

## **Presidential Leadership During Wartime Dutchess County BOCES**

**Developed by:** Louise LeClair

**Topic:** Advice to Future United States Presidents Regarding Civil Liberties

**Grade Level:** 11

### **Overview of the Learning Experience:**

This lesson explores the extent to which legislation passed during wartime interferes with personal freedoms guaranteed by the United States Constitution.

### **Core Curriculum:**

United States Constitution

- Balancing liberty and order
- Ratifying the Constitution
- The new government

### **New York State Learning Standards Assessed:**

History of the United States

1. The study of New York State and United States history requires an analysis of the development of American culture, its diversity and multicultural context, and the ways people are unified by many values, practices, and traditions.
  
4. The skills of historical analysis include the ability to: explain the significance of historical evidence; weigh the importance, reliability, and validity of evidence; understand the concept of multiple causation; understand the importance of changing and competing interpretations of different historical developments.

### **Goals and Objectives:**

- The students will study and analyze primary and secondary source documents.
- The students will answer questions relating to each document.
- The students will understand the difficulty of balancing civil liberties against the demands of national security.

### **Essential Question:**

- How should individual liberties be balanced against the demands of security?

**Time Allotment:** Three classroom periods

### **Vocabulary:**

abettor	civil liberties	insurgent
appurtenance	conscription	insurrection
Bermuda Triangle	espionage	scurrilous
bipartisan	incite	sedition
censor	insubordination	writ of habeas corpus

**Materials/Resources:**

Document packet

United States History Classroom Textbook/Review Book

Copies of the Constitution of the United States

Access to computer and Internet (optional)

Pen and paper

**Sources:**

Boritt, Gabor S. (Editor), *Of the People, By the People, For the People and Other Quotations from Abe Lincoln*, Columbia University Press, October, 1996, New York.

*Chronology of Conscription in the U.S.--Colonial Era to 1999*, retrieved 9/21/08,  
<http://www.teachervision.fen.com/us-history/resource/5669.html>

*Col. James B. Fry Official Report (OR) For the New York Draft Riots*, retrieved 9/27/08,  
<http://www.civilwarhome.com/fryor.htm>

Clymer, A., *A Nation Challenged: The Legislation; Bush Quickly Signs Measure Aiding Antiterrorism Effort*, The New York Times, 10/27/01, retrieved 9/21/08,  
<http://query.nytimes.com/gst/fullpage.html?res=9F00E2DB1E31F93>

*Guantanamo: Three Years of Lawlessness*, Human Rights Watch, Jan. 2005, retrieved 9/27/08, [http://hrw.org/english/docs/2005/01/11/usdom9990\\_txt.htm](http://hrw.org/english/docs/2005/01/11/usdom9990_txt.htm)

*Proclamation Suspending the Writ of Habeas Corpus*, retrieved 7/10/08,  
<http://www.teachingamericanhistory.org/library/index.asp?document>

*The U.S. Sedition Act – World War I Document Archive*, retrieved 7/9/08,  
[http://wwi.lib.byu.edu/index.php/The\\_U.S.\\_Sedition\\_Act](http://wwi.lib.byu.edu/index.php/The_U.S._Sedition_Act)

**Procedure:**

- Briefly review *Bill of Rights* and elastic clause.
- Discuss the meaning of the term “civil liberties.”
- Hand out Document Packet and read and explain the directions while students follow along.
- Students will read each document and answer the questions. For more challenged students, read and answer the questions together.
- Students will write letters of advice to future presidents of the United States explaining their views on how civil liberties should be balanced against the demands of security.

**Assessment:**

New York State Regents Generic Scoring Rubric for Document-Based Question

## UNITED STATES HISTORY & GOVERNMENT

### Document-Based Essay

#### Historical Context:

When the founding fathers drafted the United States Constitution they had the vision to grant flexibility to leaders for decision-making in the face of changing times and situations; however, they included the Bill of Rights to protect the rights of individuals as well. Since then the United States has been involved in many conflicts both at home and abroad.

In a letter to Alexander Ramsey, Governor of Minnesota, Abraham Lincoln wrote, “Necessity knows no law.” Clearly, Lincoln felt that, in times of crisis, the president has the power to take action or pass laws that might infringe upon the civil liberties of individuals.

#### Task:

Analyze the documents and answer the questions. Using the documents and your knowledge of United States history, write a letter of advice to future leaders of the United States in which you agree or disagree with the statement made by Abraham Lincoln to Alexander Ramsey. In your letter, discuss how you think civil liberties should be balanced against the demands of security. Your letter should include an introduction, at least three body paragraphs, and a conclusion. You must refer to the documents in your letter.

