Whistle?
    - How do whistleblowers get the courage to speak out and face the backlash they often receive for their actions
    - Use the following resources to learn more about whistleblowing and its role in a free press.
        - Whistleblower History Overview
        - A Timeline of U.S. Whistleblowing
        - Podcast: A History of Whistleblowing with Allison Stanger
        - The Office of the Whistleblower
        - The False Claims Act (1863)

Symbol of the Office of the Whistleblower, Public Domain

## Online Resources for Investigative Journalism

- Lesson plans:
    - The Paradise Papers: A Lesson in Investigative Journalism, a full learning plan from the Pulitzer Center. The Paradise Papers document the off-shore financial holdings and tax havens of world leaders and politicians.
    - The Jungle, Muckrakers, and Teddy Roosevelt
- Additional reading:
    - 10 Noteworthy Moments in U.S. Investigative Journalism, Brookings (October 20, 2014)

# 3. ENGAGE: Does Every Citizen Need to be Her or His Own Investigative Journalist?

On June 17, 1972 a night-time break-in and burglary occurred at the Democratic National Headquarters in the Watergate Hotel in Washington, D.C. - an event which ended up having immense national and historical significance. The break-in was done by a group of former FBI and CIA agents called the “Plumbers,” all with strong ties to the Republican Party and committed to the re-election of President Richard M. Nixon. The “Plumbers” sought to bug telephones and find political dirt on the Democratic Party.

Labelled the **Watergate Break-In**, the event was revealed through years of investigative journalism by the press, notably reporters Bob Woodward and Carl Bernstein of *The Washington Post*, and uncovered abuses of power and illegal deeds that led to Richard Nixon’s resignation as President. Nixon is the only man ever to resign the Presidency.

Richard Nixon Farewell Speech to the White House Staff, August 8, 1974
with daughter Julie and son-in-law David Eisenhower looking on.
White House Photo Office Collection, Gerald Ford Library, Public Domain

**Investigative journalism plays an essential role in a democracy**, but the work of investigation is long and difficult. It takes time and money to track down sources, verify facts, and locate the truth. Unlike Watergate, not every case of wrongdoing and corruption is exposed; many times the guilty are never held accountable for their actions. The decline of newspapers, locally and nationally, means there are fewer investigative journalists on the job.

In today's media-driven society, gossip and celebrity journalism often get more attention than investigative journalism. There are numerous television shows, websites, and print magazines devoted to reporting on celebrities and their lifestyles. While the lives of the rich and famous may be interesting, reporting on those individuals generally does not give "people the information they need

to make better decisions about their lives and society" (Kovach & Rosenstiel, 2014).

In their book *The Elements of Journalism*, journalists Bill Kovach and Tom Rosenstiel declared that **every citizen must become their own investigative journalist** - constantly evaluating all the news and information they receive from multiple sources for reliability and truth. Certainly everyday people cannot function like newspaper reporters whose full-time job is finding and reporting the news. But everyday people, including students in schools, can be what Kovach and Rosenstiel call "journalist/sense makers" who use the information they get from professional media and print journalists to make their own decisions by separating facts from fictions, knowledge from rumor and truth from propaganda and lies.

## Media Literacy Connections: Being an Investigative Journalist

Watch on YouTube https://edtechbooks.org/-UGi

**Focus Question: What topic would you investigate as a journalist?**

Investigative journalists have helped to create social and political change from improving worker conditions in the early 1900s (the early muckrakers' work of Tarbell, Wells, Sinclair, and others) to exposing sexual harassment in the 2010s. Given journalism's potential to affect social change, what contemporary issues would you investigate?

**Activity: Investigate an Issue as a Journalist**

- Step 1: Choose a topic that is nationally or locally relevant today and personally important to you. Take a look through this list of contemporary issues if you're having a difficult time deciding.
- Step 2: Interview at least three credible sources that you think will provide valuable information about the issue. Conduct additional research, including Internet searches and

exploring historical artifacts, to expand your understanding of the issue and support your findings.
- **Step 3:** Record a 1-2 minute video presenting your information about the topic. The video should establish four key things to the viewer: why the topic matters, why the topic is important to you, what key information we need to know about it (taken from your sources), and what social action you recommend to help overcome the issue.

**Additional Resources:**

- Teachers
  - Clearing the Black Smoke of Fake News (Project Censored)
  - Media Literacy and Identity (Critical Media Literacy Project)
  - Defining Investigative Reporting: What makes it different from other types of journalism? (Columbia Journalism School)
- Students
  - Seven standards of quality journalism (info poster)
  - How Do We Keep Bias Out of Stories? (ProPublica)
  - 21st Century Muckraking (Global Investigative Journalism Network)

## Suggested Learning Activities

1. **Engage in Civic Action**
   - Investigate a local community issue - collecting data from multiple sources - and present the findings as an investigative journalist.
   - Based on your findings, propose action by individual people and local government to create change

2. **Set a Plan to Achieve a Personal Goal**
   - What steps are you going to take to be your own investigative journalist?

3. **Record a Video or Podcast**
   - Provide ideas and information to inspire other students to become informed and critical readers of the news.

## Online Resources about Investigative Journalism and Watergate

- Lesson plan:
  - Watergate and the limits of presidential power, PBS
- Interactive resource
  - Bob Woodward and Carl Berstein: An inventory of their watergate papers at the Harry Ransom Center, Harry Ransom Center
- Additional reading:
  - What Was Watergate? Here are 14 Facts That Explain Everything, thejournal.ie
  - W. Mark Felt, Watergate Deep Throat, Dies at 95, *The New York Times* (December 19, 2008)
  - The Watergate Story, *Washington Post*

- What Spielberg's The Post--and our Textbooks--Leave Out, Common Dreams (January 19, 2018)
- U.S. v. Nixon Supreme Court Case (1974)

## Standard 7.2 Conclusion

In this standard, **INVESTIGATE** summarized the history of newspapers, the current decline of print journalism, and the rise of digital news. **UNCOVER** presented the histories of prominent late 19th century and mid-20th century investigative journalists - Nellie Bly, Ida Tarbel, Upton Sinclair, and Rachel Carson - each of whom used newspapers to expose corruption in government and improve society. **ENGAGE** explored the question, *Does Every Citizen Need to be Her or His Own Investigative Journalist*? starting with the role of the *Washington Post* newspaper in the Watergate Scandal that led to President Richard Nixon's resignation in 1974—events that have taken on added relevance against the backdrop of Donald Trump's actions related to Russian interference in the 2016 Presidential election and the 2019-2020 impeachment inquiry over the withholding of military aid to the nation of Ukraine.

7.3

# Writing the News: Different Formats and Their Functions

## Standard 7.3: Writing the News: Different Formats and Their Functions

*Explain the different functions of news articles, editorials, editorial cartoons, and "op-ed" commentaries.* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T7.3]**

News Reporters Watch the Launch of the Apollo 11 Moon Mission (July 15, 1969).
NASA (National Aeronautics and Space Administration), Marshall Image Exchange, Public Domain

## FOCUS QUESTION: What are the Functions of Different Types of Newspaper Writing?

Newspapers include multiple forms of writing, including news articles, editorials, editorial cartoons, Op-Ed commentaries, and news photographs. Each type of writing has a specific style and serves a

particular function.

**News articles** report what is happening as clearly and objectively as possible, without bias or opinion. In reporting the news, the Society of Professional Journalists Code of Ethics demands that reporters:

1. Seek truth and report it
2. Minimize harm
3. Act independently
4. Be accountable and transparent

**Editorials, Editorial Cartoons, and Op-Ed Commentaries** are forums where writers may freely express their viewpoints and advocate for desired changes and specific courses of action. In this way, these are forms of persuasive writing. Topic 4/Standard 6 in this book has more about the uses of persuasion, propaganda, and language in political settings.

**Photographs** can be both efforts to objectively present the news and at the same time become ways to influence how viewers understand people and events. **Press Conferences** are opportunities for individuals and representatives of organizations to answer questions from the press and present their perspectives on issues and events. **Sports Writing** is an integral part of the media, but the experiences for women and men journalists are dramatically different.

Check out Reading and Writing the News in our *Bookcase for Young Writers* for material on the history of newspapers, picture books about newspapers, and digital resources for reading and writing the news.

As students learn about these different forms of news writing, they can compose their own stories and commentaries about local and national matters of importance to them

### Modules for This Standard Include:

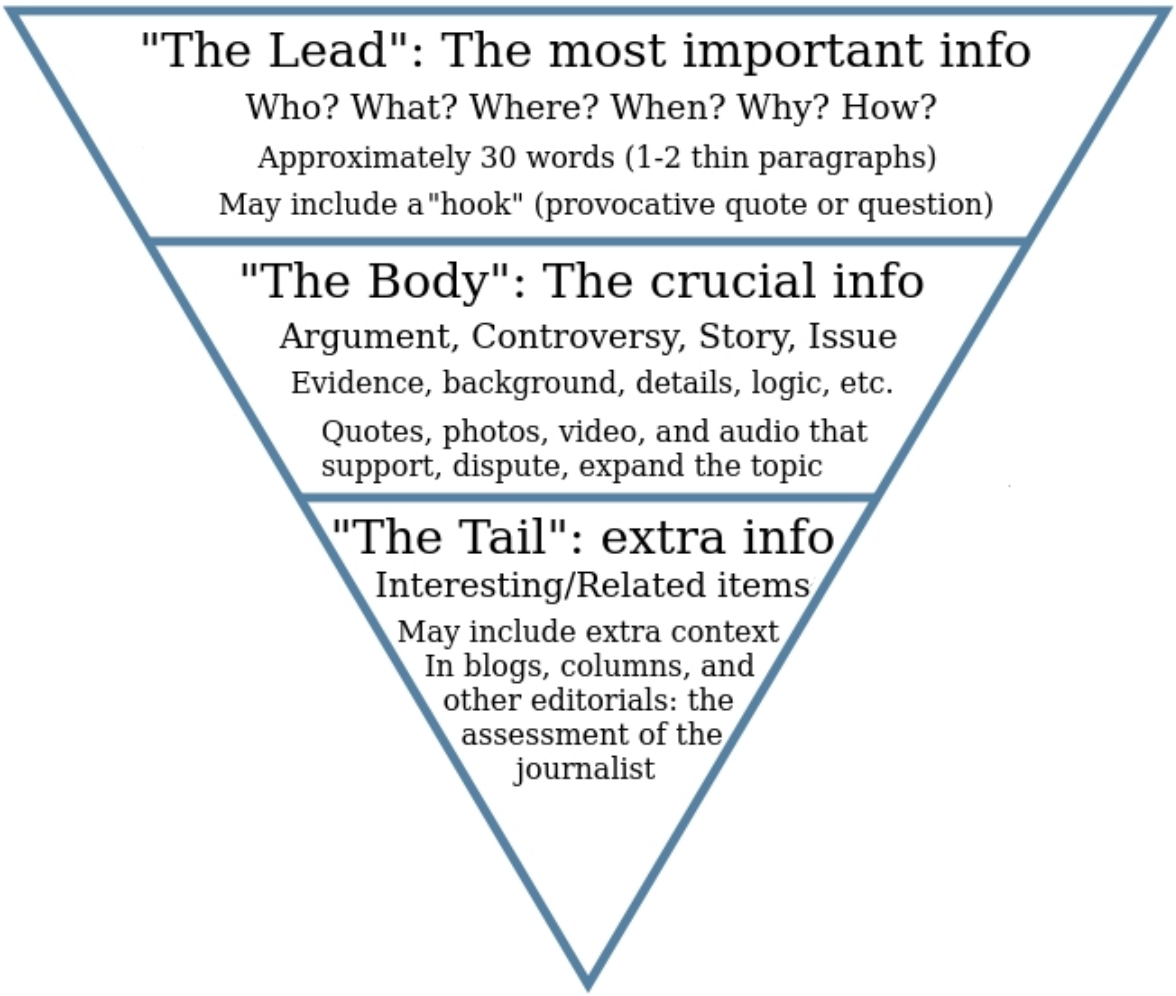
1. INVESTIGATE: News Articles, Editorials, Editorial Cartoons, Op-Ed Commentaries, Photographs, Press Conferences, and Sports Writing
    - MEDIA LITERACY CONNECTIONS: Analyzing Newspaper Photographs
2. UNCOVER: Two Pioneering Women Cartoonists: Jackie Ormes and Dale Messick
3. ENGAGE: What is the Role of a War Correspondent?
    - MEDIA LITERACY CONNECTIONS: Analyzing How Reporters Report Events

## 1. INVESTIGATE: News Articles, Editorials, Editorial cartoons, Op-Ed Commentaries, Photographs, Press Conferences, and Sports Writing

**Reporters of the news** are obligated to maintain **journalistic integrity** at all times. They are not supposed to take sides or show bias in written or verbal reporting. They are expected to apply those principles as they write news articles, editorials, editorial cartoons, Op-Ed commentaries, take news photographs, and participate in press conferences.

**News Articles and the Inverted Pyramid**

News articles follow an Inverted Pyramid format. The lead, or main points of the article—the who, what, when, where, why and how of a story—are placed at the top or beginning of the article. Additional information follows the lead and less important, but still relevant information, comes after that. The lead information gets the most words since many people read the lead and then skim the rest of the article.




"Inverted pyramid in comprehensive form" by Christopher Schwartz is licensed under CC BY-SA 3.0

**Editorials**

**Editorials** are written by the editors of a newspaper or media outlet to express the opinion of that organization about a topic. Horace Greeley is credited with starting the "Editorial Page" at his *New York Tribune* newspaper in the 1840s, and so began the practice of separating unbiased news from clearly stated opinions as part of news writing (A Short History of Opinion Writing, Stony Brook University).

**Editorial or Political Cartoons**

**Editorial cartoons** (also known as **political cartoons)** are visual images drawn to express opinions

about people, events, and policies. They make use of satire and parody to communicate ideas and evoke emotional responses from readers. There are differences between a cartoon and a comic. A "cartoon usually consists of a single drawing, often accompanied by a line of text, either in the form of a caption underneath the drawing, or a speech bubble." A comic, by contrast, "comprises a series of drawings, often in boxes, or as we like to call them, 'panels,' which form a narrative" (Finck, 2019, p. 27).

Political Cartoon of Boss Tweed by Thomas Nast

Caricature of Boss Tweed, by Thomas Next, {{PD-art-US}}

An exhibit from the Library of Congress noted how political or editorial cartoons are "no laughing matter." They are "pictures with a point" (It's No Laughing Matter: Political Cartoons/Pictures with a Point, Library of Congress). Washington Post cartoonist Ann Telnaes stated: "The job of the editorial cartoonist is to expose the hypocrisies and abuses of power by politicians and powerful institutions in our society" (Editorial Cartooning, Then and Now, Medium.com, August 7, 2017).

Benjamin Franklin published the first political cartoon, "Join, or Die" in the Pennsylvania Gazette, May 9, 1754. Thomas Nast used cartoons to expose corruption, greed, and injustice in Gilded Age American society in the late 19th century. Launched in 1970 and still being drawn today in newspapers and online, *Doonesbury* by Gary Trudeau provides political satire and social commentary in a comic strip format. In 1975, Doonesbury was the first politically-themed daily comic strip to win a Pulitzer Prize. Editorial and political cartoons are widely viewed online, especially in the form of Internet memes that offer commentary and amusement to digital age readers.

Commentators including Communication professor Jennifer Grygiel have claimed that memes are the new form of political cartoons. Do you think that this is an accurate assertion? Compare the history of political cartoons outlined above with your own knowledge of memes to support your argument. What are the different perspectives?

### Op-Ed Commentaries

**Op-Ed Commentaries** (Op-Ed means "opposite the editorial page") are written essays of around 700 words found on, or opposite, the editorial page of newspapers and other news publications. They are opportunities for politicians, experts, and ordinary citizens to express their views on issues of importance. Unlike news articles, which are intended to report the news in an objective and unbiased way, Op-Ed commentaries are opinion pieces. Writers express their ideas and viewpoints, and their names are clearly identified so everyone knows who is the author of each essay. The modern Op-Ed page began in 1970 when the *New York Times* newspaper asked writers from outside the field of journalism to contribute essays on a range of topics (The Op-Ed Page's Back Pages, *Slate*, September 27, 2010). Since then, Op-Ed pages have become a forum for a wide expression of perspectives and viewpoints.

### News Photographs

**Photographs** are a fundamental part of newspapers today. We would be taken back and much confused to view a newspaper page without photographs and other images including charts, graphs, sketches, and advertisements, rendered in black and white or color. Look at the front page and then the interior pages of a major daily newspaper (in print or online) and note how many photographs are connected to the stories of the day.

The first photograph published in a US newspaper was on March 4, 1880. Prior to then, sketch artists created visual representations of news events. The *New York Illustrated News* began the practice of regularly featuring photographs in the newspaper in 1919 (Library of Congress: An Illustrated Guide/Prints and Photographs).

