

Stark County Teaching American History Grant

Stark County Educational Service Center
2100 38th Street NW
Canton, Ohio 44709

Limiting Individual's Rights During Wartime



Grade Level 9

Created by Ryan Newell
Canton McKinley High School

Duration 2 class days (90 min block periods)

Overview

Students will examine and discuss the Espionage Act of 1917 and other various forms of government legislation enacted during World War I that was designed to limit individual rights during a time of war. Students will then take a stance on whether the government has the right to limit individual liberties during wartime and write a persuasive paper that supports their position. This lesson builds upon the use of propaganda during World War I, and students and teacher should have some prior knowledge of World War I propaganda.

Ohio Academic Content Standards (Current)

Benchmark B: Citizenship Rights and Responsibilities. Explain how individual rights and responsibilities are relative, not absolute, and describe the balance between individual rights, the rights of others and the common good.

Indicator 3. Explain the considerations and criteria commonly used in determining what limits should be placed on specific rights including:

- a. Clear and present danger
- b. Compelling government interest
- c. National security

Indicator 4. Analyze instances in which the rights of individuals were restricted including:

- a. Conscientious Objectors during WWI

Revised Ohio Academic Content Strands

American Government

Topic: Role of the People The government of the United States protects the freedom of its people and provides opportunities for citizens to participate in the political process.

Content Statement 16: In the United States, people have rights that protect them from undue government interference. Rights carry responsibilities that help define how people use their rights and that require respect for the rights of others.

Content Elaboration: Many of the rights held by American citizens protect the ability to participate in the political process (e.g., speech, press, assembly, petition, suffrage, hold office).

Enduring Understandings/ Essential Questions

Enduring Understanding

Wartime can have unforeseen consequences on citizenship rights.

Essential Question

How does wartime affect citizenship rights and responsibilities?

Historical Background

After several years of tense neutrality, the United States formally entered WWI in April 1917. Immediately after the declaration of war, President Woodrow Wilson created the Committee on Public Information (CPI) to help sway public opinion in the United States to full support of the war. Wilson felt that public demonstrations, and outspoken anti-war protests could be detrimental to the war effort. In particular, amidst a heavy wave of immigration from southern and eastern Europe, Wilson and other leaders focused special attention on recent immigrants and their children. Radical groups such as the Socialist Party, as well as labor unions, also came under scrutiny. Through the CPI the government was able to promote the image of the “blood thirsty Hun” and finance a number of pro-war movements. The effort to promote unity grew wider and bolder, and among things led to the banning of German cultural items and practices in the U.S. and helped fuel an already tense climate that contributed to violence against German immigrants and Americans whose support for the war effort was deemed lacking.

President Wilson only contributed to these feelings. At his request, Congress approved the Espionage Act of 1917 that prohibited spying, disrupting the recruitment of soldiers, or “false statements” that might interfere with military success. The Postmaster General could also bar from the mails newspapers and magazines that were considered treasonous. This last section had a particularly devastating impact on foreign papers, which had to provide a translation to the government to evaluate. .

Approved in 1918, the Sedition Act made it possible for the government to arrest and imprison anyone using disloyal, profane, or vulgar language about the government, the flag, the military, or the U.S. war effort in general. Government leaders felt that because U.S. public opinion had been so divided at the outbreak of war, that everyone must be forced into supporting it or suffer the consequences.

The Espionage and the Sedition Acts demonstrated the ability of the U.S. government to limit individual rights when they constituted a “clear and present danger” to the United States and her citizens. The question remained, though, as to where the line between rights and security was to be drawn. These fears of disloyalty during the war paved the way for the Red Scare immediately after WWI and the success of anti-immigration legislation in the 1920s.

Sources:

Divine, Breen, Fredrickson, and Williams. *America Past and Present.* New York: Harper Collins College Publishers, 1995.

Kennedy, David and Bailey, Thomas. *The American Spirit.* Boston: Houghton-Mifflin, 2002.

Instructional Strategies

Day 1: Introduction

1. Project the political cartoon “As Gag-rulers would have it” on the board. Students will fill out the worksheet on political cartoons adapted from the Written Document Analysis Sheet from the National Archives and Records Administration. Discuss the cartoon, and the role of the Espionage and Sedition Acts. (**Appendix A, B, C, D**)
2. Give students historical background reading on the Espionage and Sedition Acts. Compare historical information to student predictions.

