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Letter from the Editors

We are pleased to share this latest edition of the MSCSS JOURNAL. We are particularly proud that this issue continues the tradition of highlighting the voices of a variety of actors in the social studies field: in-service and pre-service teachers, researchers, and university faculty.

The polarizing political atmosphere preceding the presidential election of 2020 in combination with tense race relations gave rise to renewed discussions at the national level surrounding the quality and content of social studies instruction in the United States. As we were preparing this issue, two events contributed to this conversation. First, in March, a consortium of five civics organizations published a new “roadmap” for history and civics education called “Educating for American Democracy”. That same month Congress introduced the Civics Secures Democracy Act, a bipartisan piece of legislation that would invest \$1 billion in democracy education. This issue of THE JOURNAL furthers the dialogue about civics and history education. **J. Spencer Clark and Thomas S. Vontz** discuss the potential of remote project-based learning to advance civic outcomes such as public voice, civic engagement, and civic agency for students. **Maria Gallo and Diana Owen** share the results of a research study on the effectiveness of teacher professional development associated with the James Madison Legacy Project. **Maureen Murray** analyzes the curriculum materials created by Teaching History and Ourselves through the lens of transitional justice.

The last issue of THE JOURNAL sought to capture and document some of the experiences, challenges, successes, and innovations caused by the COVID-19 pandemic. This issue coincides roughly with the one-year anniversary of the outbreak of the COVID-19 pandemic in the United States and continues the discussion around its educational implications. In our “Classroom Notes” section, high school teacher **Jennifer Baczewski** reflects on how distance learning problematizes a teacher’s ability to observe and gain valuable information from students’ body language. Pre-service teacher **Amanda Adams** shares her unique experience as both a student and teacher (student teacher) during the pandemic. Lastly, **Bonnie Snyder** lends advice and tips for teacher speech in the classroom with her piece, “Four Things You Can’t Say in the K-12 Classroom.”

In the Time Capsule, we look back to 1953. At that year’s conference, Patrick Malin of the ACLU offered a paper exploring “The Ideals and Goals of Citizenship Education.” Today civic liberties, specifically in the form of public protests and voting laws, remains at the forefront of our minds. We hope that you find interesting and instructive parallels with Malin’s words from 68 years ago.

We open this issue with our “State of the States” section, an opportunity to learn about social studies initiatives and happenings across the Middle States region.

As teachers and students prepare to conclude an extraordinary school year, we salute your dedication and perseverance through an immensely difficult time. We hope that you will find this issue of THE JOURNAL interesting and engaging and we invite you to contribute your voice to the next installment.

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State Updates

Delaware

The state of Delaware is currently underway with Smarter Balanced testing for grades 4, 7, and 11. Districts have endured varying degrees of remote and hybrid learning to prepare students for the 2021 state assessments. Overwhelmingly, our schools, teachers, and students have persevered through the adversities of COVID-19 to retain high quality education. Affiliate groups like the University of Delaware's Center for Economic Education and Entrepreneurship (CEEE) and the Delaware Historical Society have continued to provide high quality, virtual professional development opportunities for teachers, which have been well attended. Student programs, like the CEEE's Personal Finance Challenge, and The Delaware Historical Society's National History Day competition, have been offered in a virtual format for 2021. Delaware's Department of Education has partnered with the Social Studies Coalition of Delaware to develop a plan for a new Social Studies Standards configuration for grades 4 through 11. Grade level interim testing in each grade from 4th to 11th, rather than the current testing model of summative tests in 4th, 7th and 11th grades, will be piloted starting with 8th grade History in Fall 2021. The Department of Education has put out a Request for Proposal for curriculum to be written for grades 4-8 to better align with the new grade level standards configuration. The curriculum development process will take approximately three years, culminating with teacher professional development for the newly completed and approved units and lessons.

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The Maryland Council for Social Studies Spring Conference and Teacher of the Year Awards were held virtually on April 21, 2021. The inquiry question for the spring conference is, "How have institutions responded to racism over time?" The awards portion of the event will begin at 4:00 pm. The workshop session of the event occurs from 4:30 to 5:30. For more information and to register for this event, please visit <http://tinyurl.com/MDCSS-SpringConference>

On February 17, 2021, the Maryland Civic Education Coalition held the inaugural Maryland Civic Education and Leadership Summit. The summit featured a keynote address from former Secretary of Education John King, as well as four interactive panel discussions featuring stakeholders from across the state of Maryland. Panel discussion topics included "Civics Learning in Maryland Classrooms," "Service Learning and Experiential Civic Learning," "Media Literacy in an Era of 'Truth Decay,'" and "Deliberating Current and Controversial Issues." Videos of the keynote address, as well as panel discussions, are available on the MD Civic Education Coalition Website (<https://www.mdccivics.org/welcome>). MSCSS is proud to support this initiative as a Coalition Member.