From that time, photography has changed how people receive the news from newspapers. The 1930s to the 1970s have been called a "golden age" of **photojournalism**. Publications like the *New York Daily News, Life,* and *Sports Illustrated* achieved enormous circulations. Women became leaders in the photojournalist field: Margaret Bourk-White was a war reporter; Frances Benjamin Johnson took photos all over the United States; Dorothea Lange documented the Great Depression; the site Trailblazers of Light tells the hidden histories of the pioneering women of photojournalism. Also check out "What Is The Role of a War Correspondent?" later in this topic.

For an engaging student writing idea, check out A Year of Picture Prompts: Over 160 Images to Inspire Writing from the New York Times.

### Press Conferences

A **press conference** is a meeting where news reporters get to ask public figures and political leaders (including the President of the United States) questions about major topics and issues. In theory, press conferences are opportunities for everyone in the country to learn important information because reporters ask tough questions and political leaders answer them openly and honestly. In fact, as Harold Holzer (2020) points out in the study of *The Presidents vs. The Press*, there has always been from the nation's founding "unavoidable tensions between chief executives and the journalists who cover them."

The first Presidential press conference was held by Woodrow Wilson in 1913. Every President since has met with the press in this format, although the meetings were "off the record" (Presidents could not be quoted directly) until the Eisenhower Presidency. In March 1933, Eleanor Roosevelt was the

first First Lady to hold a formal press conference. John F. Kennedy held the first live televised press conference on January 25, 1961; you can watch the video of Kennedy's first televised press conference here.

Franklin D. Roosevelt held the most press conferences (881; twice a week during the New Deal and World War II); Richard Nixon the fewest (39) (quoted from Presidential Press Conferences, The American Presidency Project). Donald Trump changed the news conference format dramatically, often turning meetings with the press into political campaign-style attacks on reporters, "fake news," and political opponents. He regularly answered only the questions he wanted to answer while walking from the White House to a waiting helicopter; this "chopper talk" -- in Stephen Colbert's satirical term, since it does not have a formal question and answer format -- has enabled the President to tightly control the information he wanted to convey to the public (Politico, August 28, 2019).

Presidents are not the only ones who participate in press conferences. Public officials at every level of government are expected to answer questions from the news media. Corporate executives, sports figures and many other news makers also hold press conferences. All of these gatherings are essential to providing free and open information to every member of a democratic society, but only when reporters ask meaningful questions and public officials answer them in meaningful ways.

**Sports Writing/Sports Journalism**

**Sports writing** is the field of journalism that focuses on sports, athletes, professional and amateur leagues, and other sports-related issues (Sports Writing as a Form of Creative Nonfiction). Sports writing in the U.S. began in the 1820s, with coverage of horse racing and boxing included in specialized sports magazines. As newspapers expanded in the 19th century, the so-called “penny press,” editors and readers began demanding sports content. In 1895, William Randolph Hearst introduced the first separate sports section in his newspaper, *The New York Journa*l (History of Sports Journalism: Part 1).

Throughout the 20th century, sports writing emerged as a central part of print newspapers and magazines (the famous magazine *Sports Illustrated* began in 1954). Reporters and columnists followed professional teams, often traveling with them from city to city, writing game stories and human interest pieces about players and their achievements.

Earl Warren, the former Chief Justice of the United States Supreme Court, is reported to have said that he always read the sports pages of the newspaper first because “the sport section records people’s accomplishments; the front page has nothing but man’s failures.” Warren’s comment speaks to the compelling place that sports have in American culture, daily life, and media. Millions of people follow high school sports, college teams, and professional leagues in print and online media.

Importantly, as the blogger SportsMediaGuy points out, Earl Warren’s quote can be read as if the sports and sports pages were an escape room where only positive things happen and the inequalities and inequities of society never intrude. Nothing can be further from everyday reality. Sports mirror society as a whole, and issues of class, race, gender, economics, and health are present on playing fields, in locker rooms, and throughout sports arenas.

The history of women sportswriters is a striking example of how the inequalities of society manifest themselves in sports media. Women have been writing about sports for a long time, however, not many people know the history. Sadie Kneller Miller was the first known woman to cover sports when she reported on the Baltimore Orioles in the 1890s, but "with stigma still attached to women in

sports, Miller bylined her articles using only her initials, S.K.M., to conceal her gender" (Archives of Maryland - Sadie Kneller Miller, para. 3).

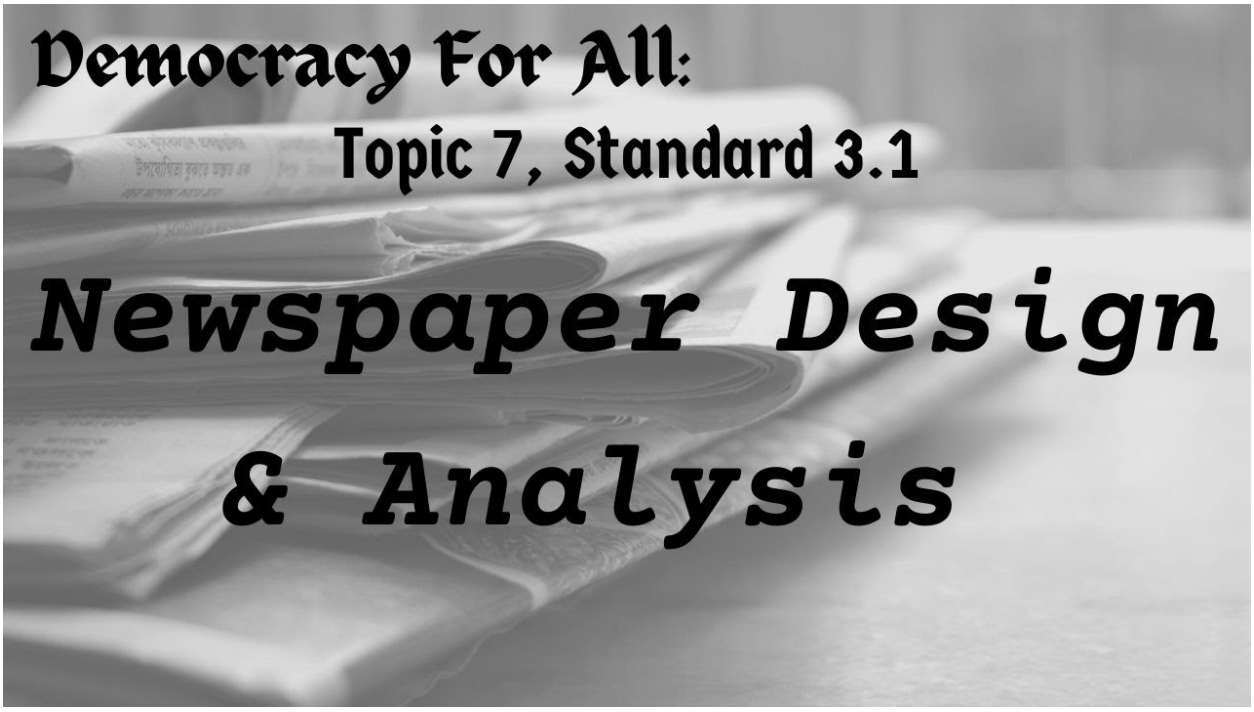
Between 1905 and 1910, Ina Eloise Young began writing about baseball for the local Trinidad, Colorado newspaper before moving on to the *Denver Post* where she became a "sporting editor" in 1908, covering the town's minor league team and the 1908 World Series (Our Lady Reporter': Introducing Women Baseball Writers, 1900-30). New Orleans-based Jill Jackson became one of the few female sports reporters on television and radio in the 1940s (Jill Jackson: Pioneering in the Press Box). Phyllis George, the 1971 Miss America pageant winner, joined CBS as a sportscaster on the television show *The NFL Today* in 1975.

The histories of women writing about sports revealed the tensions of sexism and gender discrimination. Many of the early female sports reporters encountered various levels of threatening and harmful treatment upon entering the locker room. Some were physically assaulted. Others were sexually abused or challenged by the players in sexually inappropriate ways (Women in Sports Journalism, p.iv).

You can read more in *Lady in the Locker Room* by Susan Fornoff who spent the majority of the 1980s covering the Oakland Athletics baseball team and listen to a 2021 podcast in which Julie DiCaro discusses her new book, Sidelined: Sports, Culture and Being a Woman in America.

Women today continue to face widespread gender discrimination in what is still a male-dominated sports media. In 2019, 14% of all sports reporters are women and women's sports only account for about 4% of sports media.

### Media Literacy Connections: Analyzing Newspaper Photographs



Watch on YouTube https://edtechbooks.org/-BuSY

Photographs in newspapers convey powerful messages to readers and viewers, but they are not to be viewed uncritically. A photo represents a moment frozen in time. Its meaning depends on multiple levels of context.

The newspaper photo activities that follow present important questions for students and teachers to explore together: What happened before and after the photo was taken? What else was happening outside the view of the camera? Why did the photographer take the photo from a certain angle and perspective? Why did a newspaper editor choose to publish one image and not another?

**Activity 1: Analyze Newspaper Photographs**

- WARM-UP: As a class, analyze an image from the *New York Times* section "What's Going On in This Picture?" and collaboratively agree upon a caption that best communicates what is happening in the photograph.
- Then, individually, choose a famous newspaper photograph or a photograph from a recent newspaper; you can also check out The Most Influential Images of All Time from *Time* Magazine.
- After choosing a photo, answer the following questions suggested by Sophia Modzelewski, a 2020-2021 history teacher candidate at the University of Massachusetts Amherst, and by *The New York Times* Learning Network.
    - What is going on in this photo?
    - What do you see that makes you say that?
    - What emotions do you see in the expressions/actions of the people in the photo?
    - What emotion do you feel when looking at it?
    - Who is one figure in the image whose actions may be mis-represented by the photograph?
    - Why was the name or description of this image chosen? What do you think might be an alternate name or description?
    - What more can you find out?

**Activity 2: Create a Class Newspaper with Photos and Images**

- Ask students to choose different roles and responsibilities (e.g., photographer, editorial writer, Op-Ed writer, editorial cartoonist, news writer).
- Use digital tools like LucidPress, Google Docs, or Wix to publish the newspaper.
- Have students create a PSA or presentation about the importance of their designated role (e.g., photographer, editorial writer).
- Bonus Activity: Have students create the front page of the newspaper with and without photos and then ask family/peers to compare and contrast the two options and reflect on their impact on learning from the news.

**Activity 3: Compare and Contrast Women and Men Sports Reporters and Columnists**

- Ask students to research how many female reporters and columnists write in the newspapers their parents/guardians and family members read compared to male reporters and columnists. For example, in March 2021, the Boston Globe had one woman reporter, Nicole Yang and one woman sports columnist, Tara Sullivan.
    - What differences to you see in the topics and sports that women reporters and columnists cover and write about?

- Then, examine the roles that women reporters have on local and network sports television.
    - What differences to you see in their roles and the roles of male reporters?

## Suggested Learning Activities

- **Create a Class Newspaper**
    - Ask students to choose different roles and responsibilities (e.g., photographer, editorial writer, Op-Ed writer, editorial cartoonist, news writer).
    - Use digital tools like LucidPress, Google Docs, or Wix to publish the class newspaper.
    - Have students create a PSA or presentation about the importance of their designated role (e.g., photographer, editorial writer).
    - Bonus Activity: Have students create the front page of the newspaper with and without photos and then ask family/peers to compare and contrast the two options and reflect on their impact on learning from the news.
- **Compose a Broadside About a Historical or Contemporary Issue**
    - A **broadside** is a strongly worded written statement attacking a political opponent or political idea, written on single large sheets of paper, printed on one side only, and designed to have an immediate emotional impact on readers**.**
    - History teacher Erich Leaper has students construct colonial broadsides as a learning activity when teaching Op-Ed Commentaries. During colonial times, proponents of the American Revolution posted broadsides expressing their opposition to British colonial acts and policies. Broadsides were the social media and Op-Ed commentaries of the time. Students are grouped and to begin, each group pulls one sheet of paper from five options: the Tea Act, Sugar Act, Stamp Act, Intolerable Acts, Quartering Act, and the Townshend Act.
    - Steps to follow:
        - The teacher writes a broadside as a model for the students. Erich wrote his about the Sugar Act, entitling it "Wah! They Can't Take Away My Candy!"
        - Analyzing one of the acts, each group **writes and draws a broadside** expressing opposition to and outrage about the unfairness of the law. Groups display their broadside posters around the classroom or in a virtual gallery.
        - In their groups, students view all of the other broadsides and discuss how they would **rate the Acts on an oppressiveness scale**—ranging from most oppressive to least oppressive to the colonists.
        - The assessment for the activity happens as each student chooses the top three most oppressive acts and explain her/his choices in writing.
        - Resources for writing colonial broadsides:
            - Colonial Broadsides: A Student Created Play, Edsitement (NEH.gov)
            - Printed Broadsides in the British American Colonies, 1700-1760, National Humanities Center
            - Broadsides and Their Music in Colonial America, Colonial Society of Massachusetts

### Online Resources for Newspapers

- News articles
  - Writing a Newspaper Article, Scholastic (grades 3-8)
  - Newspaper Article Format, Jamestown-Yorktown Foundation
  - A Good Lead Is Everything--Here's How to Write One, NPR Training
- Editorials
  - Writing an Editorial, Alan Weintraut, Annandale (Virginia) High School
  - Guidelines for Editorials, Santa Barbara City College
- Political cartoons
  - Analyzing Political Cartoons (French Revolution Example) | Social Studies Samurai
  - A Free World Needs Political Cartoons, TED Talk by Patrick Chappatte (2019).
    - Chappatte stated: "Political cartoons were born with democracy, and they are challenged when freedom is challenged."
  - Why Drawing Political Cartoons is a Form of Resistance. TED Talk by Rayma Suprani (2019).
    - Suprani stated: "Dictators Hate Cartoons."
  - Editorial Cartoons: An Introduction, The Ohio State University Department of History
  - Editorial Cartoons: An Introduction, Teaching Tolerance Magazine
  - Cartoon America, Library of Congress
  - The Evolution of Political Cartoons through a Changing Media Landscape
  - The First 150 Years of the American Political Cartoon, Historical Society of Pennsylvania
  - Cartoons for the Classroom, Association of American Editorial Cartoonists
  - It's No Laughing Matter:  Political Cartoons/Pictures with a Point, Library of Congress
- Photographs
  - **Whitewashing the Great Depression**, The Atlantic (December 2020)
    - People of color were largely excluded from the photographic record

## 2. UNCOVER: Two Pioneering Women Cartoonists: Jackie Ormes and Dale Messick

Zelda “Jackie” Ormes is considered to be the first African American woman cartoonist. In comic strips that ran in Black-owned newspapers across the country in the 1940s and 1950s, she created memorable independent women characters, including Torchy Brown and Patty-Jo ‘n’ Ginger. Her characters were intelligent, forceful women and their stories addressed salient issues of racism and discrimination in African American life. In 1947, a **Patty-Jo doll** was the first African American doll based on a comic character; there was also a popular Torchy Brown doll.

Google honored Jackie Ormes with a Google Doodle slideshow and short biography on September 1, 2020.

Jackie Ormes in her Studio, Public Domain

Dale Messick, a pioneering female cartoonist, debuted the comic strip, ***Brenda Starr, Reporter*** on June 30, 1940. The comic ran for more than 60 years in hundreds of newspapers nationwide. Throughout its history, the creative team for the comic strip were all women, including the writers and artists who continued the strip after Messick retired in 1980. Based on the character, style, and beauty of Hollywood actress Rita Haywood, Brenda Starr was determined and empowered, lived a life of adventure and intrigue, and always got the news story she was investigating.

Jackie Ormes and Dale Messick are not the only overlooked and largely unknown women cartoonists from the mid-20th century.

Joye Hummel was the first woman hired to write Wonder Wonder comics; she wrote every epsiode between 1945 and 1947, but the writing credit went to "Charles Moulton," a pen name for William Moulton Marston, the inventor of the lie-detector test and the creator and first writer of the comic series. Hummel passed in 2021 at age 97. A whole series of women (including birth-control pioneer Margaret Sanger's niece) were responsible for the development of the comic, noted historian Jill Lepore in her book, *The Secret History of Wonder Woman* (2015) which documented the evolution of the character from a strong feminist into a more male-like superhero.

## Suggested Learning Activity

**Assess the Historical Impact** of Jackie Ormes and Dale Messick

- Jackie Ormes to Enter Will Eisner Comic Hall of Fame, Comic Book Legal Defense Fund
- The Woman Whose 1940s Comics Starred Chic, Socially Aware Black Women,VICE
- Farewell Brenda Starr: 70-Year-Old Reporter Faces Her Final Deadline, The Washington Post (December 9, 2010)
- She Changed the Comics: Pre-Code and Golden Age, Comic Book Legal Defense Fund
- Brenda Starr, Reporter, America Comes Alive!