## Document 1

Proclamation Suspending the Writ of Habeas Corpus  
Abraham Lincoln, President of the United States of America  
September 24, 1862

*Now, therefore, be it ordered, first, that during the existing insurrection and as a necessary measure for suppressing the same, all Rebels and Insurgents, their aiders and abettors within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to Rebels against the authority of United States, shall be subject to martial law and liable to trial and punishment by Courts Martial or Military Commission:*

*Second. That the Writ of Habeas Corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinement by any military authority or by the sentence of any Court Martial or Military Commission.*

What was the “existing insurrection” in the United States that prompted Abraham Lincoln to suspend the Writ of Habeas Corpus?

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## Document 2

Report by James B. Fry, Provost-Marshal-General, to The Honorable E. M. Stanton, Secretary of War, dated July 14, 1863.

*The enforcement of the draft was yesterday seriously resisted in the ninth district of the city of New York. The mob, variously estimated in numbers up as high as 30,000, attacked the officers of this bureau in the performance of their duty, and destroyed the building in which the draft had been conducted, and many of the rolls, records, and appurtenances connected with the draft.*

What was the cause of the attacks in New York City?

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### Document 3

Conscription during the Civil War

*North – In March 1863, the Northern Army begins its Civil War conscription when Congress gives President Lincoln the authority to require draft registration by all able-bodied men between the ages of twenty and forty-five, regardless of their marital status or profession....the Governor of New York, Horatio Seymour, himself declares the conscription act unconstitutional.*

Why do you think the Governor of New York declared the conscription act unconstitutional?

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### Document 4

Excerpt from a letter written to the Honorable Edwin Y. Webb, House of Representatives from President Woodrow Wilson, dated May 22, 1917.

*I have been very much surprised to find several of the public prints stating that the administration had abandoned the position which it so distinctly took, and still holds, that authority to exercise censorship over the Press to the extent that censorship is embodied in the recent action of the House of Representatives is absolutely necessary to the public safety. It, of course, has not been abandoned, because the reasons still exist why such authority is necessary for the protection of the nation.*

Why did Woodrow Wilson believe it was necessary to censor the press?

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**Document 5**

The United States Sedition Act, May 16, 1918

*SECTION 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports, or false statements, ...or incite insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct...the recruiting or enlistment service of the United States, or shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States...or advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by work or act oppose the cause of the United States therein, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both...*

What are two actions taken by a citizen of the United States that will be punished by a fine and/or imprisonment?

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**Document 6**

Excerpt from *A Nation Challenged: The Legislation; Bush Quickly Signs Measure Aiding Antiterrorism Effort*, written by Adam Clymer and published in the New York Times on October 27, 2001.

*President Bush signed into law today antiterrorism measures that he said would “help law enforcement to identify, to dismantle, to disrupt and to punish terrorists before they strike.”*

*In a White House ceremony, Mr. Bush praised several provisions of the bill, including its efforts to attack money-laundering and to allow information sharing between law enforcement and intelligence authorities. He also cited new powers for roving wiretaps across the country and for the surveillance of computers and electronic mail.*

*Mr. Bush said the legislation would strengthen the fight against terrorism “while protecting the constitutional rights of all Americans.” He said the overwhelming bipartisan support for the bill stemmed from its respect “for the civil liberties guaranteed by our Constitution.”*

*Mr. Bush said the new law would help them because, “we’re dealing with terrorists who operate by highly sophisticated methods and technologies, some of which were not even available when our existing laws were written.”*

What event prompted the passage of the new antiterrorism law?

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What was Mr. Bush’s justification for signing this legislation into law?

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## Document 7

Excerpt from Guantanamo: Three Years of Lawlessness; Detainees Still Held Indefinitely Without Basic Rights, Human Rights Watch, January 11, 2005, <http://hrw.org>

*As the Pentagon prepares to build a permanent prison at its Guantanamo naval base, the U.S. government continues to detain people indefinitely without charge or trial or without applying the Geneva Conventions.*

*“Guantanamo has become the Bermuda Triangle of human rights. Basic rights vanish there,” said Wendy Patten, U.S. Advocacy Director at Human Rights Watch.*

*The United States currently holds some 550 people as “enemy combatants” at Guantanamo...Three years on, the U.S. government still ignores the need to provide legal justification for those who remain in detention.*

What did Wendy Patten mean when she said “Guantanamo has become the Bermuda Triangle of human rights?”

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