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New York

New York State schools remain in a variety of teaching situations. With Covid-19 transmission rates still relatively high, the majority of New York City students remain in remote learning. However, many schools in different regions of the state offer in-person learning to K-6 students and a hybrid schedule with alternating in-person school days for secondary students. Some have even moved away from the hybrid schedule entirely. Social Studies educators continue to learn new instructional technology applications and integrate social and emotional learning practices to engage students. The New York State Council for the Social Studies Annual Convention was held as a totally virtual event in March. Attendance was smaller than in previous years, but evaluations were positive and the Council is energized to continue to offer online professional learning opportunities. Major changes to New York's high-stakes testing in Social Studies continue this year. The two Social Studies Regents exams, Global History & Geography and U.S. History & Government, are not included in federal testing requirements and consequently those exams have been cancelled again in June and August. On a more positive note, the New York State Education Department has opened the application period for schools to apply to participate in the New York Civic Readiness Diploma Seal pilot program in 2021-22. This pilot program will help NYSED refine the resource materials and requirements for this new Diploma Seal.

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The Pennsylvania Council for Social Studies held its 67th Annual Conference for social studies teachers throughout the month of October 2020. Due to the pandemic, the conference went to an online, virtual platform held on each Thursday throughout the month, culminating in a final Saturday event. The theme for this year's conference was "Expanding Citizen Voices," noting the expansion of voting rights in our nation's history – 150th anniversary of the 15th Amendment, the 100th anniversary of the 19th Amendment, and the

49th anniversary of the 26th Amendment. You can still check out the opening and closing keynotes, as well as many of the sessions, [at the PCSS website here](#).

Pennsylvania social studies teachers are also now in the midst of rolling out our first mandated Citizenship Exam, required under the new Act 35 law passed in 2018 by our state legislature. Each district is allowed to develop their own exam measurement; however, it must focus on the three pillars of a quality civic education program: knowledge, skills, and actions.

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Remote PBL in Social Studies to Strengthen Public Voice, Broaden Civic Engagement, and Foster Civic Agency

Spencer Clark, Ph.D.¹ & Thomas S. Vontz²

Kansas State University

Remote learning during the COVID-19 crisis has created many innovative opportunities for social studies students to interact with their teachers, classmates, and others—locally, nationally, and globally. These opportunities arise from the merging of traditional types of curriculum activities (e.g., discussion, project-based learning (PBL), historical inquiry) with a variety of digital applications that allow students to create, critique, and engage in unique inquiry-based learning activities. Many of these activities result in civic engagement and may be used as forms of political activism that also foster deliberation and problem solving (Levine, 2008). Additionally, many digital applications used in remote learning allow for immediate interaction, either synchronous or asynchronous, which motivates and allows students to use them as a forum for their *public* voice; a voice that expects others to listen, engage, and respond. Used in the right ways, these digital applications constitute a public space for student voices, which hold potential for the cultivation of democratic citizens and emerging leaders. This article explores potential civic outcomes and benefits of PBL via digital platforms and applications during this indefinite period of remote learning and beyond.

Although PBL has been a recommended approach in social studies education since the Progressive Era, it is currently enjoying a renaissance of sorts. The general arguments and justifications for PBL have remained constant and

valid for at least 100 years: PBL is a more authentic, motivating, interesting approach to social studies education than many alternatives (Yew & Goh, 2016). PBL benefits students both academically and socially; the project under investigation requires conceptual development, application, and collaboration (Markham, Larmer, & Ravitz, 2003; Mergendoller, 2018). PBL methods develop students' skills to generate their own inquiry questions, create rigorous and relevant projects, connect to their communities, and share their learning with peers. PBL outcomes, in general, often include greater autonomy, improved informational and disciplinary literacy, 21st Century learning skills, more positive relationship to academics, and improved student confidence in themselves as learners (Condliffe et al., 2017).

In social studies, project-based learning and problem-based learning are often confused. They are both inquiry-based approaches, and both use the acronym PBL, but the approaches are not exactly the same. Many view problem-based learning as a specific type of project-based learning, signifying that it has a distinct role to play in the social studies classroom. For example, problem-based learning may be better for examining ethical, social, or political issues that may not have a well-defined path of inquiry – therefore, demonstrating the process of addressing the issue is the primary learning outcome. In contrast, project-based learning weighs the

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product of inquiry equally to the process of inquiry because the path to inquiry is better defined. In general, project- and problem-based PBL approaches share the following features:

- Learning is student-centered.
- Small groups work collaboratively.
- Teacher facilitates inquiry.
- A problem or question centers learning for the group.
- The process of learning is assessed and evaluated.
- Students develop knowledge through self-directed learning.