Primary Source Activity: Put student in groups of two or three. Students are given two primary source documents.

1. Robert La Follette’s “Free Speech in wartime” **Speech (Appendix E)**
2. George Creel Spreads Fear Propaganda (**Appendix F**)

Students will analyze both speeches using a provided document analysis sheet. (**Appendix G, H**)

Day 2

1. Graded discussion activity (See **Appendix I** for graded discussion procedure)

Prompts:

- Does the government ever have the right to limit our rights? Why or why not?
- Where do your personal rights end, and others begin?

2. Extended response assessment. Collins type three writing. See assessment for how Focus Correction Areas (FCAs) could be modified to fit individual students or IEPs.

Resources and Materials

“As Gag-Rulers Would Have It.” Political cartoon. 2 February 1920. *Literary Digest*. Originally from the *Jersey City Journal* (Satterfield).

<http://newman.baruch.cuny.edu/digital/redscare/HTMLCODE/CHRON/RS126.HTM>. (accessed 9 February 2012.) **(Appendix A)**

Divine, Breen, Frederickson and Williams. *America Past and Present*. 4 ed.. New York: Harper Collins College Publisher, 1995

Kennedy, David M. and Thomas H. Bailey. *The American Spirit*. 10 ed. 2, *Since 1865*. New York: Houghton Mifflin, 2002.

La Follette, Robert. “Free Speech in Wartime” Speech 6 October 1917. <http://www.nolo.com/legal-encyclopedia/content/lafollette-freespeech-speech.html>. (accessed February 10, 2012). **(Appendix E)**

Nash, Gary B. *American Odyssey. The United States in the 20th Century*. Columbus, Ohio: McGraw-Hill, 1999.

"Nolo.com." <http://www.nolo.com/legal-encyclopedia/content/lafollette-freespeech-speech.html>. (accessed 12/7/2011).

Tatlock, John S.P. “Why America Fights Germany”, March 1918. Committee on Public Information. http://www.archive.org/stream/whyamericafights00intatl/whyamericafights00intatl_djvu.txt. (accessed 10 February 2012).

(Appendix G)

"University of North Carolina Greensboro." <http://www.archive.org/details/whyamericafights00intatl>. (accessed 4/20/11).

U.S. Espionage Act, 15 June 1917 <http://www.firstworldwar.com/source/espionageact.htm>. (accessed February 9, 2012). **(Appendix C)**

U.S. Sedition Act. *Statutes at Large*, Washington, D.C., Vol. XL, p.533. 16 May, 1918 http://wwi.lib.byu.edu/index.php/The_U.S._Sedition_Act. (accessed 10 February 2012). **(Appendix D)**

Written Document Analysis Sheet. Education Staff, National Archives and Administration. http://www.archives.gov/education/lessons/worksheets/written_document_analysis_worksheet.pdf. (accessed 3/23/2011). **(Appendix B, F, H)**

Assessment

Through Their Eyes

Collins Type 3 writing that requires students to think as if they are living in World War One United States.

Type 3

U.S. History

Immediately after the declaration of war in 1917, President Wilson created the Committee on Public Information (CPI) to help sway public opinion in the United States to full support for the war. Wilson felt that public demonstrations and outspoken anti-war protests could be detrimental to the war effort. Through the CPI the government was able to promote the image of the “blood thirsty Hun” and finance a number of pro-war movements. These messages eventually led to the banning of many German cultural items and practices in the U.S. and, ultimately, to violence against German immigrants and Americans. President Wilson only contributed to these feelings. At his request, the Espionage Act of 1917 was passed which allowed for the jailing of those that might be aiding the enemy, disrupting the recruitment of soldiers, or encouraging disloyalty. Material in news papers that was considered treasonous could be removed, and foreign language newspapers were censored.

The Sedition Act passed based on the idea of “clear and present danger,” the idea that some speech or action might do harm to the public good. As Justice Oliver Wendell Holmes, Jr. would later write, “When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no Court could regard them as protected by any constitutional right.” This made it possible for the government to arrest and imprison anyone using disloyal, profane, or vulgar language about the government, the flag, the military, or the U.S. war effort in general. Government leaders felt that because U.S. public opinion had been so divided at the outbreak of war everyone must be forced into supporting it or suffer the consequences.