**State Your View:** *Why is it difficult for women to enter and succeed in professions where there are mostly men?*

## 3. ENGAGE: What is the Role of a War Correspondent?

**War Correspondents** and **War Photographers** have one of the most important and most dangerous roles in the news media. They travel to war zones, often right into the middle of actual fighting, to tell the rest of us what is happening to soldiers and civilians. Without their written reports and dramatic photos, the public would not know the extent of military activities or the severity of humanitarian crises.

War Correspondent Alan Wood typing a dispatch in a wood outside Arnhem; September 18, 1944, Public Domain

War correspondence has a fascinating history. The Roman general Julius Caesar was the first war correspondent. His short, engagingly written accounts of military victories made him a national hero and propelled his rise to power (Welch, 1998). As a young man in the years between 1895 and 1900, Winston Churchill reported on wars in Cuba, India, the Sudan, and South Africa (Read, 2015).

The only Black war correspondent for a major newspaper at the time of the Civil War, Thomas Morris Chester reported on the activities of African American troops during the final year of the war in Virginia for the Philadephia *Press* (Blackett, 1991). Morris had been a recruiter for the 54th Massachusetts regiment - the first unit of African American soldiers in the North during the Civil War.

Women correspondents have played essential roles in documenting the events of war. At the end of August, 1939, British journalist **Clare Hollingworth** was the first to report the German invasion of Poland that began World War II, what has been called "probably the greatest scoop of modern times" (as cited in Fox, 2017, para. 6). It was her first week on the job (Garrett, 2016).

America's first female war correspondent was **Nellie Bly** who covered World War I from the front

lines for five years for the *New York Evening Journal*. **Peggy Hull Deuell** was the first American woman war correspondent accredited by the U.S. government. Between 1916 and the end of World War II, she sent dispatches from battlefields in Mexico, Europe and Asia.

For 28 years, **Martha Gellhorn** covered fighting in the Spanish Civil War, World War II, Vietnam, the Middle East and Central America. Combat photojournalist **Dickey Chapelle** was the first American female war photographer killed in action in World War II. C**atherine Leroy** was the only non-military photographer to make a combat jump into Vietnam with the Sky Soldiers of the 173rd Airborne Brigade.

War correspondents and photographers face and sometimes meet death. **Ernie Pyle**, who won a Pulitzer Prize for his stories about ordinary soldiers during World War II, was killed by Japanese machine-gun fire in 1945. **Marie Colvin**, who covered wars in Chechnya, Sri Lanka, and the Middle East was killed by the Syrian government shelling in 2012. When asked why she covered wars, Marie Colvin said, "what I write about is humanity in extremis, pushed the unendurable, and that it is important to tell people what really happens in wars—declared and undeclared" (quoted in Schleier, 2018, para. 8).

How did the lives and deaths of these two reporters and their commitment to informing others about war reflect the role and importance of a free press in a democratic society?

## Media Literacy Connections: Analyzing How Reporters Report Events

Watch on YouTube https://edtechbooks.org/-WhDG

**Focus Question: How do the decisions news reporters make influence the way viewers perceive an event?**

Print and television news reporters make multiple decisions about how they report the events they

are covering, including who to interview, which perspective to present, which camera angles to use for capturing footage, and which audio to record. These decisions structure how viewers think about the causes and consequences of events.

In one notable historical example, historian Rick Perlstein (2020) described how, during the beginning of the Iran Hostage Crisis in 1979, ABC News vaulted to the top of the TV news show ratings with its late night broadcasts of "*America Held Hostage: The Crisis in Iran*" (the show that would soon be renamed *Nightline*). The network focused on showing images of a burning American flag, embassy employees in blindfolds, Uncle Sam hanged in effigy, and more and more people watched the broadcast. Perlstein (2020) noted, "the images slotted effortlessly into the long-gathering narrative of American malaise, humiliation, and failed leadership" (p. 649) --themes Ronald Reagan would capitalize on during his successful 1980 Presidential campaign.

"Hong Kong protest Admiralty Centre" by Citobun is licensed under CC BY-SA 4.0

**Activity 1: How Reporters Report Events**

- Just as the accounts from Marie Colvin, Nellie Bly, and other war correspondents shaped public opinion during the past, photos and videos taken by reporters from today's conflict zones can have a huge influence over how people view and understand those events.
- Below are the links to two videos taken by two different correspondents covering the same event at the same time - the Hong Kong protests in 2016:
    - Hong Kong Protests 1
    - Hong Kong Protests 2
- After analyzing the two videos, respond to the following prompts:

- List three adjectives to describe videos. Your adjectives can be based on your immediate emotional reactions or more technical aspects of the video (editing, type of shots, sound).
- What is the primary message that each reporter is trying to communicate to the audience about the event?
- If the goal of a correspondent is to inform the public about an event, which of these correspondents do you think accomplished that goal better? Why?

**Activity 2: How You Might Report an Event**

- Select a recent local, national, or international news event.
- Find news clips about this event on YouTube.
- Remix these clips (screen record the clips; add sound/narration/images) to present a different perspective of the event.
- After completing the remix, explain the reactions you sought to create through your selection of images, audio, and video.

**Additional Resources:**

- For Teachers
  - Seven standards of quality journalism (info poster)
- For Students
  - Allsides.com roundup of top weekly stories with articles from across the political spectrum (allsides.com)

## Suggested Learning Activities

- **Write a People's History of a War Reporter**
  - Describe the life of Marie Colvin, Ernie Pyle, Dickey Chapelle or another war journalist or photographer and highlight their time spent covering war (see the online resources section below for related information).
- **Compare and Contrast**
  - How do the lives and jobs of modern war correspondents compare and contrast to those in different historical time periods (i.e. American Revolution, the World War II, Vietnam War).
- **Engage in Civic Action**
  - Design a Public Service Announcement (PSA) video or podcast to convince politicians to provide war correspondents with mental health care support and services once they return from reporting in a war zone.
- **Research and Report**
  - In 2019, the U.S. was engaged in **military operations** in 7 countries: Afghanistan, Iraq, Syria, Yemen, Somalia, Libya, and Niger.
    - Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations (2018)
  - What do you and people in general know about these engagements?  How are war correspondents covering these wars?

## Online Resources for War Correspondents

- **War Correspondents Official Site** on Amazon
- PODCAST: The Failings of War Photography, Anastasia Taylor-Lind
- **Marie Colvin**
  - BOOK: *In Extremis: The Life and Death of War Correspondent Marie Colvin*. Lindsey Hilsum (Farrar, Straus and Giroux, 2019)
  - A New Biography of Marie Colvin, Eyewitness to War, NPR (November 4, 2018)
- **Dickey Chapelle**
  - Dickey Chapelle Biography
  - The Brilliant Photos of the First American Female War Photographer Killed in Action
  - Inside the Daring Life of a Forgotton Female War Photographer, National Geographic
- **Other Female Journalists**
  - 6 Female Journalists of the World War II Era, Literary Ladies Guide
  - Edith Wharton: War Correspondent, EDSITEment
  - CNN's Interactive "Free Press: What's at Stake" - Media Martyrs: Among Those Who Died While Working as Journalists in the Past 15 Years
  - Marguerite Higgins Hits Red Beach - She was the only woman who received a Pulitzer Prize for covering the Korean War in 1951
- **Ernie Pyle**
  - Ernie Pyle: Wartime Columns, Indiana University
  - Obituary: Ernie Pyle is Killed on Ie Island; Foe Fired When All Seemed Safe, *The New*

*York Times* (April 19, 1945)

## Standard 7.3 Conclusion

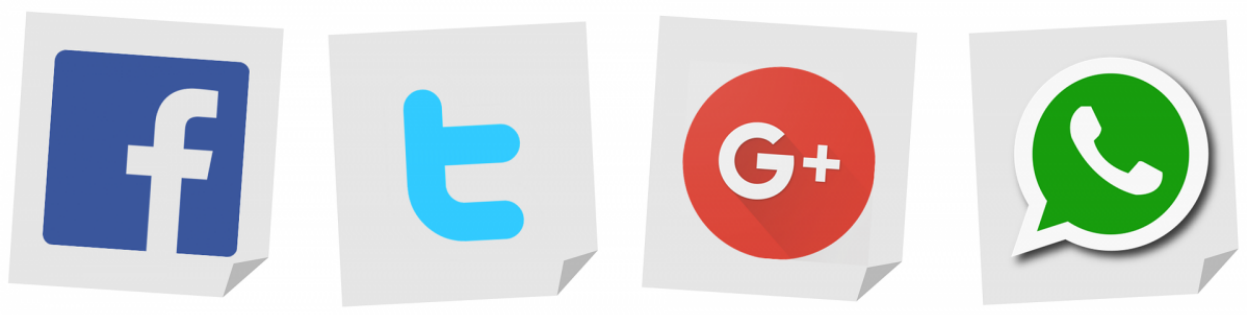
**INVESTIGATE** looked at news articles, editorials, political cartoons, Op-Ed commentaries, news photographs, and press conferences as formats where writers and artists report the news and also present their opinions and perspectives on events. **ENGAGE** explored the roles of war correspondents, using the historical experiences of Marie Colvin (writing 1979 to 2012) and Ernie Pyle (writing 1925 to 1945) as examples. **UNCOVER** told the stories of two important feminist comic strips drawn by pioneering women cartoonists, Jackie Ormes (writing 1930 to 1956) and Dale Messick (writing 1940 to 1980).

# 7.4

# Digital News and Social Media

## Standard 7.4 Digital News and Social Media

*Evaluate the benefits and challenges of digital news and social media to a democratic society.* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T7.4]**



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## FOCUS QUESTION: What are the Roles of Digital News and Social Media in a Democratic Society?

Mass media and social media are central to the lives of most people in the United States, young and old. **Mass media** involves the communication of information to large audiences through multiple platforms. Before the modern computer revolution, newspapers, magazines, movies, radio and television were the 20th century's most common forms of mass media.  Now, even though nearly 96% of American homes have one or more televisions, the **Internet** and **social media** has become the mass media of the present and possibly the future.  In 2000, nearly half (48%) of the adults in the U.S. did not use the Internet; in 2019 only 10% of the population were Internet “non-adopters” (10% of Americans Don't Use the Internet. Who are They? Pew Research Center, April 22, 2019).

Today’s students are members of the world’s first truly **digital generation**. The oldest (those born between the mid 1990s and 2010) are called Generation Z (or “Gen Z”; “post-millennials”; “screeners”; or the “i-Generation"). Those born between 2010 and 2025 are known as Generation Alpha (Gen Alpha). From the earliest ages, Gen Z and Gen Alpha live media-saturated lives, constantly receiving images and information from televisions, computers, websites, video games, social media sites, apps, streaming services, and smartphones.

Social media has become a fundamental part of U.S. politics. Politicians, political parties, politically-

minded organizations, and interested individuals all use Facebook, YouTube, Twitter, and other social communication and networking technologies to convey messages and viewpoints to the public. As President, Donald Trump maintains a personal and an official Twitter account—he sent 2,843 tweets to 56.6 million followers in 2018 (Trump's Twitter Year of Outrage and Braggadocio," *Politico*, December 31, 2018). **Members of Congress, on average, have six different social media platforms** to communicate with the public (Social Media Adoption by Members of Congress: Trends and Considerations, Congressional Research Service, October 9, 2018).

The modules for this topic explore key political dimensions of digital news and social media.

### Modules for This Standard Include:

1. INVESTIGATE: Social Media, Digital News, and the Spread of Misinformation
    - MEDIA LITERACY CONNECTIONS: Understanding Recommendation Algorithms
    - MEDIA LITERACY CONNECTIONS: Detecting Fake News
2. UNCOVER: Russian Hackers, Facebook, the Mueller Report, and the 2016 and 2020 U.S. Presidential Elections
3. ENGAGE: Is the Internet a Human Right?

## 1. INVESTIGATE: Social Media, Digital News, and the Spread of Misinformation

Where people go to get the news is changing rapidly in today's digital age. Print newspaper readership is declining rapidly, being replaced by online digital news sources accessed through websites, apps, and social media. Even television viewing is being impacted; by 2019, nearly as many Americans got their local news from online sources as from TV channels (Key Findings about the Online News Landscape in America, Pew Research Center, September 11, 2019).

When getting news from online sources, not everyone is sure just what type of news they are getting. Given a list of six news organizations (ABC News, Wall Street Journal, Huffington Post, Google News, Apple News, and Facebook), just over half of those surveyed felt confident they knew which organizations did original reporting (ABC News, WSJ, and HuffPost) and which aggregate news from different sources. One in four could not correctly identify whether any of the six sources did original reporting (Measuring News Consumption in a Digital Era, Pew Research Center, December 8, 2020). In a related 2020 study, the Pew Research Center found those who get their news primarily from social media tend to be less engaged civically and less knowledgeable politically.

#### Young People and the News

Social media is now the **most common source of news** for young people ages 13–18 (Robb, 2017). Similarly, nine-in-ten adults (93%) get at least some news online. Snapchat, Facebook, Instagram, Reddit, and YouTube are young people's most popular social media news sources. For example, 75% of Snapchat's news consumers are 18-29 year-olds (News Use Across Social Media Platforms 2018). YouTube is also an incredibly popular source of news and information; people watch one billion hours of video on it every day (YouTube for Press).

**In News and America's Kids: How Young People Perceive and Are Impacted by the News study, Common Sense Media found:**

- Nearly half (48 percent) of youngsters aged 10 to 19 believe that following the news is important to them
- Youngsters feel neglected by and misrepresented in the news
- Youngsters see racial and gender bias in the news
- What youngsters are seeing scares them and makes them feel depressed
- Youngsters also often are fooled by fake news
- Youngsters trust family for news (but still prefer to get it from social media)

Image, by Mike Renpening and licenced under CC0 1.0

### Impacts of Social Media Platform Algorithms

However, students (and adults) are not always aware of *how the news* is being delivered to them. Social media platforms, like YouTube, employ algorithms designed to recommend videos and other content it thinks readers and viewers will enjoy or want to read in order to keep people on the site as long as possible (to make money). The algorithms are able to "tweak the content viewers receive on an individual basis, without being visible" (Tufekci, 2015, p. 209). So, while watching a video, viewers are invited to view related videos without independently and purposefully choosing what they are going to see next.

Researchers have found that **recommendations from social media platform algorithms tend to**

**push selections to the extremes of the political spectrum**. For example, a Donald Trump rally video may generate recommendations for white supremacist conspiracy videos. As Zeynep Tufekei noted, extremist political groups now rely on the recommendation engines of social media sites to draw more viewers to their materials (NPR, 2017).

### Media Literacy Connections: Understanding Recommendation Algorithms

Watch on YouTube https://edtechbooks.org/-aoDN

"Algorithms are instructions for solving a problem or completing a task" (Rainie & Anderson, 2017). As integral features of the social media and online sites we use everyday, algorithms directly impact people's behaviors and choices. In this activity, we look into how **recommendation algorithms** are impacting how and what we learn online.

Recommendation algorithms are part of recommendation engines that suggest "products, services, and information to users based on analysis of data" (Voice Tech Podcast, Medium, June 25, 2019, para. 2). In other words, a site is suggesting to you what it thinks you would like to view, buy, read, or access next based on what you have already viewed, bought, read, or accessed.

The goal of recommendation algorithms is to keep you on the site, app, or social media platform as long as possible (to make more money). Advocates hail the convenience of immediate feedback, while critics worry that users experience only a narrow range of suggestions and choices.

**Activity 1**: Choose a platform - YouTube or TikTok - to analyze. Preferably choose one that you use most often. Open the app, and scan through at least 10 “recommended” videos (these shouldn’t be from channels that you’re subscribed to). After watching, respond to the following questions:

1. Do the recommended videos seem to accurately represent your tastes?
2. Does anything seem out of place?

**Activity 2:** Access the platform in an incognito window where you aren't logged in. The home page should now display generally recommended videos rather than ones tailored to your taste. What surprises you about the differences or similarities between the two sets of recommended videos?

**Resources**

- Making of a YouTube Radical, *The New York Times*, June 8, 2019
- YouTube's Algorithms Might Radicalise People--But the Real Problem is We've No Idea How They Work, *The Conversation*, January 21, 2020

**Fake and False News**

Adding to the complexity of information sharing on social media is **how easily students can be fooled by false and fake online news.** Stanford University researchers found elementary, middle, and high school students are greatly unprepared to distinguish between credible and unreliable information (Breakstone, et al., 2019). In one example, more than half of the students (52%) believed that a video purporting to show ballot stuffing during the 2016 election was "strong evidence" of voter fraud. The video, which was shot in Russia, was fake. Only 3 of 3000 students went online to find the actual source of the video. In general, say the Stanford researchers, students lack the skills to critically evaluate the information they encounter on social media. Read the Stanford study's Executive Summary: Students' Civic Online Reasoning: A National Portrait to find out more.

Researchers have further uncovered the alarming reality that **misinformation spreads faster and goes further than truthful information** on Twitter, Facebook, and other social media platforms. Correcting misinformation with accurate facts takes far longer to reach a wide audience. To learn more, check out How Facebook's News Feed can be Fooled into Spreading Misinformation, by PBS NewsHour.

Watch on YouTube https://edtechbooks.org/-jCu

To demonstrate how information spreads online, journalist **Natasha Fatah** published two different accounts of her personal experience during a domestic terrorist attack in Toronto, Canada in 2018. In one tweet, she falsely claimed she had been attacked by someone who was “angry” and “Middle Eastern.” In her other truthful account, the attacker was “white” and "intentionally hitting people." The false account spread far more quickly and had a wider reach than the truthful one. You can see a visual display of the information flow for Natasha Fatah’s post in this article: How Misinformation Spreads on Social Media—And What To Do About It (Brookings, May 9, 2018).

## Media Literacy Connections: Detecting Fake News

Watch on YouTube https://edtechbooks.org/-BrR

**Focus Question: How do you detect fake news and locate reliable sources?**

People get news today from sources ranging from social media (i.e., Twitter News/TikTok) to legacy news outlets (i.e., *New York Times, Washington Post*) to teachers, parents, family members, and peers. Yet, there is often a difference in quality and reliability among these sources. Every individual must be their own fact checker and news analyst - determining for themselves what is credible and reliable information and what is fake and false misinformation. The following activities are designed to help students establish their skills as news evaluators.

### Activity 1: Analyzing Your Online Search Habits

This activity asks students to analyze their online research and investigation habits in order determine if a source is credible or fake news

- Pick a topic you don’t know much about. Spend 20 minutes investigating and researching it.

Find out anything and everything about this topic.

- Then, look through your search history.
    - What words did you use in your search?
    - What sorts of sources did you tend to seek out?
    - What did you find the most or least valuable during your search process?
    - How did you determine whether a source was credible or not?
- Discuss the findings from the analysis of your investigation techniques with classmates.

**Activity 2: Creating a Personal News Evaluation Rubric**

- Consider the following questions:
    - How would determine if a news story or social media news post contained misinformation?
    - What would you tell someone who didn't know anything about how to tell if a source is credible to look for when evaluating news articles and social media posts?
    - How would you explain credible news sources to your mom, dad, grandma, younger siblings, or friends?
- Then, create a rubric for evaluating news sources.

**Activity 3: Evaluating the Benefits and Challenges of Digital News and Social Media to a Democratic Society**

Nearly half of adults ages 18 to 29 in this country get their political news mostly on social media. The figure is one in five across all ages groups. Those individuals also tend to be less well-informed about political issues and policies (Pew Research Center, July 30, 2020).

    - What do you see as the benefits of digital news and social media?
    - How can people address the potential drawbacks of digital and social media-only news?

**Additional Resources:**

- Teachers
    - Anderson, M. and Jiang, J. (May 31, 2018). Teens, social media and technology 2018. Pew Research Center.
    - What is News Literacy? & How to Teach It
    - "Disinformation, Fake News, and Influence Campaigns on Twitter
        - 2018 study of more than 10 million tweets - from the Knight Foundation and researchers at George Washington University
    - Social Media and Fake News in the 2016 Election
        - January 2017 research study from Stanford University
- Students
    - What are deep fakes?
    - What's Going On In This Photo? (NYTimes Visual Literacy Series)
    - Fake News. It's Complicated
    - The Great Hack (2019) : "How data company named Cambridge Analytica came to symbolize the dark side of social media in the wake of the 2016 election"
    - The Political Pundits of TikTok
        - Lots of political content, both funny and serious/informative, on TikTok. How does this affect the numerous young people (13-26 y/o) digesting content on this app

everyday? Is it harmful or helpful?

- Fact Checking Sites
    - Fact Check.org
    - Michigan Truth Squad
    - Project Vote Smart
    - ProPublica

**Impacts of Screen Time**

The presence of social media in the lives of young people is enormous. The research organization Common Sense Media reported that in 2019 8 to 12-year-olds spent an average of 5 hours a day outside of schoolwork on screens; teenagers about 7 and ½ hours (Tweens, Teens and Phones: What Our 2019 Research Reveals). Researchers disagree about the impact of screen time on children and adolescents:

One large-scale review of multiple research studies on the relationship between screen media and academic performance of children and adolescents in the journal *Pediatrics* (September 2019) found television viewing and video game playing (but not overall screen media) were inversely associated with the academic performance of children and adolescents, with the impact being greater for adolescents than younger children.

Other researchers have drawn different conclusions, suggesting that moderate amounts of screen time can have positive learning impacts for youngsters: Screen Time: Conclusions about the Effects of Digital Media Are Often Incomplete, Irrelevant or Wrong, *The Conversation* (January 15, 2020) and Is Screen Time Really Bad for Kids? (*The New York Times Magazine*, December 18, 2019).

## Suggested Learning Activities

1. **Collect and Analyze Data: Students' News Survey**
    - Create an online survey about how and where students in their school get the news
    - Include questions asking students about they think the news impacts their roles as citizens and what are their thoughts about/concerns with the news
    - Distribute the survey to students in the school and have students work in groups to analyze the data
    - Have students to present their findings in digital or written form

2. **Develop a Personal News Diet**
    - **A News diet** refers to making a plan for intentional consumption of news. Similar to a healthy food diet, a healthy news diet promotes overall physical, mental, and civic wellness.
    - Set a personal goal to achieve a healthy news diet
        - Review the article: Improving Your 'News Diet': A Three-Step Lesson Plan for Teenagers and Teachers.
        - Conduct a personal news audit.
        - Design a personalized news diet.
        - Create a presentation, video, screen recording, or podcast to present what they learned and showcase their news diet.

3. **Make a Poster for Alternative Sources of News**
    - There are engaging and reliable online news sources designed specifically for students, including sites that provide the same content written for different reading levels.
    - What are the interesting and inviting features of the following sites? What are the ways these sites might repel students' interests?
        - NewsELA
        - TweenTribune
        - Britannica School
        - AllSides.com
        - Newsomatic.org

4. **Dialog and Debate**: **Should There Be Screen-Free Days in Schools?**
    - In response to reports of increasing screen use by students, some schools are now instituting screen-free days to give tweens and teens designated times when they are not online. The principal at one 1-to-1 laptop school explained that screen-free days are times when students "will engage with one another and the world around them without technology" (Screen-Free Days in a 1:1 School). At that school, no screen technology is used by students for the entire school day (Screen-Free Time).
        - What are your thoughts about screen-free time?
        - How might screen-free days positively and negatively affect learning for students?
        - After turn off all digital devices for part of a day (at school or at home), how did screen-free time impact your ability to access the news and media?
        - What is the best role of digital technology in supporting student learning?

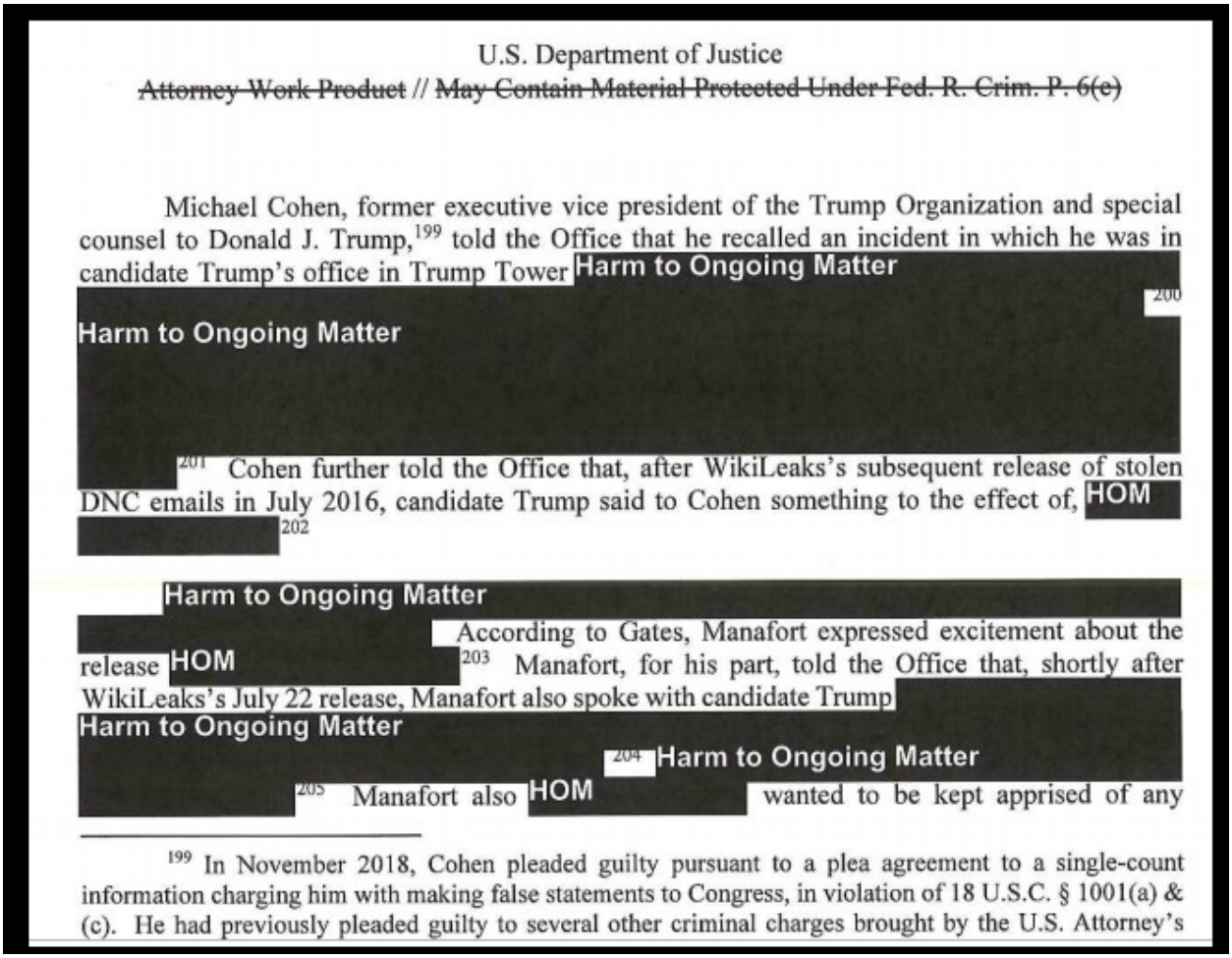
### Online Resources for Social Media and News Diets

- *Historyresourcesforteachers Wiki Pages*
  - The Mass Media
  - *1984* and *Animal Farm* by George Orwell
- News Diets
  - 10 Things We Learned About Teenagers and the News: The Results of Our Student News Diet Challenge

## 2. UNCOVER: Russian Hackers, Facebook, the Mueller Report, and the 2016 and 2020 U.S. Presidential Elections

- Did fake news and Russian disinformation campaigns play a role in influencing the 2016 and 2020 Presidential elections?
- How secure are our future elections from outside hacking and foreign government interference?
- What is the responsibility of Facebook and other technology companies to monitor the truthfulness of what is posted on their social media platforms?

These questions moved to the center of political debate with investigations over Russian government interference into the 2016 Presidential election.



U.S. Department of Justice

~~Attorney Work Product~~ // ~~May Contain Material Protected Under Fed. R. Crim. P. 6(e)~~

Michael Cohen, former executive vice president of the Trump Organization and special counsel to Donald J. Trump,[199] told the Office that he recalled an incident in which he was in candidate Trump's office in Trump Tower Harm to Ongoing Matter

200

Harm to Ongoing Matter

201 Cohen further told the Office that, after WikiLeaks's subsequent release of stolen DNC emails in July 2016, candidate Trump said to Cohen something to the effect of, HOM

202

Harm to Ongoing Matter

According to Gates, Manafort expressed excitement about the release HOM

203 Manafort, for his part, told the Office that, shortly after WikiLeaks's July 22 release, Manafort also spoke with candidate Trump

Harm to Ongoing Matter

204 Harm to Ongoing Matter

205 Manafort also HOM wanted to be kept apprised of any

[199] In November 2018, Cohen pleaded guilty pursuant to a plea agreement to a single-count information charging him with making false statements to Congress, in violation of 18 U.S.C. § 1001(a) & (c). He had previously pleaded guilty to several other criminal charges brought by the U.S. Attorney's

Redacted Page 53 of the Mueller Report, Public Domain

In May 2017, **Robert J. Mueller**, a lawyer and former director of the FBI, was appointed Special Counsel to investigate what happened during the election. Two years later, he issued a Report on the Investigation into Russian Interference in the 2016 Presidential Election (also known as the Mueller Report).

The **Mueller Report** established that Russian cyber espionage agents were responsible for an extensive disinformation campaign in the months leading to the 2016 U.S. Presidential election. More than **150 million people were likely exposed to Russian disinformation**, lawyers from Facebook, Google, and Twitter said in congressional testimony on November 1, 2017. By contrast, only 20.7 million people watched the evening news broadcasts of ABC, CBS, NBC, and Fox stations in 2016, according to the Nielsen ratings service (*San Francisco Chronicle*, November 1, 2017). Texts of Russian social-media posts, released during a House Intelligence Committee hearing, were **intentionally inflammatory and designed to exploit divisions** within the country over issues of race, religion, immigration, and political issues.

Building on the findings in the Mueller Report, the Brennan Center for Justice starkly summarized the extent of what happened: "Hackers conducted 'research and reconnaissance' against election networks in all 50 states, breached at least one state registration database, attacked local election boards, and infected the computers at a voting technology company" (quoted in Election Security,

2019, para. 1).

Special Counsel Robert Mueller did not bring charges against the President or the Trump campaign for conspiring with Russia or engaging in efforts to obstruct justice his investigation. Still the report did flatly state:

- “If we had confidence that the President clearly did not commit a crime we would have said that.”
- "Reiterating the central allegation of our indictments—that there were multiple, systematic efforts to interfere in our election. That allegation deserves the attention of every American.”

Nearly 4 years after the election on August 18, 2020, the Republican-led U.S. Senate Select Committee on Intelligence released its 1,000 page report on Russian Active Measures Campaigns and Interference in the 2016 Presidential Election (Volume 5: Counterintelligence Threats and Vulnerabilities). That report concluded:

- The Russian government disrupted an American election to help Mr. Trump become president,
- Russian intelligence services viewed members of the Trump campaign as easily manipulated,
- Some of Mr. Trump’s advisers were eager for the help from an American adversary (G.O.P.-Led Panel Details Ties Between 2016 Trump Campaign and Russia, The New York Times, August 18, 2020).

The report also found that longtime associate of Paul Manafort, Trump’s former campaign chairman, was in regular contact with a Russian intelligence officer who might have been involved in efforts to steal and disseminate Democratic emails.

Looking back at the investigation on the eve of the 2020 election, CNN legal analyst Jeffrey Toobin (2020a) found that Robert Mueller ran a narrow inquiry that did not look at Trump's financial ties to Russia or his personal tax returns. Nor did the Special Counsel subpoena direct testimony from the President. Following Justice Department guidance, Meuller decided that a sitting President could not be indicted while in office. The President, concluded Toobin (2020a, p. 11), who really "never pretended to be other than what he was - a narcissistic scoundrel" was able to survive the investigation "notwithstanding abundant evidence of his personal dishonesty and immortality and the efforts of learned adversaries in Mueller's office and in Congress."

**Interference in the 2020 Presidential Election**

Despite the findings about the 2016 election, Russia has continued to interfere in American politics. At the beginning of September 2020, both Facebook and Twitter reported that the Russian intelligence service's Internet Research Agency (IRA) was engaged in generating false information about the Presidential election, having created a fake liberal-leaning news publication and staffing it with fake editors and AI-generated photos.

The Russian agency then hired unwitting freelance reporters to write grammatically correct fake stories that were, in the words of one social media review firm, "noteworthy for its hostile tone" toward Democratic Party nominees Joe Biden and Kamala Harris (The Guardian, September 1, 2020, para. 11). The grammatical correctness issue is important. One way to identify fake news stories from 2016 written by Russian sources was the appearance of grammatical inconsistencies in their use of the English language.

**New Evidence of Konstantin Kilimnik's Role in the 2016 Election**

In April 2021, the U.S. Treasury Department announced sanctions against a number of Russian individuals and entities for their roles in cyberattacks designed to disrupt and influence the 2020 Presidential election (Treasury Esclates Sanctions Against the Russian Government Attempts to Influence U.S. Elections).