The Espionage and the Sedition Acts demonstrated the ability of the U.S. government to limit individual rights when they constituted a “clear and present danger” to the United States and her citizens. The question is: where is that line drawn? These fears of disloyalty during the war also paved the way for the anti-immigration and anti-communist legislation driven by Americans’ fears during the Red Scare in post-World War I United States.

Assessment

It is the spring of 1918. The United States has been at war with Germany and her allies for roughly a year. You have noticed in the news papers that many people have been arrested over the last year on suspicion of treason for speaking out against United States involvement in the war, criticizing government or military policies, and making speeches that could be taken as being pro German. As a well rounded American who supports the war effort, these events have gotten you thinking; does the government have the right to limit our constitutional rights? Are they always guaranteed, or are there times when for our own benefit and safety they need to be changed? You noticed that there is a local government event tonight at the Civic Center that will give citizens

such as yourself the opportunity to speak about the Espionage and Sedition Acts by answering the following question:

Under what circumstances, if any, should the government restrict individual rights normally guaranteed by the Constitution?

This is the chance for your voice to be heard and persuade others around you. Remember, the more evidence you can provide in your speech, the more credible and persuasive you will be.

Purpose

To persuade

Audience

Government leaders

American citizens

Prompt

Under what circumstances, if any, should the government restrict individual rights normally guaranteed by the Constitution?

Focus Correction Areas

FCA 1 – Paper must contain accurate historical facts.

FCA 2 – Paper must reference at least two primary sources

FCA 3 - Paper must conclude whether the Government does or does not have the right to limit individual rights.