The Treasury's report also included evidence that in the months before the 2016 elections, Konstantin Kilimnik, a Russian government agent, received confidential polling data from Trump presidential campaign chair Paul Manafort and relayed that information to Russian Intelligence Services who used it to help discredit Hillary Clinton and elect Donald Trump.

The implications here are immense, as historian Heather Cox Richardson concluded (Letters from an American, April 15, 2021). The Treasury report shows there was an open channel, not an unintended connection, between the Trump campaign and Russian intelligence operatives. Russian disinformation, spread on social media, appears to have contributed to Trump's 2016 election victories in key battleground states.

The FBI has posted a $250,000 reward for information leading to the arrest of Kilimnik.

### Suggested Learning Activities

1. **State Your View**
    - How does the reliance on social media for the news impact political views and civic engagement?
    - What role should social media play during elections?

2. **Engage in Civic Action:  Public Service Announcement**
    - Create a video, podcast, series of memes, or posters to address "What steps can be taken to prevent interference in future American elections?"
    - Use the following resources to develop your conclusions:
        - Fancy Bear, a Russian Cyber Espionage Group
        - Who is Fancy Bear (APT 28)?
        - Did Fake News Influence the Outcome of Election 2016?  PBS Newshour Extra, November 16, 2016
        - Social Media and Fake News in the 2016 Election, Hunt Allcott & Matthew Gentzhow, 2017
        - Securing Elections from Foreign Interference. Brennan Center for Justice

### Online Resources for the Mueller Report

- Robert Mueller Statement on the Russia Investigation (May 29, 2019)
- Classroom Law Project Resources on Robert Mueller
- Mueller Report, PBS Newshour

## 3. ENGAGE: Is Internet Access a Human Right?

**Human rights** are entitlements that everyone has, regardless of gender, nationality, ethnicity,

language, religion or any other status. As set forth in The Universal Declaration of Human Rights (UDHR)—the foundation for international human rights law—human rights include life, liberty, work, education, and more (What Are Human Rights? from the United Nations).

In today's digital age, many people and organizations, including the Office of the United Nations High Commissioner for Human Rights, believe that free and open internet access is now a basic human right. In the United States, not everyone has free and open access to the Internet. More than 30% of Americans lack the broadband speeds and digital devices necessary to access and utilize the most up to date, educationally important online resources. This is known as the **connectivity gap**.

Image by gr8effect, licenced under CC0 1.0

There are four types of broadband: DSL (digital subscriber line), fiber-optic, cable, and satellite. Fiber-optic is considered the fastest Internet connection; satellite is the slowest. There are three ways to get online with broadband: a television cable box, a satellite connection, or a telephone line. For many people, access and speed depends on price. High speed access is expensive, more than many families can afford.

According to the digital advocacy organization Education Superhighway, while 98% of school districts have high speed broadband, there are still millions of students lacking access in school and outside of school - in homes, after-school programs, libraries, and youth centers. This persistent connectivity gap threatens to leave behind students who cannot access the online resources and digital tools they need to complete their homework and achieve success in school (see the Homework Gap video below).

Watch on YouTube https://edtechbooks.org/-CTPv

### Suggested Learning Activities

- **State Your View:** Should Internet access be considered a human right?
  - If so, what policies and practices are needed to ensure open access for everyone and every school?
  - For background, read:
    - Why Internet Access is a Human Right, Carnegie Endowment for International Peace
    - Looking at Science and Technology from a Human Rights Perspective, University of Minnesota

- **Write a Social Media Post**
  - Develop a written statement, bumper sticker, meme, Instagram post, or poster that makes the case for Internet Access as a basic human right.

- **Propose Educational Action:** Ways to address the "connectivity gap."
  - Watch the Homework Gap Video
  - Discuss the following questions:
    - How do you access the Internet outside of school?
    - How does your access influence your ability to do your schoolwork?
    - What steps would you take to improve Internet access for all students?

- **Argue For and Against**
  - **Flipped Classrooms** are an instructional strategy which depends on students having access to the Internet at home so they can complete assignments before coming to class.
  - If all students were able to access online resources/lessons at home and practice/application of the material was done at school, would students prefer this?
  - What are the benefits of flipped learning? What are the limitations?

- **Review and Summarize**
  - Explore the **Internet Health Report**
  - Is the Internet safe? How open is it? Who is welcome? Who can succeed? Who controls it?

## Standard 7.4 Conclusion

This standard shows that there are both benefits and challenges to social media and digital news. **INVESTIGATE** had students and teachers consider the kinds of news that is available on social media platforms like Snapchat, Instagram, and Reddit, as well as student-centered sites such as Newsela and Tween Tribune. **ENGAGE** asked if access to the Internet should be a basic human right. **UNCOVER** examined how and why Russian hackers and Facebook had roles in the 2016 U.S. Presidential election, including what the Mueller Report says about foreign interference in our elections. The 2016 election demonstrates how politicians, political campaigns, huge technology companies, and governments are using social media for political purposes.

# 7.5

# Evaluating Print and Online Media

## Standard 7.5: Evaluating Print and Online Media

*Explain methods for evaluating information and opinion in print and online media.* **(**Massachusetts Curriculum Framework for History and Social Studies) **[8.T7.5]**

The fin de siècle newspaper proprietor, by Frederick Burr Opper, Library of Congress {{PD-art-US}}

## FOCUS QUESTION: What is Fake News and How Can Students Become Critical Consumers of Print and Online Information?

What type of news consumer are you?

Do you check headlines several times a day or only once in a while? Do you read a print newspaper or online news articles every day or only occasionally? Do you watch the news on television or stream it online or mostly avoid those sources of information? Do you subscribe to email newsletters that provide summaries of the latest news (e.g., theSkimm)?

Many commentators, including a majority of journalists, believe that most people are not active news consumers. They assume that a large majority rarely go beyond the headlines to read in-depth about a topic. Yet when surveyed, **nearly two-thirds (63%) of Americans say they actively seek out the news several times a day**. They report watching, reading and listening to the news at about equal rates (American Press Institute's Media Insight Project). At the same time, however, **far fewer**

**people regularly seek out commentary and analysis** about the news (Americans and the News Media: What They Do--and Don't--Understand about Each Other, American Press Institute, June 11, 2018).

Whatever type of news consumer you are, making sense of online and print information is a complex endeavor. It is easy to get lost in the swirl of news, opinion, commentary, and outright deception that comes forth 24/7 to computers, smartphones, televisions, and radios. Additionally, there is the ever-present problem of **fake and false news**, defined as "information that is clearly and demonstrably fabricated and that has been packaged and distributed to appear as legitimate news" (Media Matters, February 13, 2017). Tools and strategies are needed to be able to critically evaluate what is being said and by whom in today's multifaceted news and information landscape.

### Modules for This Standard Include:

1. INVESTIGATE: Defining "Fake News" and Finding Reliable Information
    - MEDIA LITERACY CONNECTIONS: Doing Critical Visual Analysis
2. UNCOVER: Yellow Journalism and the Spanish-American War
3. ENGAGE: How Can Students Use Fact Checking to Evaluate the Credibility of News?

## 1. INVESTIGATE: Defining "Fake News" and Finding Reliable Information

Distorting information and distributing fake news has long been part of American politics.

- In **1782**, Benjamin Franklin wrote a **hoax supplement to a Boston newspaper** charging that Native Americans, working in partnership with England, were committing horrible acts of violence against colonists (Benjamin Franklin's Supplement to the Boston Independent Chronicle, 1782, from the National Archives).

- In **1835**, the *New York Sun* newspaper created the **Great Moon Hoax,** convincing readers that astronomers had located an advanced civilization living on the moon (The Great Moon Hoax, 1835).

Portrait of a Man Bat from the Great Moon Hoax, by Lock (?) Naples, {{PD-art-US}}

- The rise of **Yellow Journalism** in the 1890s as part of the competition between newspapers owned by Joseph Pulitzer and William Randoph Hearst played a significant part in the nation's entry into the Spanish-American War (for more, go to the UNCOVER section of the standard).

- During the **Vietnam War**, overly favorable reports of military success that the U. S. military presented to reporters have since become known as the The Five O'Clock Follies(Hallin, 1986).

- As a candidate and now President, Donald Trump has promoted numerous conspiracy theories, claiming in speeches and tweets that:

    - Barack Obama was not born in the United States
    - Millions voted illegally and against him in the 2016 election
    - Vaccines cause autism
    - Wind farms cause cancer
    - Climate change and global warming is a hoax created by the Chinese government (Associated Press, 2019)

Link to more about the history of fake news:

- The Long and Brutal History of Fake News, *Politico*
- The True History of Fake News, Robert Darnton

## Sources of Fake News

**Fake news** comes from many sources. Political groups seek to gain votes and support by posting information favorable to their point of view— truthful or not. Governments push forth fake news about their plans and policies while labeling those who challenge them as inaccurately spreading rumors and untruths. In addition, unscrupulous individuals make money posting fake news. Explosive, hyperbolic stories generate lots of attention and each click on a site generates exposure for advertisers and revenue for fake news creators (see NPR article: We Tracked Down A Fake-News Creator In The Suburbs. Here's What We Learned).

People's willingness to believe fake news is promoted by what historian **Richard Hofstader** (1965) called "**the paranoid style in American politics**." Writing in the 1950s and 1960s, Hofstader's analysis still applies to today's world of hyper-charged social media and television programming.

In Hoftstader's view, people throughout American history have tended to respond strongly to the "great drama of the public scene" (1965, p. xxxiv). In times of change, people begin thinking they are living "in the grip of a vast conspiracy" and in response, they adopt a paranoid style with its "qualities of heated exaggeration, suspiciousness, and conspiratorial fantasy" (Hofstader, 1965, pp. xxxv, 3). Caught within a paranoid style, people see conspiracies against them and their views.

Fake news distributed on social media feeds conspiracy theories while promoting the agendas of marginal political groups seeking influence within the wider society. In summer 2020, during a nation-wide spike in Covid-19 cases, a video created by the right wing news organization Breitbart claiming that masks were unnecessary and the drug hydroxchloroquine cured the virus was viewed by 14 million people in six hours on Facebook. At the same time, the Sinclair Broadcast Group, another right-wing media organization that reaches 40% of all Americans, published an online interview with a discredited scientist who claimed Dr. Anthony Fauci, Director of the National Institute of Allegery and Infectious Diseases, created the coronavirus using monkey cells (Leonhardt, 2020).

Promoting fake news can be highly profitable for politicians who use misinformation to entice people to donate money to their campaigns. In an ongoing investigation, The New York Times (April 17, 2021) has documented how former President Donald Trump and the Republican Party have used the Big Lie that the 2020 Presidential election was stolen to raise millions of dollars from donors, many of whom made small monetary contributions who believed lies about the election and efforts to overturn it. The Trump campaign received more than 2 million donations between the election in November and the end of 2020. Since then, Save America, a Trump political action committee has raised millions through online advertising, text-message outreach and television ads.

## The Demise of the Fairness Doctrine

The demise of the fairness doctrine in 1987 had an immense impact on the expansion of fake and false news in the media. The **fairness doctrine** was a rule developed by the Federal Communications Commission (FCC) that **required television and radio stations** licensed by the FCC to "(a) devote

some of their programming to controversial issues of public importance and (b) allow the airing of opposing views on those issues" (Everything You Need to Know About the Fairness Doctrine in One Post, *The Washington Post*, August 23, 2011). It was adopted in 1949 as an expansion of the Radio Act of 1927 that required broadcast licenses could only be given to those who serve the public interest.

The Fairness Doctrine meant broadcasters had an "active duty" to cover issues that matter to the public (not just political campaigns, but local, state, regional and national topics of importance) in a "fair manner" Fairness Doctrine: History and Constitutional Issues, Congressional Research Service, July 13, 2011). Programming could not be one-sided, anyone attacked or criticized had to given the opportunity to respond, and if the broadcasters endorsed a candidate, other candidates had to be invited to present their views as well.

The ending of the Fairness Doctrine coincided with the rise of conservative talk radio. Unrestrained by norms calling for reasonably fair coverage of issues, political talk show hosts, notably Rush Limbaugh, rose to prominence using hate-filled inflamatory language and outright misinformation to attract millions of listeners. Conservative talk radio generated an echo chamber for right-wing political views, many of which were wholeheartedly adopted by Republican Party candidates.

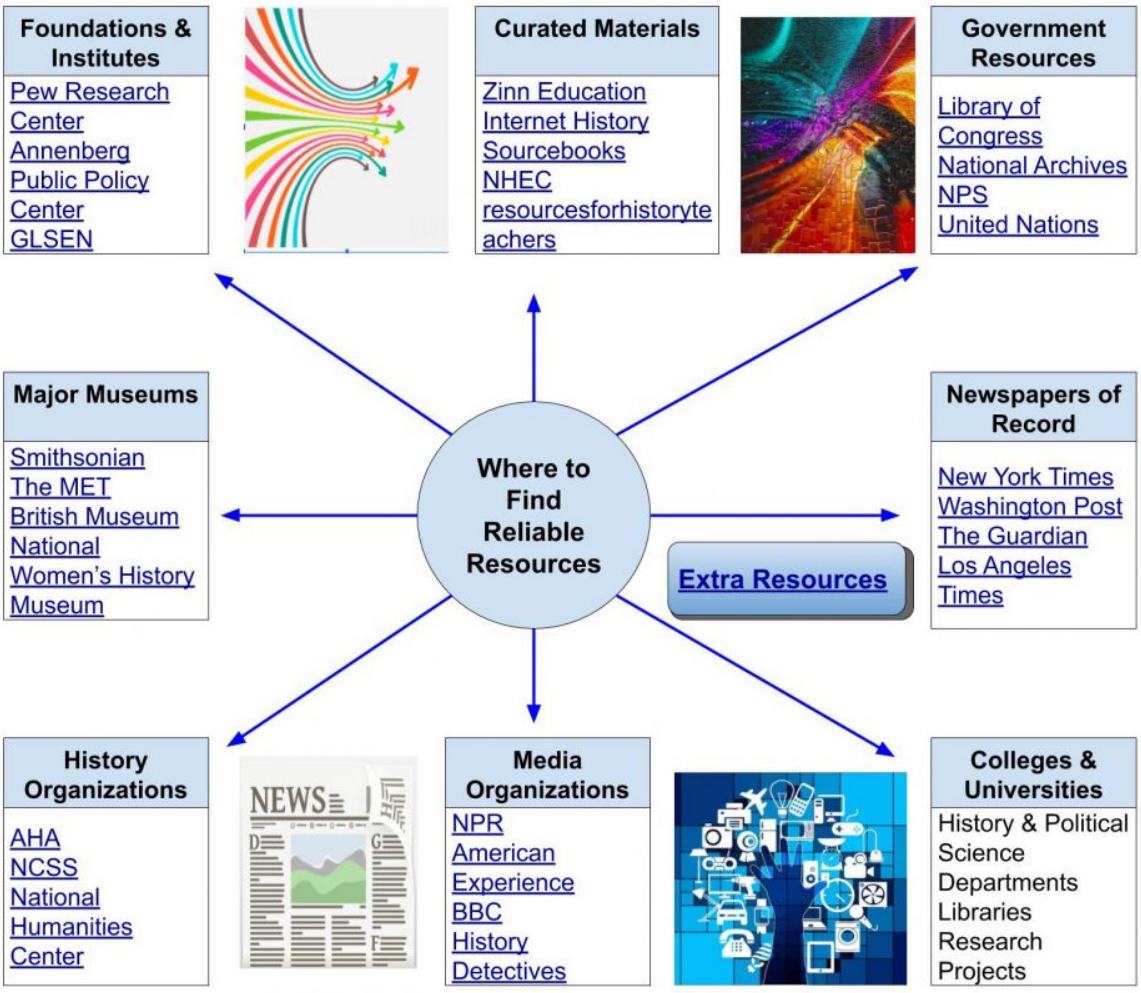
You can learn more by listening to How Conservative Talk Radio Transformed American Politics, a podcast from Texas Public Radio and reading Talk Radio's America: How an Industry Took Over a Political Party That Took Over the United States by Brian Rosenwald (2019).

## Finding Sources of Reliable Information

Readers and viewers must develop **critical reading**, **critical viewing**, and **fact- and bias-checking skills** to separate false from credible and reliable information in print and online media. ISTE has identified Top 10 Sites to Help Students Check Their Facts.

Along with critical reading, viewing, and fact- and bias-checking skills, it is important to develop one's own **sources of trusted and reliable information** from fact-based journalists and news organizations. To gain an overview of the challenges facing students and teachers, listen and read the following text-to-speech version of Fighting Fake News from *The New York Times UpFront* (September 4, 2017).

Here is a table developed to guide teachers and students in locating reliable online resources.




Where to Find Reliable Resources Infographic by Robert W. Maloy, Torrey Trust, & Chenyang Xu, College of Education, University of Massachusetts Amherst is licensed under CC BY NC SA 4.0

Where To Find Reliable Resources Infographic (make your own copy to remix)

## Media Literacy Connections: Doing Critical Visual Analysis

Watch on YouTube https://edtechbooks.org/-NDpV

**Focus Question: How can readers or viewers do critical visual analysis of news sources?**

Activity 1: Critical Visual Analysis

When critically analyzing a source or article, its visual content can tell us a lot about its trustworthiness. This activity asks you to perform a critical visual analysis of two news articles of your own.

- **Step 1:** Find an article you think qualifies as "fake news." Don't worry about justifying why you think it is fake yet, just go with your immediate reaction to it.
- **Step 2:** Find an article you find credible, preferably one that covers the same topic as your fake news story.
- **Step 3:** Take screenshots of both articles, being sure to include as many visual elements (ads, page menu, bylines) from the page as possible.
- **Step 4:** Perform a side-by-side comparison of both screenshots by laying them out on a blank Canva presentation, Google Drawing/Jamboard, or using a screen recording tool.
- **Step 5:** Justify the reasons why you consider one source is credible and the other not by. Focus specifically on the visual content of each article (page design, font choice, headline images, author byline, page advertisements), using arrows and text boxes to highlight specific elements of the design (refer to this checklist for help).

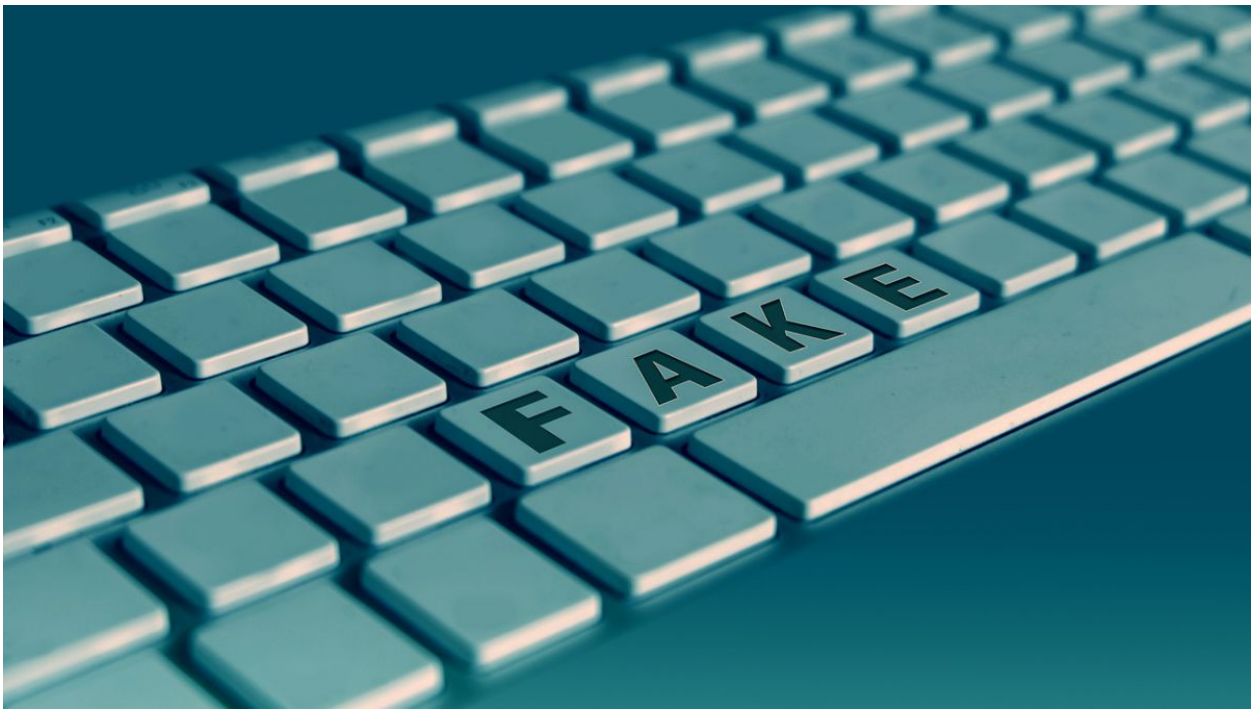



Image from Pixabay is under Pixabay License

**Activity 2: Observe, Reflect, & Question**

To analyze visual or written sources, the Library of Congress recommends students and teachers follow a three stage process: 1) Observe (describe what you see in the image), 2) Reflect (discuss what you think it means) and 3) Question (record what you want to now know more about).

- Choose a visual from one of the following online sources:
  - Library of Congress Primary Source Sets
  - DocsTeach, National Archives
  - Smithsonian Learning Lab
  - National History Day Digital Classroom
- Use one of the Library's source analysis sheets to record your Observe, Reflect and Question thinking: Teacher's Guides and Analysis Tools.
- Then, consider the following: While the Library of Congress three stage process offers one way to approach visual analysis, how might you remix or revise this process to encourage more higher-order thinking that involves creating, designing, making, or composing?

**Additional Resources:**

- Teachers:
  - Higdon, N. (2020). The anatomy of fake news: A critical news literacy education. Oakland, CA: University of California Press.
  - Evaluating News Sources (lesson plan)
  - How to Help Students Be Active Video Viewers (article)
  - 10 creative ways to teach visual literacy (Canva)
- Students:
  - Reading the Pictures: Evaluating the credibility of photos

- Evaluating Online Sources: glossary of terms and guides (tolerance.org)

## Suggested Learning Activities

- **Curate a Collection**:
  - Find examples of the 6 types of fake news identified by researchers in the journal *Digital Journalism* in 2017 (Defining Fake News):
    - **Satire** - Commenting on actual topics and people in the news in a humorous, fun-filled manner. For more about satire, visit Why Satirical News Sites Matter for Society.
    - **Parody** - Pretending to be actual news, delivered in a joking manner without the intention to deceive, even though some of the material may be untrue.
    - **Propaganda** - Purposefully misleading information designed to influence people's viewpoints and actions.
    - **Photo and video manipulation** (also known as "deepfakes") - Manipulating pictures and videos to create images and sounds that appear real, but are not.
    - **Advertising** - Providing positive and favorable information to convince people to purchase a product or service.
      **Fabrication** - Deliberately providing fake and false information about a topic.

- **Discuss and State Your View**
  - In what ways does satire and parody differ from fabrication and manipulation?
  - In what ways does propaganda differ from advertising?
  - What is the purpose of each type of fake news?
  - Which of these 6 types of fake news do you think is shared the most on social media?

- **Evaluate and Assess:**
  - Explore the Interactive Media Bias Chart which rates news providers on a grid featuring a political spectrum from left to right as well as the degrees to which news providers report news; offer fair or unfair interpretations of the news; and present nonsense information damaging to the public discourse.
    - Home of the Media Bias Chart: Version 5.1
    - Video about the design of the Media Bias Chart
  - Do you agree with the findings of the Media Bias Chart?

- **Write a Social Media Post**
  - Have students create two social media posts about (one real, one fake) about an issue of their choosing.
  - Share the posts with the class.
  - Have students rate each post on how believable it is.
  - Discuss with students:

- What criteria did you use to determine whether a news story was fake or real?
- What features of the stories influenced believability (e.g., well-written, quality visuals)?

## Teacher-Designed Learning Resource

**Is It Real or Is It Fake News?**

**Use this list to evaluate the reliability of a news story you read online**

1. What author wrote and what organization published the article?
   What do you know about the author or the organization?
2. What seems to be the purpose of the article?
3. Does the article give different sides of the issue or topic? Or does it seem biased (Does it try to appeal to confirmation bias?)? Explain.
4. If the article has a shocking headline, does it have facts and quotes to back it up? *(Note: Some fake news sources count on people reading only the headline of a story before sharing it on social media!)* Please list a few examples.
5. Can you verify the story in a news source you know you can trust— like the website of a well-known newspaper, magazine, or TV news program?
6. Please use another site to check the credibility of your article?
   What site did you choose? WHY?
   Result?
   Link to the table.

NOTE: Teachers can assign specific articles both real and fake for students to examine. Be careful, sometimes the URLs give them away.

Resources to reference:

- Fighting Fake News - An article from the *New York Times* Upfront Magazine
- A Guide to Fighting Lies, Fake News, and Chaos Online - An internet article from *The Verge*
- How Does "Fake" News Become News? A video from *Teaching Tolerance*
- Can Your Students Tell the Difference Between Fact and Fiction? *EdSurge* (October, 2020)

Alternatively, students could review the information literacy frameworks below and then generate their own rubric for evaluating different type of sources (e.g., news, images, videos, podcasts):

- ABCs of Info Literacy
- 5 Ws of Info Literacy
- CRAP Model
- If I Apply Model
- 6 Criteria for Websites

## Online Resources for Detecting Fake and False News

- Learning Activities
  - Young Voter's Guide to Social Media and the News, Common Sense Media

    - Ten Questions for Fake News Detection
    - Evaluating Sources in a "Post-Truth" World: Ideas for Teaching and Learning about Fake News, *The New York Times*
    - Fighting Fake News, The Lowdown, KQED News
    - How To Teach Your Students about Fake News, PBS Learning Media
    - Resolution on English Education for Critical Literacy in Politics and Media, National Council of Teachers of English
- Additional Reading
    - 6 Studies on Digital News and Social Media You Should Know About
    - State of the News Media, Pew Research Center
    - News Literacy Project
- Video
    - Social media has affected traditional news
    - What Obligations do Social Media Platforms Have to the Greater Good? Ted Talk (July 2019)

## 2. UNCOVER: Yellow Journalism and the Spanish American War

A famous historical example of fake news was the role of **Yellow Journalism** at the outset of the Spanish American War. On February 16, 1898, the United States battleship Maine exploded and sank in Havana Harbor in Cuba—268 sailors died, two-thirds of the ship's crew (Maine, a United States battleship sank near Havana). Led by *New York Journal* publisher William Randolph Hearst, American newspapers expressed outrage about the tragedy, arousing public opinion for the U.S. to go to war with Spain (The Maine Blown Up, *New York Times* article from February 15, 1898).

$50,000 REWARD.—WHO DESTROYED THE MAINE?—$50,000 REWARD.

EDITION FOR GREATER NEW YORK

NEW YORK JOURNAL

AND ADVERTISER.

DESTRUCTION OF THE WAR SHIP MAINE WAS THE WORK OF AN ENEMY

$50,000!

$50,000 REWARD!

For the Detection of the Perpetrator of the Maine Outrage!

Assistant Secretary Roosevelt Convinced the Explosion of the War Ship Was Not an Accident.

The Journal Offers $50,000 Reward for the Conviction of the Criminals Who Sent 258 American Sailors to Their Death. Naval Officers Unanimous That the Ship Was Destroyed on Purpose.

$50,000!

$50,000 REWARD!

For the Detection of the Perpetrator of the Maine Outrage!

NAVAL OFFICERS THINK THE MAINE WAS DESTROYED BY A SPANISH MINE.

Hidden Mine or a Sunken Torpedo Believed to Have Been the Weapon Used Against the American Man-of-War---Officers and Men Tell Thrilling Stories of Being Blown Into the Air Amid a Mass of Shattered Steel and Exploding Shells---Survivors Brought to Key West Scout the Idea of Accident---Spanish Officials Protest Too Much---Our Cabinet Orders a Searching Inquiry---Journal Sends Divers to Havana to Report Upon the Condition of the Wreck.

O caso *Maine na Prensa Amarela* USA, by New York Journal, Public Domain
Front Page from the *New York Journal*, February 17, 1898

A subsequent naval court of inquiry concluded that the ship was destroyed by a submerged mine, which may or may not have been intentional. Most recent historical research suggests the cause of the explosion was an accidental fire in the ship's coal bunker. No one is certain what actually happened. Still, fueled by the sensational yellow journalism headlines and news stories, the United States declared war on Spain on April 25, 1898. That war resulted in the United States acquiring the Philippines, Guam, and Puerto Rico as territories and launching America as a global power.

Explosion of the Maine, Library of Congress, Public Domain

You can learn more about the course and consequences of the Spanish-American War on the *resourcesforhistoryteachers* wiki page: America's Role in World Affairs.

### Suggested Learning Activities

- **Assess the Historical Impact**
  - Review:
    - Yellow Journalism, from PBS Crucible of Empire
    - Yellow Journalism from The First Amendment Encyclopedia, Middle Tennessee State University
    - Biography of William Randolph Hearst
  - Discuss:
    - How did yellow journalism create a climate of support for the Spanish-American War?
    - How did yellow journalism impact people's emotions and thoughts?
    - What propaganda techniques did William Randolph Hearst use to create public support for war?
    - What examples of yellow journalism can be found in the media today?

- **Write a Yellow Journalism Style News Article**
  - Compose a yellow journalism article about a current topic or issue in the news.
  - Include a headline and an image that appropriately fits the topic.
  - Have the class vote on a title for the newspaper.
  - Put the articles together in a digital format using LucidPress or Google Docs.

- **Analyze a Source**
  - Select an article from the *National Enquirer* or a similar tabloid magazine and identify how the article is an example of yellow journalism.

## 3. ENGAGE: How Can Students Use Fact Checking to Evaluate the Credibility of News?

Why is there an abundance of fake and false news? One answer is that **creating fake news** is both very easy and highly profitable. The Center for Information Technology & Society at the University of California Santa Barbara identfied the simple steps individuals or groups can follow in creating a fake news factory:

1. **Create a Fake News Site**: Register a domain name and purchase a web host for a fake news site (this is relatively inexpensive to do). Choose a name close to that of a legitimate site (called "typosquatting" as in Voogle.com for people who mistype Google.com). Many people may end up on the fake news site just by mistyping the name of a real news site.
2. **Steal Content:** Write false content or simply copy and paste false material from other sites, like the Onion or Buzzfeed.
3. **Sell Advertising:** To make money (in some cases lots of money) from fake news, sell advertising on the site. This can be done through the web hosting platform or with tools like Google Ads.
4. **Spread via Social Media:** Create fake social media profiles that share the posts and post articles in existing groups, like "Donald Trump For President 2020!!!"
5. **Repeat**: "The fake news factory model is so successful because it can be easily replicated, streamlined, and requires very little expertise to operate. Clicks and attention are all that

matter, provided you can get the right domain name, hosting service, stolen content, and social media spread" (CITS, 2020, para. 21).

For social media platforms, fake news is good for business. Attracted by the controversies of fake news, users go online where they encounter not just misinformation, but advertising. Business organizations pay the social media sites huge amounts of money to get people to view their ads and to access the data of those online. In 2019, for example, 98% of Facebook revenue came from advertising (Facebook Reports Fourth Quarter and Full Year 2019 Results).

While there is much fake news online, it is **shared** by a very small number of people. Looking at the 2016 Presidential election, researchers found that less than 0.1% of Twitter users accounted for sharing nearly 80% of fake and false news during the 2016 election (Grinberg, et. al., 2019). Interestingly, those over **65-years-old and those with conservative political views shared considerably more fake news** on social media than members of younger age groups (Guess, Nagler & Tucker, 2019).

Media Bias/Fact Check Wordmark/Public Domain

**Fact checking**

Happening both online and in-print, **fact checking** involves examining the accuracy of claims made by politicians and political groups and correcting them when the statements are proven wrong. News and social media organizations now devote extensive resources fact checking. One report, the Duke University Reporters' Lab Census, 2020, lists some 290 fact-checking organizations around the world. Yet, even though statements made by individuals or organizations are evaluated by journalists and experts, final decisions about truth and accuracy are left to readers and viewers. Given the enormous amount of fake and false information generated every day, fact checking has become an essential responsibility for all citizens, including students and teachers, who want to discover what is factual and what is not.

Sign-up for *The Washington Post* Fact Checker here.