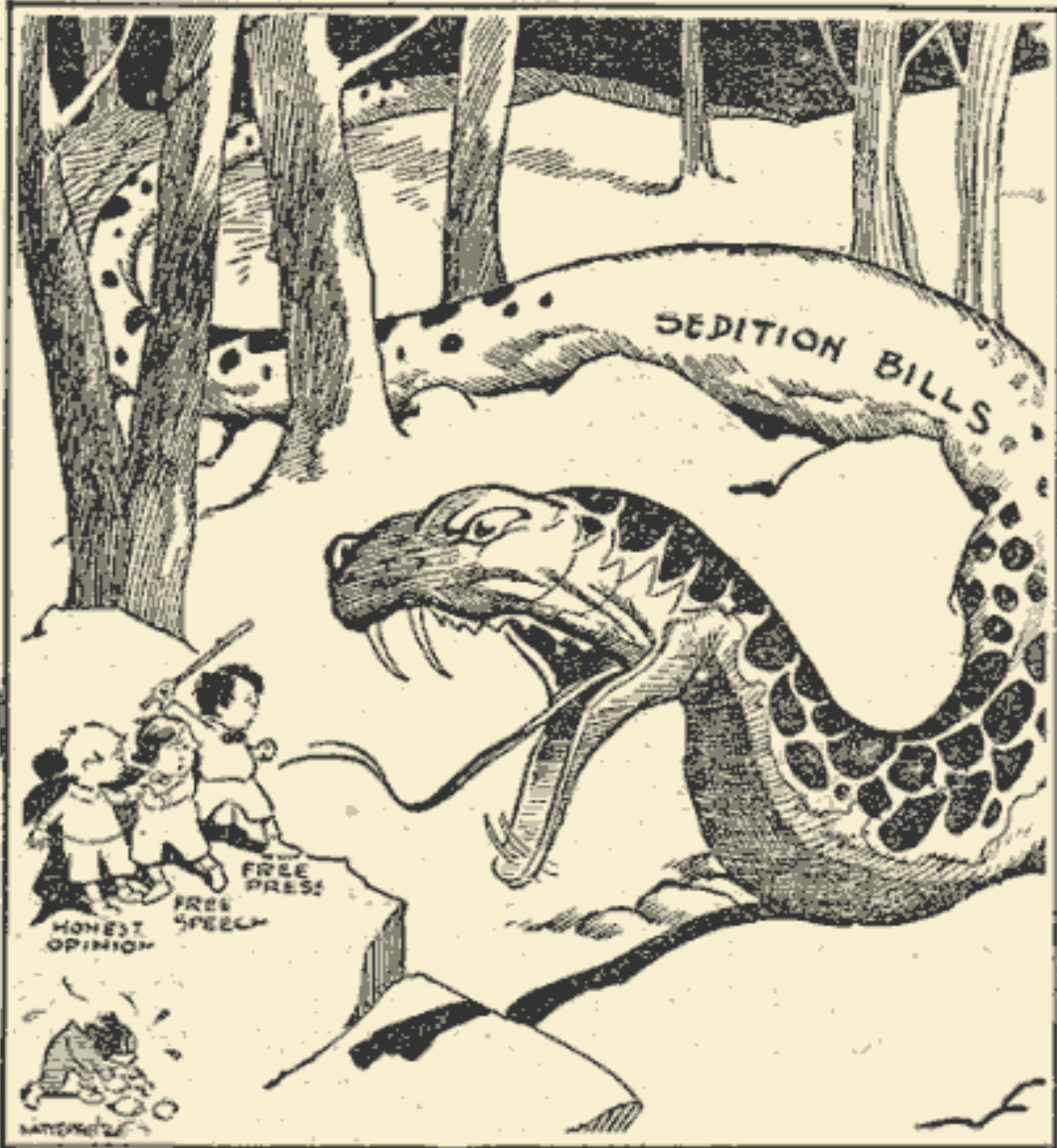


Assessment Rubric

Espionage/ Sedition Acts of 1917 Type 3 Rubric

Historical facts are 100% accurate 4	Most Historical facts are accurate, but contains a few errors 3	Paper contains numerous historical errors 2	No historical facts are presented 1
Paper correctly references to more than one primary sources 4	Paper references only one primary source 3	Primary sources are referenced, but no credit is given 2	No primary sources are referenced 1
Paper picks a side, is persuasive, and draws a conclusion 4	Paper leans to one side, but draws no conclusion 3	Paper is inconclusive 2	Paper is inconclusive and is disorganized 1

Appendix A



AS GAG-RULERS WOULD HAVE IT.

—Satterfield in the Jersey City *Journal*.

Appendix B

Political Cartoon

Name _____

1. What objects people do you see?
2. What is the title of the cartoon?
3. Any important words or phrases?
4. Which of the objects or people are symbols? How do you know?
5. Based on the cartoon, what do you think the role of the Sedition Acts were during World War I in the United States?

Appendix C

Espionage Act, enacted June 15, 1917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

Title I - ESPIONAGE

Section 1

That:

(a) whoever, for the purpose of obtaining information respecting the national defence with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information, concerning any vessel, aircraft, work of defence, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defence, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section six of this title; or

(b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing or note of anything connected with the national defence; or

(c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any other person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defence, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or

(d) whoever, lawfully or unlawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defence, wilfully communicates or transmits or attempts to communicate or transmit the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

(e) whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defence, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both.

Section 2

Whoever, with intent or reason to believe that it is to be used to the injury or the United States or to the advantage of a foreign nation, communicated, delivers, or transmits, or attempts to, or aids, or induces another to, communicate, deliver or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly and document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defence, shall be punished by imprisonment for not more than twenty years: Provided, That whoever shall violate the provisions of subsection:

(a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; and

(b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification of any place, or any other information relating to the public defence, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years.

Section 3

Whoever, when the United States is at war, shall wilfully 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 and whoever when the United States is at war, shall wilfully cause or attempt to cause insubordination, disloyalty, mutiny, refusal of duty, in the military or naval forces of the United States, or shall wilfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both.

Section 4

If two or more persons conspire to violate the provisions of section two or three of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offences under this title shall be punished as provided by section thirty-seven of the Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine.

Section 5

Whoever harbours or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offence under this title shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

Section 6

The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection:

(a) of section one hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purpose of this title: Provided, That he shall determine that information with respect thereto would be prejudicial to the national defence.

Section 7

Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections thirteen hundred and forty-two, thirteen hundred and forty-three, and sixteen hundred and twenty-four of the Revised Statutes as amended.

Section 8

The provisions of this title shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offences under this title, when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

Section 9

The Act entitles "An Act to prevent the disclosure of national defence secrets," approved March third, nineteen hundred and eleven, is hereby repealed.

Appendix D

The Sedition Act, enacted May 16, 1918

The [Espionage Act](#) of 1917 was amended by Congress the following year to not only target those who interfered with the draft, but also those individuals guilty of sedition, in other words, those who publicly criticized the government — including negative comments about the flag, military or [Constitution \(text\)](#).

The revised law provided in part:

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 the Constitution (narrative) of the United States, or the military or naval forces of the United States ...or shall willfully display the flag of any foreign enemy, or shall willfully ...urge, incite, or advocate any curtailment of production ...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 word 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 20 years, or both....

United States, *Statutes at Large*, [Washington, D.C.](#), 1918, Vol. XL, p. 553 and following.

More than 2,000 prosecutions occurred under the original and amended Espionage Act, the most famous of which was that of Socialist spokesman and draft opponent, [Eugene V. Debs](#), who was sentenced to 10 years in prison.

Both the Espionage Act and the Sedition Act were repealed in 1921.

Appendix E

Robert La Follette's "Free Speech in Wartime" Speech 6 October 1917. <http://www.nolo.com/legal-encyclopedia/content/lafollette-freespeech-speech.html>. (accessed February 10, 2012)

But, sir, it is not alone Members of Congress that the war party in this country has sought to intimidate. The mandate seems to have gone forth to the sovereign people of this country that they must be silent while those things are being done by their Government which most vitally concern their well-being, their happiness, and their lives. To-day and for weeks past honest and law-abiding citizens of this country are being terrorized and outraged in their rights by those sworn to uphold the laws and protect the rights of the people. I have in my possession numerous affidavits establishing the fact that people are being unlawfully arrested, thrown into jail, held incommunicado for days, only to be eventually discharged without ever having been taken into court, because they have committed no crime. Private residences are being invaded, loyal citizens of undoubted integrity and probity arrested, cross-examined, and the most sacred constitutional rights guaranteed to every American citizen are being violated.

It appears to be the purpose of those conducting this campaign to throw the country into a state of terror, to coerce public opinion, to stifle criticism, and suppress discussion of the great issues involved in this war.

I think all men recognize that in time of war the citizen must surrender some rights for the common good which he is entitled to enjoy in time of peace. But sir, the right to control their own Government according to constitutional forms is not one of the rights that the citizens of this country are called upon to surrender in time of war.

Rather in time of war the citizen must be more alert to the preservation of his right to control his Government. He must be most watchful of the encroachment of the military upon the civil power. He must beware of those precedents in support of arbitrary action by administrative officials, which excused on the plea of necessity in war time, become the fixed rule when the necessity has passed and normal conditions have been restored.

More than all, the citizen and his representative in Congress in time of war must maintain his right of free speech. More than in time of war must maintain his right of free speech. More than in times of peace it is necessary that the channels for free public discussion of governmental policies shall be open and unclogged. I believe, Mr. President, that I am now touching upon the most important question in this country to-day--and that is the right of the citizens of this country and their representatives in Congress to discuss in an orderly way frankly and publicly and without fear, from the platform and through the press, every important phase of this war; its causes, the manner in which it should be conducted, and the terms upon which peace should be made. The belief which is becoming wide spread in this land that this most fundamental right is being denied to the citizens of this country is a fact the tremendous significance of which, those in authority have not yet begun to appreciate. I am contending, Mr. President, for the great fundamental right of the sovereign people of this country to make their voice heard and have that voice heeded upon the great questions arising out of this war, including not only how the war shall be prosecuted but the conditions upon which it may be terminated with a due regard for the rights and the honor of this Nation and the interests of humanity.

I am contending for this right because the exercise of it is necessary to the welfare, to the existence, of this Government to the successful conduct of this war, and to a peace which shall be enduring and for the best interest of this country.

Appendix F

Robert La Follette's "Free speech in wartime"

Name _____

1. To whom is La Follette addressing his speech?
2. Describe the acts that La Follette is claiming to be carried out on honest, law-abiding citizens. What evidence does he claim to have about these acts?
3. Why does La Follette feel that free speech in a time of war maybe even more important than in times of peace? What examples does he give?
4. La Follette agrees that in times of war citizens must surrender certain rights for the good of the nation. However, what is the one right he feels should never be taken away from American citizens whether the nation is at war or peace?
5. In your opinion, does La Follette make a quality argument for not limiting free speech during war? Why or why not? What could be some possible arguments against his view?