Access CNN Politics Facts First here

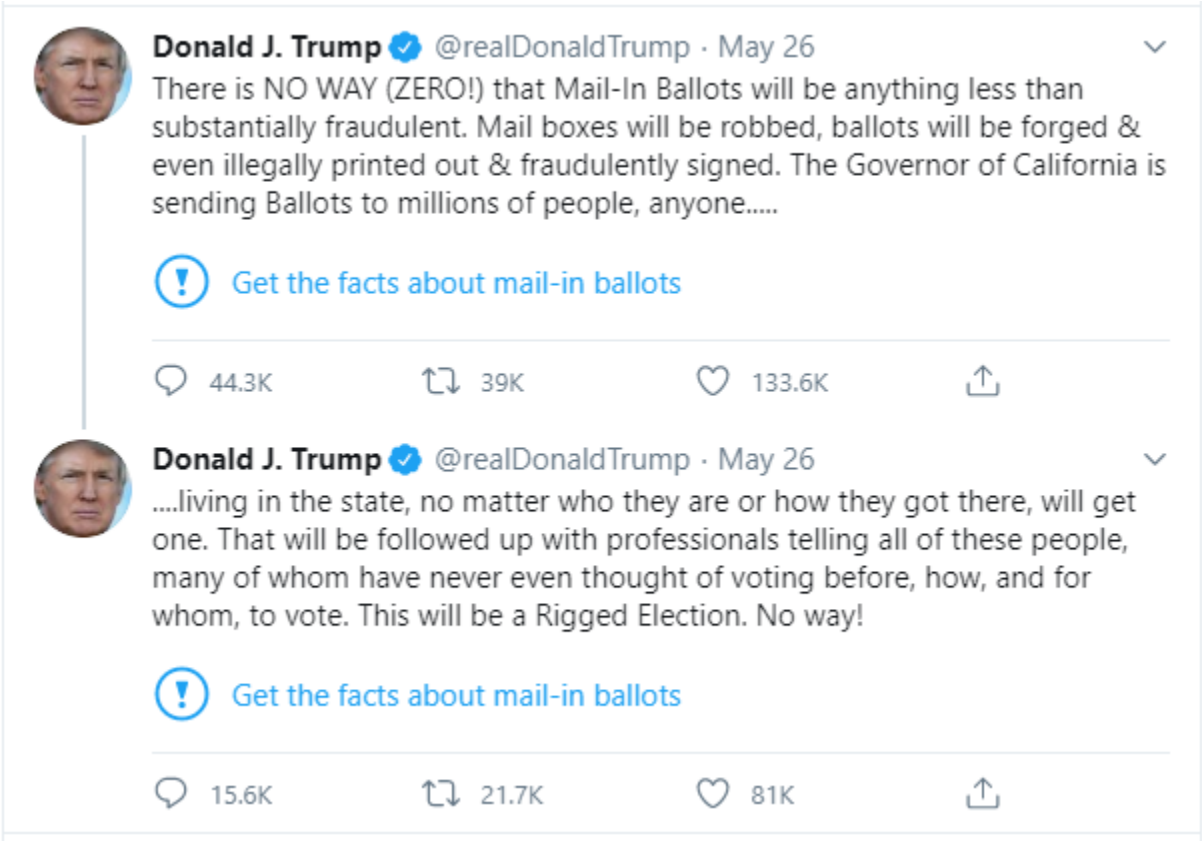
Access FactCheck.org here

Sam Wineburg (2017) and his colleagues at Stanford University contend that while most of us read *vertically* (that is, we stay within an article to determine is reliability), fact checkers **read *laterally*** (that is, they go beyond the article they are reading to ascertain its accuracy). Using computers, human fact checkers open multiple tabs and use split screens to cross-check the information using different sources. Freed from the confines of a single article, fact checkers can quickly obtain wider, more critically informed perspectives by examining multiple sources.

The importance of fact-checking raises the question of whether social media companies should engage in fact-checking the political and government-related content posted on their platforms. Proponents of social media company fact-checking contend that Facebook, Twitter, YouTube,

Instagram, and others have resources to uncover false and misleading information that everyday citizens do not. Still, social media companies have been reluctant to comment on the accuracy of content on their sites.

**Fact Checking Donald Trump**




President Trump's Tweet, May 26 2020

On May 26, 2020 however, Twitter for the first time fact-checked tweets about mail-in voting made by President Donald Trump (MIT Technology Review). Trump claimed that California's plans for voting by mail would be "substantially fraudlent." Twitter's CEO Jack Dorsey responded that the President's remarks violated the company's **civic integrity policy,** stating that the tweets "contain potentially misleading information about voting processes." Twitter posted a "Get the Facts about Mail-In Ballots" label next to the tweets and included a link to summary of false claims and responses by fact-checkers.

Two days later after nights of rioting and protests in cities around the country following the death of an African American man in police custody in Minneapolis, the President tweeted "when the looting starts, the shooting starts." Twitter prevented users from viewing that Presidential tweet without first reading a warning that the President's remarks violated a company rule about glorifying violence. It was the first time Twitter had applied such a warning to a public figure's tweets but did not ban the President from the site because of the importance of remarks by any important political leader (Conger, 2020).

Twitter's actions unleashed a storm of controversy with supporters of the President claiming the

company was infringing on the first amendment rights of free speech. Trump himself issued an executive order intending to limit legal protections afforded tech companies. Supporters of Twitter's actions saw the labeling as an example of responsible journalism in which people were urged to find out more information for themselves before deciding the accuracy of the President's claims.

Finally, following the violent January 6, 2021 insurrectionist attack on the Capitol, Twitter permanently suspended Donald Trump from its platform. Other major social media sites also took steps to ban or restrict Trump (Axios, January 11, 2021). Read here how different free speech experts viewed these policies.

You can find more information about the debates about the role of social media companies in dealing with misinformation in the Engage module for Topic 7/Standard 6.

## Suggested Learning Activities

- **Compare and Contrast:  Fact Checking Sites and Tools**
    - Identify each fact checking site's strengths and drawbacks:
        - Snopes by Snopes Media Group
        - Top 10 Sites to Help Students Check Their Facts by ISTE (International Society for Technology in Education)
        - Fact Check.org and SciCheck from the Annenberg Public Policy Center (SciCheck is FactCheck.org.'s source for evaluating science-related news)
        - *Washington Post* Fact Checker
        - FAIR (Fairness & Accuracy in Reporting)
        - Observatory on Social Media at Indiana University created Hoaxy, Botometer, and Botslayer - online tools designed to detect the use of bots to spread fake and false information.

- **Practice Fact Checking**
    - Investigate online or in-print articles on a topic or an issue and explain your judgments about what is accurate and not accurate in these publications.
- **Learn Online**
    - Play **Newsfeed Defenders** from iCivics
        - This online game teaches students to uncover deceptive and false online claims.

## Online Resources for Fake News & Fact Checking

- **BOOK**: *Donald Trump and His Assault on Truth: The President's Falsehoods, Misleading Claims and Flat-out Lies*. The Washington Post Fact Checker Staff, Scribner, 2020
    - This book examines 16,000 false statements made by Trump in tweets and at press conferences, political rallies, and television appearances during his first three years as President.
- How Do Fake News Sites Make Money, BBC News
- We Tracked Down a Fake News Creator in the Suburbs. Here's What We Learned, *All Tech*

*Considered* (November 23, 2016)

- Turn Students into Fact-Finding Web Detectives by Common Sense Education offers strategies to prepare students to be fact-checkers.
- Twitter Users & The First Amendment: Can Public Officials Block Political Dissenters on Social Media?
    - In May 2018, a federal district court in New York state ruled public officials cannot "block" people from responding to content posted on the @realDonaldTrump Twitter account.
- A Tale of Two Elections: CBS and Fox News' Portrayal of the 2020 Presidential Election. Shortenstein Center on Media, Politics and Public Policy (December 17, 2020).
    - Over the course of the full 2020 campaign, Trump received four times as much coverage as Biden on CBS and three times as much on Fox.

## Standard 7.5 Conclusion

This standard's **INVESTIGATE** examined fake news - information that creators KNOWS is untrue, but which they portray as fair and factual. **UNCOVER** showed that fake news is not new in this century or the current political divide in the country, featuring examples including Benjamin Franklin's propaganda during the American Revolution, efforts to sell newspapers during The Great Moon Hoax of 1835, the use of yellow journalism in the form of exaggerated reporting and sensationalism in the Spanish-American War, and present-day disinformation and hoax websites. **ENGAGE** asked how online **Fact Checkers** can serve as technology-based tools that students and teachers can use to distinguish credible from unreliable materials.

7.6

# Analyzing Editorials, Editorial Cartoons, or Op-Ed Commentaries

## Standard 7.6: Analyzing Editorials, Editorial Cartoons, or Op-Ed Commentaries

*Analyze the point of view and evaluate the claims of an editorial, editorial cartoon, or op-ed commentary on a public issue at the local, state or national level.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T7.6]**

SOME TROUBLE WITH THE TARIFF TEAM

From the *Eagle* (Brooklyn, New York)

(Ohio, led by Hanna, had adopted a "stand-pat" high tariff platform, and Iowa had accepted Cummins' planks on reciprocity and revision.)

US editorial cartoon 1901. President Teddy Roosevelt watches GOP team pull apart on tariff issue.

# FOCUS QUESTION: How Do Writers Express Opinions through Editorials, Editorial Cartoons, and Op-Ed Commentaries in Print and Online?

Standard 7.6 asks students to become **critical readers** of editorials, editorial cartoons, and Op-Ed commentaries. Critical readers explore what is being said or shown, examine how information is being conveyed, evaluate the language and imagery used, and investigate how much truth and accuracy is being maintained by the author(s). Then, they draw their own informed conclusions.

### Modules for This Standard Include:

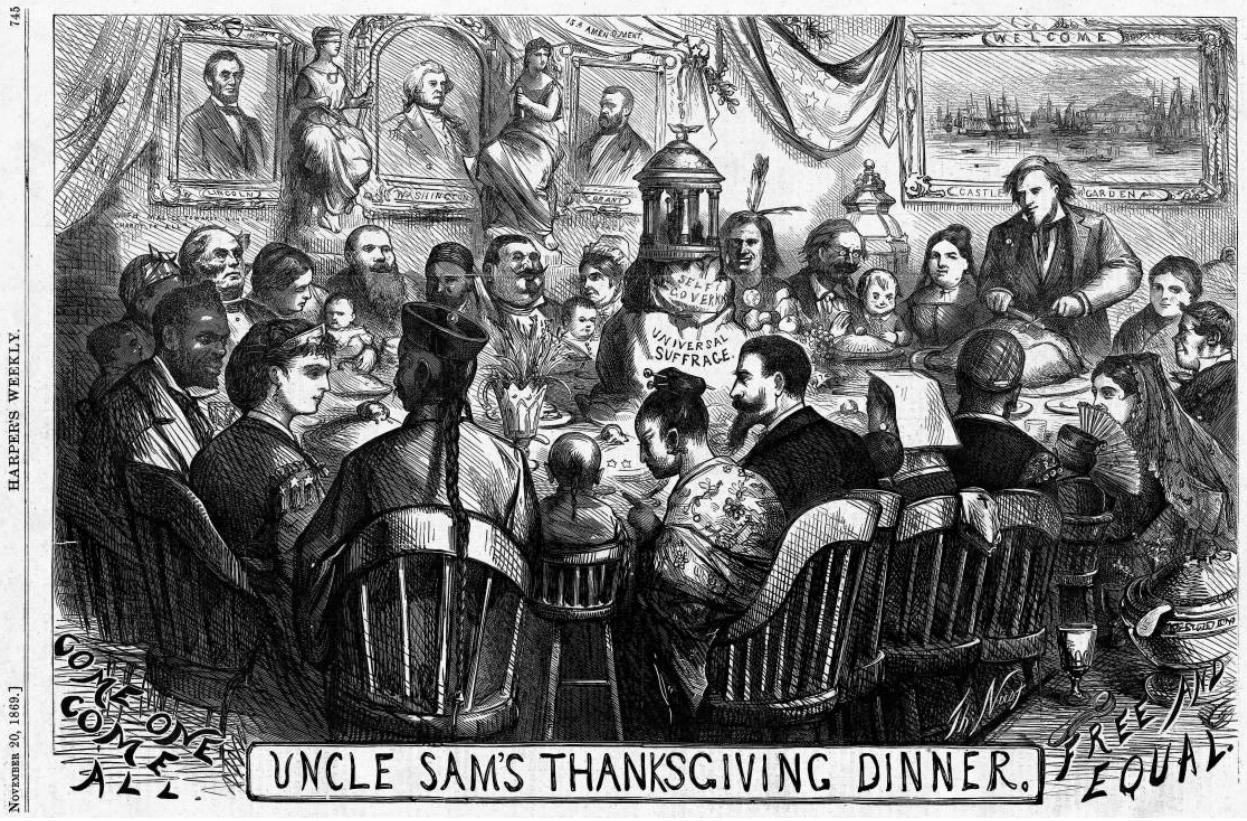
1. INVESTIGATE: Evaluating Editorials, Editorial Cartoons, and Op-Ed Commentaries
    - MEDIA LITERACY CONNECTIONS: Evaluating Memes and TikToks as Political Cartoons
2. UNCOVER: Deepfakes, Fake Profiles, and Political Messaging
3. ENGAGE: Should Facebook and Other Technology Companies Regulate Political Content on Their Social Media Platforms?

# 1. INVESTIGATE: Evaluating Editorials, Editorial Cartoons, and Op-Ed Commentaries

Teaching students how to critically evaluate editorials, editorial cartoons, and Op-Ed commentaries begins by explaining that all three are **forms of persuasive writing**. Writers use these genres (forms of writing) to **influence how readers think and act about a topic or an issue**. Editorials and Op-Ed commentaries rely mainly on words, while editorial cartoons combine limited text with memorable visual images. But the intent is the same for all three - to motivate, persuade, and convince readers.

Many times, writers use editorials, editorial cartoons, and Op-Ed commentaries to argue for progressive social and political change. Fighting for the Vote with Cartoons shows how cartoonists used the genre to build support for women's suffrage (The *New York Times*, August 19, 2020).

Another example is Thomas Nast's 1869 "Uncle Sam's Thanksgiving Dinner" cartoon that argues that everyone should have the right to vote - published at a time when African Americans, Native Americans, and women could not. Nast constructs a powerful appeal using few words and an emotionally-charged image.




Uncle Sam's Thanksgiving Dinner (November 1869), by Thomas Nast | Public Domain

But these same forms of writing can be used by individuals and groups who seek to **spread disinformation and untruths**.

Large numbers of teens and tweens tend to trust what they find on the web as accurate and unbiased

(NPR, 2016). They are unskilled in **separating sponsored content or political commentary from actual news** when viewing a webpage or a print publication. In online settings, they can be easily drawn off-topic by clickbait links and deliberately misrepresented information.

The writing of Op-Ed commentaries achieved national prominence at the beginning of June 2020 when the *New York Times* published an opinion piece written by Arkansas Senator Tom Cotton in which he urged the President to send in armed regular duty American military troops to break up street protests across the nation that followed the death of George Floyd while in the custody of Minneapolis police officers.

Many staffers at the Times publicly dissented about publishing Cotton's piece entitled "Send in the Troops," citing that the views expressed by the Senator put journalists, especially journalists of color, in danger. James Bennett, the Times Editorial Page editor defended the decision to publish, stating if editors only published views that editors agreed with, it would "undermine the integrity and independence of the New York Times." The editor reaffirmed that the fundamental purpose of newspapers and their editorial pages is "not to tell you what to think, but help you to think for yourself."

The situation raised unresolved questions about the place of Op-Ed commentaries in newspapers and other media outlets in a digital age when the material can be accessed online around the country and the world. Should any viewpoint, no matter how extreme or inflammatory, be given a forum for publication such as that provided by the Op-Ed section of a major newspaper's editorial page?

Many journalists as well as James Bennett urge newspapers to not only publish wide viewpoints, but provide context and clarification about the issues being discussed. Readers and viewers need to have links to multiple resources so they can more fully understand what is being said while assessing for themselves the accuracy and appropriateness of the remarks.

### Media Literacy Connections: Evaluating Memes and TikToks as Political Cartoons

Watch on YouTube https://edtechbooks.org/-Fda

**Focus Question: Are memes and TikToks the new editorial cartoons or political comics?**

In this activity, you will evaluate the design and impact of political memes, Tik Toks, editorial cartoons, and political comics and then create your own to comment on and influence others about a public issue.

**Activity: Analyzing Political Cartoons, Memes, Parodies**

- **Step 1:** Examine the following editorial cartoons, memes, and TikToks
  - **Editorial Cartoons**:
    - https://edtechbooks.org/-orFT
    - https://edtechbooks.org/-bfJr
    - https://edtechbooks.org/-Esv
    - https://edtechbooks.org/-NKnf
  - **Memes**
    - https://edtechbooks.org/-VoRb
    - https://edtechbooks.org/-zSep
    - https://edtechbooks.org/-KLaR
  - **TikToks**
    - https://edtechbooks.org/-PUX
    - https://edtechbooks.org/-AEt
    - https://edtechbooks.org/-MtqS
- **Step 2:** Can you find more memes or TikToks dealing with contemporary issues and topics?

- **Step 3:** Create your own meme or TikTok about a political issue you care about.

**Post Activity Discussion Questions**

- What is the message(s) of the meme or TikTok you created?
    - How effective do you think it was in communicating your message?
    - How do you imagine your creation will fare in comparison to more typical, prose opinion pieces? Which is more effective?
    - How is what you created similar to or different from traditional editorial cartoons? Which is more effective?