Appendix G

Why America Fights Pamphlet (excerpt)

Full text found at:

<http://www.archive.org/details/whyamericafights00intatl>

WHY AMERICA FIGHTS GERMANY

Now let us picture what a sudden invasion of the United States by these Germans would mean; sudden, because their settled way is always to attack suddenly. First they set themselves to capture New York City. While their fleet blockades the harbor and shells the city and the forts from far at sea, their troops land somewhere near and advance toward the city in order to cut its rail communications, starve it into surrender, and then plunder it. One body of from 50,000 to 100,000 men lands, let us suppose, at Barnegat Jersey Bay, N. J., and advances without meeting resistance, for the brave but small American army is scattered elsewhere. They pass through Lake wood, a station on the Central Railroad of New Jersey. They first demand wine for the officers and beer for the men. Angered to find that an American town does not contain large quantities of either, they pillage and burn the post-office and most of the hotels and stores. Then they demand \$1,000,000 from the residents. One feeble old woman tries to conceal twenty dollars which she has been hoarding in her desk drawer; she is taken out and hanged (to save a cartridge). Some of the teachers in two district schools meet a fate which makes them envy her. The Catholic priest and Methodist minister are thrown into a pig-sty, while the German soldiers look on and laugh. Some of the officers quarter

themselves in a handsome house on the edge of the town, insult the ladies of the family, and destroy and defile the contents of the house. By this time some of the soldiers have managed to get drunk; one of them discharges his gun accidentally, the cry goes up that the residents are firing on the troops, and then hell breaks loose. Robbery, murder and outrage run riot. Fifty leading citizens are lined up against the First National Bank building, and shot. Most of the town and the beautiful pine-woods are burned, and then the troops move on to treat New Brunswick in the same way — if they get there.

This is not just a snappy story. It is not fancy. The general plan of campaign against America has been announced repeatedly by German military men. And It must never every horrible detail is just what the German troops have done in Belgium and France. The same thing would happen at Plymouth or Gloucester in the advance on Boston; might happen at Michigan City, Indiana, in the advance on Chicago, at Council Bluffs on the way to Omaha. It is hard for an American to realize the danger. It has never happened before, because there has never before been such a menace as the German Empire of our day. You do not expect your house to burn down, but you insure it, especially if there have been many incendiary fires in your town. There has been far more danger of an invasion of America by Germany than of your house burning down; our insurance against this invasion is doing our level best to crush the present German Government now while the rest of the world too is determined to crush it. Can we crush it? Yes, if we work and fight, all of us, soldiers and civilians, with heart and soul and both hands. The German nation is not greater than the rest of the world, though just now it thinks it is

Appendix H

Why America fights Germany

Name _____

1. What is Tatlock asking us as citizens to imagine? Why does he believe it will happen suddenly?
2. Describe the German strategy. What references does he make to make this attack “feel” like it is really happening to us?
3. According to Tatlock, What atrocities might the invading German Army commit?
4. What evidence does Tatlock offer that this is how German carries the invasion of countries?
5. How might this hypothetical account help convince American citizens that they should be willing to suspend their individual rights in support of the war effort?

Appendix I

A Brief Overview of *Graded Discussion*

Motivation

Sydney J. Harris posits that: “A winner listens; a loser just waits until it’s his turn to talk,” and we should all recognize that there is no arena in which this is more true than a classroom, where learning is contingent not so much on what you say to others, but on what you hear from others. Unfortunately, attentive listening is not something that comes naturally to most people. Staying focused is a skill that will only develop in the face of necessity or through careful, guided practice.

The work of Mihaly Csikszentmihalyi indicates that where skill is lacking, merely increasing challenge just pushes a student from apathy to worry to anxiety, which contemporary neuroscience tells us will shut down cognition. Yet many teachers fail to recognize listening as a skill that requires developing through assessed practice; we expect our students to come to us proficient in paying attention as if it were an innate ability incapable of enhancement.

Believing this premise to be untrue, we have incorporated *graded discussion* into our curriculum as a way to nurture the development of this essential academic skill at a pace that is reasonably comfortable to our students.

Purpose

To develop the habit of careful listening, not only to the teacher, *but to anyone addressing the class*.

Format:

The score sheet is printed either in the form of a seating chart with a score grid attached to each student’s location and a speech tally at the bottom, or, where the students are well-known to the teacher, an alphabetized class list with a blank scoring array adjacent to each name, and a speech tally at the bottom.