**Additional Resources:**

- Teachers:
    - Butler (2016): Policy, Participation, and Practice: Assessing Media Literacy in the Digital Age
    - How and Why Our Editorial Board Endorses Political Candidates (NYT, 2020)
    - The Impact of Media Bias: How Editorial Slant Affects Voters (2005 Study)
- Students:
    - Analyzing Political Cartoons
    - The Hidden Biases of Internet Memes
    - Political cartoonists are out of touch – it's time to make way for memes (The Conversation)
    - Political Cartoonists Impact Presidential Races (US News, 2008)

## Suggested Learning Activities

- **Write a Commentary**
    - Review the articles Op-Ed? Editorial? & Op Ed Elements. What do all these terms really mean?
    - Have students write two editorial commentaries about a public issue - one with accurate and truthful information; the other using deliberate misinformation and exaggeration.
    - Students review their peers' work to examine how information is being conveyed, evaluate the language and imagery used, and investigate how much truth and accuracy is being maintained by the author(s).
    - As a class, discuss and vote on which commentaries are "fake news."

- **Draw a Political Cartoon for an Issue or a Cause**
    - Have students draw editorial cartoons about a school, community or national issue.
    - Post the cartoons on the walls around the classroom and host a gallery walk.
    - Ask the class to evaluate the accuracy and truthfulness of each cartoon.

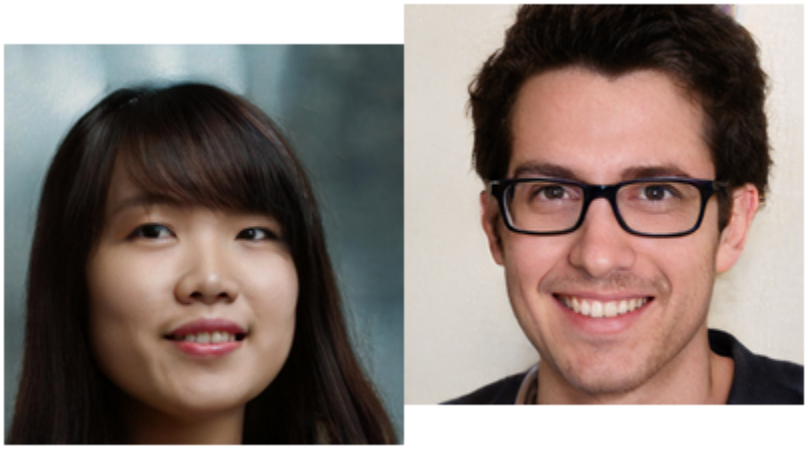
- **Analyze a Political Cartoon as a Primary Source**
    - Choose a political cartoon from a newspaper or online source.
    - Use the Cartoon Analysis Guide from the Library of Congress or a Cartoon Analysis Checklist from TeachingHistory.org to examine its point of view.

### Online Resources for Evaluating Information and Analyzing Online Claims

- Do the Facts Hold Up? NewseumEd
- The Fake News Fallacy, *The New Yorker* (September 4, 2017)
- Lesson Plan from Common Sense Education for evaluating fake websites which look credible
- Check, Please! Starter Course - a free online course to develop information literacy skills
- Interpreting Political Cartoons in the History Classroom, TeachingHistory.org

## 2. UNCOVER: Deepfakes, Fake Profiles, and Political Messaging

**Deepfakes, fake profiles, and fake images** are a new dimension of political messaging on social media. In December 2019, Facebook announced it was removing 900 accounts from its network because the accounts were using fake profile photos of people who did not exist. Pictures of people were generated by an AI (artificial intelligence) software program (Graphika & the Atlantic Council's Digital Forensics Lab, 2019). All of the accounts were associated with a politically conservative, pro-Donald Trump news publisher, *The Epoch Times*.

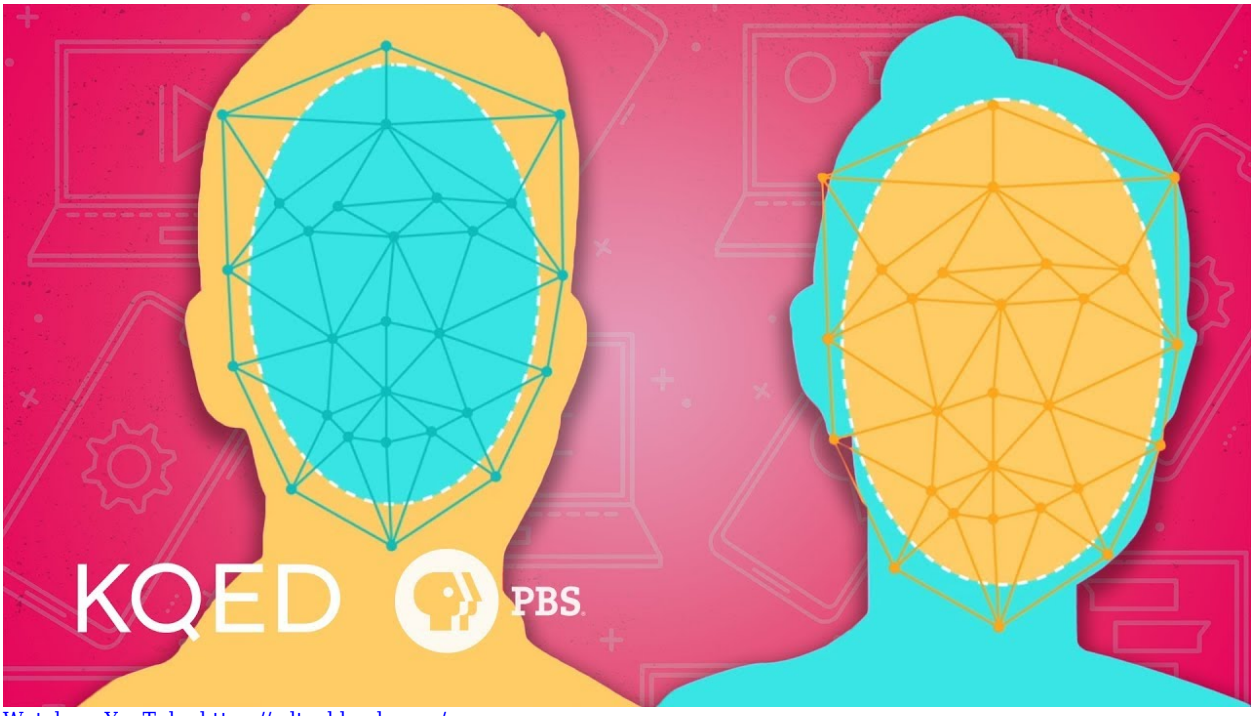


**The People in These Photos Do Not Exist;**
**Their Pictures Were Generated by an Artificial Intelligence Program**
Images on Wikimedia Commons/Public Domain

**Deepfakes** are digitally **manipulated videos and pictures** that produce images and sounds that appear to be real (Shao, 2019). They can be used to spread misinformation and influence voters. Researchers and cybersecurity experts warn that it is possible to manipulate digital content - facial expressions, voice, lip movements - so that was it being seen is "indistinguishable from reality to human eyes and ears" (Patrini, et. al., 2018). You can learn more from the book *Deepfakes: The Coming Infocalypse* by Nina Schick (2020).

For example, you can watch a video of George W. Bush, Donald Trump, and Barack Obama saying things that they never would (and never did) say, but that looks authentic (Link here to Watch a man manipulate George Bush's face in real time). Journalist Michael Tomasky, writing about the 2020 election outcomes in the *New York Review of Books*, cited a *New York Times* report that fake videos of Joe Biden "admitting to voter fraud" had been viewed 17 million times before Americans voted on

election day (What Did the Democrats Win?, December 17, 2020, p. 36).



Watch on YouTube https://edtechbooks.org/-zocs

To recognize deepfakes, technology experts advise viewers to look for face discolorations, poor lightning, badly synced sound and video, and blurriness between face, hair and neck (Deepfake Video Explained: What They Are and How to Recognize Them, Salon, September 15, 2019). To combat deepfakes, Dutch researchers have proposed that organizations make digital forgery more difficult with techniques that are now used to identify real currency from fake money and to invest in building fake detection technologies (Patrini, et.al., 2018).

The presence of fake images are an enormous problem for today's social media companies. On the one hand, they are committed to allowing people to freely share materials. On the other hand, they face a seemingly endless flow of Photoshopped materials that have potentially harmful impacts on people and policies. In 2019 alone, reported *The Washington Post*, Facebook eliminated some three billion fake accounts during one six month time period. You can learn about Facebook's current efforts at regulating fake content by linking to its regularly updated Community Standards Enforcement Report.

**Photo Tampering in History**

Photo tampering for political or commercial purposes happened long before modern-day digital tools made possible deep fakes and other cleverly manipulated images. The Library of Congress has documented how a famous photo of Abraham Lincoln is a composite of Lincoln's head superimposed on the body of the southern politician and former vice-president John C. Calhoun. In the early decades of the 20th century, the photographer Edward S. Curtis, who took more than 40,000 pictures of Native Americans over 30 years, staged and retouched his photos to try and show native life and culture before the arrival of Europeans. The Library of Congress has the famous photos in which Curtis removed a clock from between two Native men who were sitting in a hunting lodge dressed in

traditional clothing that they hardly ever wore at the time (Jones, 2015). It has been established that the Depression-era photographer Dorothea Lange staged her iconic "Migrant Mother" photograph, although the staging captured the depths of poverty and sacrifice faced by so many displaced Americans during the 1930s. You can analyze in photo in more detail in this site from the The Kennedy Center.

You can find more examples of fake photos in the collection Photo Tampering Through History and at the Hoax Museum's Hoax Photo Archive.

### Suggested Learning Activities

- **Draw an Editorial Cartoon**
  - Show the video Can You Spot a Phony Video? from *Above the Noise*, KQED San Francisco.
  - Then, ask students to create an editorial cartoon about deepfakes.

- **Write an Op-Ed Commentary**
  - Write an Op-Ed commentary about fake profiles and fake images on social media and how that impacts people's political views.

- **Create a Fake Photo**
  - Take a public domain historical photo and edit it using SumoPaint (free online) or Photoshop to change the context or meaning of the image.
  - Showcase the fake and real photos side by side and ask students to vote on which one is real and justify their reasoning.

## 3. ENGAGE: Should Facebook and Other Technology Companies Regulate Political Content on Their Social Media Platforms?

Social media and technology companies generate huge amounts of revenue from advertisements on their sites. 98.5% of Facebook's $55.8 billion in revenue in 2018 was from digital ads (Investopedia, 2020). Like Facebook, YouTube earns most of its revenue from ads through sponsored videos, ads embedded in videos, and sponsored content on YouTube's landing page (How Does YouTube Make Money?). With all this money to be made, selling space for politically-themed ads has become a major part of social media companies' business models.

### Political Ads

**Political ads** are a huge part of the larger problem of fake news on social media platforms like Facebook. Researchers found that "politically relevant disinformation" reached over 158 million views in the first 10 months of 2019, enough to reach every registered voter in the country at least once (Ingram, 2019, para. 2). Nearly all fake news (91%) is negative and a majority (62%) is about Democrats and liberals (Legum, 2019, para. 5).

Image by Pixelkult, licenced under CC0 1.0

But political ads are complicated matters, especially when the advertisements themselves may not be factually accurate or are posted by extremist political groups promoting hateful and anti-democratic agendas. In late 2019, Twitter announced it will stop accepting political ads in advance of the 2020 Presidential election (CNN Business, 2019). **Pinterest, TikTok, and Twitch also have policies blocking political ads**—although 2020 Presidential candidates including Donald Trump and Bernie Sanders have channels on Twitch. Early in 2020, YouTube announced that it intends to remove from its site misleading content that can cause "serious risk of egregious harm." More than 500 hours of video are uploaded to YouTube every minute.

Facebook has made changes to its policy about who can run political ads on the site, but stopped short of banning or fact-checking political content. An individual or organization must now be "authorized" to post material on the site. Ads now include text telling readers who paid for it and that the material is "sponsored" (meaning paid for). The company has maintained a broad definition of what counts as political content, stating that political refers to topics of "public importance" such as social issues, elections, or politics.

Read official statements by Facebook about online content, politics, and political ads:

- Facebook Community Standards
- Facebook Policy on Ads Related to Politics or Issues of National Importance
- Political Content Authorization Guide
- Facebook and Government
- How Is Facebook Addressing False News Through Third-Party Fact-Checkers

## Misinformation about Politics and Public Health

In addition to political ads, there is a huge question of what to do about the deliberate posting of misinformation and outright lies on social media by political leaders and unscrupulous individuals. The CEOs of technology firms have been reluctant to fact check statements by politicians, fearing their companies would be accused of censoring the free flow of information in democratic societies.

On January 8, 2021, two days after a violent rampage by a pro-Trump mob at the nation's Capitol,

Twitter took the extraordinary step of permanently suspending the personal account of Donald Trump, citing the risk of further incitement of violence. You can read the text of the ban here: Permanent Suspension of @realDonaldTrump.Google and Apple soon followed by removing the right-wing site Parler from their app stores (Parler is seen as an alternative platform for extremist viewpoints and harmful misinformation).

Social media platforms had already begun removing or labeling tweets by the President as containing false and misleading information. At the beginning of August 2020, Facebook and Twitter took down a video of the President claiming children were "almost immune" to coronavirus as a violation of their dangerous COVID-19 misinformation policies (NPR, August 5, 2020). Earlier in 2020, Twitter for the first time added a fact check to one of the President's posts about mail-in voting.

Misinformation and lies have been an ongoing feature of Trump's online statements as President. The Washington Post Fact Checker reported that as of November, 5, 2020, Trump had made 29,508 false or misleading statements in 1,386 days in office as President.

During this same time period, Facebook was also dealing with a major report from the international technology watchdog organization, Avaaz, that held the spread health-related misinformation on Facebook was a major threat to users health and well-being (Facebook's Algorithm: A Major Threat to Public Health, August 19, 2020). Avaaz researchers found that only 16% of health misinformation on Facebook carried a warning label, estimating that misinformation had received an estimated 3.8 billion views in the past year. Facebook responded by claiming it placed warning labels on 98 million pieces of COVID-19 misinformation.

The extensive reach of social media raises the question of just **how much influence should Facebook, Twitter, and other powerful technology companies have on political information, elections and/or public policy?**

Policymakers and citizens alike must decide whether Facebook and other social media companies are organizations like the telephone company which does not monitor what is being said or are they a media company, like a newspaper or magazine, that has a responsibility to monitor and control the truthfulness of what it posts online.

### Suggested Learning Activities

- **Design a Political Advertisement to Post Online**
  - Students design a political ad to post on different social media sites: Facebook, Twitter, Snapchat, and TikTok.
  - As a class vote on the most influential ads.
  - Discuss as a group what made the ad so influential?

- **State Your View**
  - Students to write an editorial or op-ed that responds to one or more of the following prompts:
    - What responsibility do technology companies have to evaluate the political content that appears on their social media platforms?
    - What responsibility do major companies and firms have when ads for their products run on the YouTube channels or Twitter feeds of extremist political groups? Should they pull those ads from those sites?
    - Should technology companies post fact-checks of ads running on their platforms?

### Online Resources for Political Content on Social Media Sites

- Facebook Scrutinized Over Its 2016's Presidential Election Role, NPR (September 26, 2017)
- Facebook Haunted by Its Handling of 2016 Election Meddling, Hartmann, 2018
- Facebook Has You Labelled as Liberal or Conservative. Here's How to See It
- Facebook Political Ad Collector: How Political Advertisers Target You
  - To shine a light on targeted political advertising on Facebook, ProPublica built a browser plugin that allows Facebook users to automatically send them the ads that are displayed in their News Feeds, along with their targeting information.

## Standard 7.6 Conclusion

To support media literacy learning, **INVESTIGATE** asked students to analyze the point of view and evaluate the claims of an opinion piece about a public issue—many of which are published on social media platforms. **UNCOVER** explored the emergence of deepfakes and fake profiles as features of political messaging. **ENGAGE** examined issues related to regulating the political content posted on Facebook and other social media sites. These modules highlight the complexity that under the principle of free speech on which our democratic system is based, people are free to express their views. At the same time, hateful language, deliberately false information, and extremist political views and policies cannot be accepted as true and factual by a civil society and its online media.

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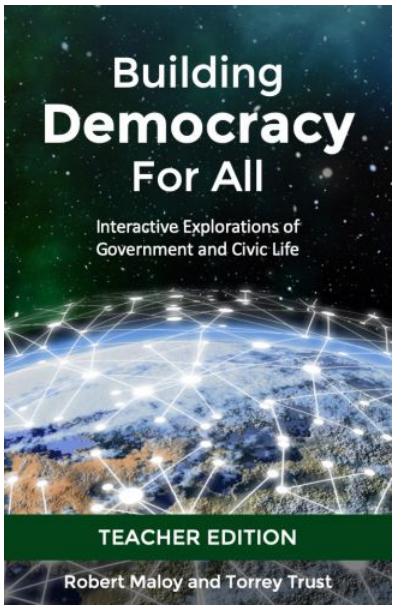


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