As each student is recognized to speak, the current speech number is written in the left most score box attached to the student’s name; the corresponding number is struck from the speech tally to ensure that each speech is recorded sequentially so that precedence to the floor is maintained fairly.

If two first speakers are vying for the floor at the same time, the parliamentarian (usually the teacher) awards the floor according to a predetermined principle (such as left to right, back to front).

A speaker who has not yet been awarded the floor (and who has not accrued any active listening violation penalties) always has precedence for the floor over one who has spoken (or been penalized). When two or more speakers who have held the floor vie for recognition, the one that has held the floor the fewest times has precedence. When two or more speakers who have held the floor an equal number of times vie for recognition, the speaker who has waited the longest since his last speech—the one with the lowest sequence number for his last speech—has precedence. For the purpose of determining precedence, a penalty mark counts the same as a speech credit (that is, a speaker with two speeches and one penalty would be treated as if he has spoken three times, though his speech count would only equal one: 2 speeches minus one penalty).

A speech that demonstrates particular insight is designated by circling the speech number in the speaker’s score grid. A speech so designated counts as a single speech in terms of precedence, but as a double speech for credit count.

Variations

Caucus Graded Discussion

- Students sit together in groups (caucuses) at tables.
- Precedence is determined by table, not by speaker.
- Speaker points (including negative speeches) are still awarded by individual.

Cross Aisle Debate (a combination of “4-corners” and graded discussion)

- Students who either strongly agree or strongly disagree (the debaters) with the proposition sit at tables facing each other across the room
- -Students who either mildly agree or mildly disagree (the uncommitted) with the proposition sit in chairs facing each other across the room perpendicular to the debate.
- Only debaters can earn speaker points; uncommitted participants can score speech credits by posing substantive questions during lulls in the debate.

Time Limit Graded Discussion (requires 2 dedicated timers)

- Quarter 1/Quarter 2 : 60 sec position or rebuttal speech / 15 sec question or support
- Quarter 3/Quarter 4: 120 sec position or rebuttal speech / 30 sec question or support

Observations

Over the eight or so years we have employed this activity in conjunction with assessed active listening, we have noticed a distinct improvement in overall attention to others in our classrooms, even when we are not scoring the discussion.

How to run a “Graded Discussion”¹

1. Establish a “geographic” rule of precedence that is easy for the students to understand and follow (this rule will only apply to first time speaker in each round).
2. Pose the question of the topic to be considered.
3. After waiting from ten to thirty seconds, use the “geographic” rule of precedence call upon the first speaker of the round.
 - a. Mark a “1” in the first score box adjacent to that speaker’s name
 - b. Circle the “1” if the speech demonstrates particular merit, or meets another, predetermined criteria.
 - c. Put a “/” through the number to negate the speech if it is irrelevant or redundant.
 - d. Mark a “-“ in the first score box adjacent to the name of any student failing to show attention to the speaker.
4. Announce that the floor is open, and again wait 10 to thirty seconds before calling upon the second speaker.
5. Follow the procedure for step three, but mark a “2” in the first box adjacent to the second speaker.
6. Continue following the procedure, incrementing the number for each new speaker.
7. When you reach the point that all students vying for the floor have already spoken once, the floor is given to the student with the lowest speech number.
8. When students vying for the floor have spoken a different number of times, the floor is given to the student with the fewest speeches.
 - a. A circled speech credit counts as a double *score* credit, but still only as a single floor credit.
 - b. A negated speech counts as a floor credit with the count value of the speech that was negated; it receives no speech credit.
 - c. A “-“ counts as a speech credit with a count value of infinity; they get the floor only when everyone else vying for the floor has more speech credits recorded.
9. Continue the process until either the discussion falters or time allocated for the activity expires.
10. Score a point for each speech credit and two points for circled speech credits.

¹ Always follow a graded discussion with a 3-2-1 quick write for an active listening grade.

3 things I heard that I agree with

2 things I heard that I disagree with

1 thing I heard that I had not thought of before the discussion

11. Cancel a speech credit for each “-“ recorded (always cancel single credit speeches before starting to cancel double credit speeches)
12. Establish a grading scale based upon speeches made and opportunities provided.