Project-based learning (PBL) asks learners to address a problem with real world applications and can encompass rigorous standards and authentic problems through a learning-goals driven design model (Krajcik et al., 2008). Integration of PBL can lead to improved metacognition and agency provided that learning environments are structured with developmentally appropriate and relevant learning goals, scaffolds are in place to support both students and teachers, ongoing formative self-assessments and opportunities for revision are provided, and frequent social interaction and participation occurs.

Online/digital applications have enhanced PBL in many ways, but we would like to highlight three particular benefits. First, access to timely, relevant, and curated information. Second, synchronous and asynchronous collaboration tools for project engagement and development. Third, dissemination of projects to an audience beyond their classmates, teacher, and school.

Students participating in PBL literally have a world of ideas, examples, and resources at their fingertips. Access to timely, relevant information may have hindered PBL practice in the past, but

that is no longer an issue for most students, teachers, and communities. Even in communities with limited access to the internet, phone companies, school districts, and local governments have made community and/or phone hotspots available to students who would not otherwise have access. Still, teachers must assist students in sifting through relevant websites, videos, articles, reports, and examples to evaluate their potential application to the project under investigation. Sources are not equally applicable, some are biased, and others are of poor quality. If students were studying how to improve local responses to the ongoing Covid-19 pandemic, for example, they could select relevant information from a mixture of high-quality governmental and non-governmental resources such as the [Center for the Study of Federalism](#), [Route Fifty](#), [Marginal Revolution](#), the [National Conference of State Legislatures](#), the [National Governors Association](#), the [Centers for Disease Control](#), the [National Institutes of Health](#), [Health and Human Services](#), the [Association of State and Territorial Health Officials](#), the [National Association of County Health Officials](#), and the [American Public Health Association](#). The teacher could assist the class in forming an annotated list of reliable resources to begin the project.

Technology also enables synchronous and asynchronous collaboration. Students and teachers engaged in remote PBL may use the tools of their own Learning Management System (LMS) such as [Blackboard](#), [Canvas](#), [Class Dojo](#), or [Moodle](#) in combination with a variety of other widely available and often free tools such as [EduFlow](#), [Flipgrid](#), [Google Classroom](#), [Google Documents](#), [Google Meet](#), [Padlet](#), [Video Ask](#), or [Zoom](#). One of the lessons of our experiences with remote learning generally and using remote learning specifically in PBL is that schools with well-established LMSs were in a better position than those with modest or no LMS. And, regardless of

the LMS, students and teachers with experience using collaboration tools are able to focus more of their attention on learning or the project under development. The resources above foster outside-of-class collaboration whether schools are meeting virtually or face-to-face.

Completed projects and presentations are no longer limited to one-time use in the classroom or school to an audience of peers but now include on-demand, interactive projects that are available to the public. Students, under the guidance of their teacher, may ‘publish’ their work in their own interactive eBook in [Canva](#), [Lucidpress](#), or [iBooks](#) and/or create a video, movie, or documentary on [YouTube](#). [Explain Everything](#), [Flipgrid](#), [Haiku Deck](#), [Padlet](#), and [Prezi](#) are also project and presentation options. Although the applications are invaluable in a remote learning setting, they also facilitate PBL in a traditional face-to-face classroom.

Civic Outcomes for Project-based Learning: Public Voice, Audience, and Civic Agency

When thinking about the potential civic outcomes of project-based learning through online/digital applications, we drew heavily upon Peter Levine’s (2008) work on digital media products to articulate three related concepts:

- Public Voice
- Audience
- Civic Agency.

Remote learning has diminished the daily opportunities for students to use their public voice in the social studies classroom. Levine (2008) defines public voice broadly as “any style or tone that has a chance of persuading any other people (outside of one’s intimate circle) about shared matters, issues, or problems” (p. 121). He does not limit his definition of public voice to issues that are deemed political, social, or economic, but

anything that benefits from perspective.

Rheingold (2008) built upon Levine’s work and characterized public voice as “not just active, but as generative – a public is brought into being in a sense by the act of addressing some text in some medium to it” (p.103). When PBL is done well, it is also generative and a great way for students to exercise their public voice. Reingold uses Levine’s concept of public voice to argue that in our current educational and social context, online/digital applications, participatory media, and civic education are complexly intertwined. Simply practicing discussion in classrooms can potentially exercise students’ civic skills and public voice; however, the audiences with which students have typically discussed topics at school are often just their classmates and teachers (Levine, 2008). Levine (2008) points out that this is problematic because a student’s most immediate audience, their classmates, often ignore their public voice, for various reasons. Therefore, it is difficult for students to fully develop their public voice in their school community alone, and PBL through online/digital applications or participatory media, provides opportunities for students to further develop their public voice in interesting and innovative ways.

Therefore, audience is an important consideration for using one’s public voice and for PBL. Levine (2008) discusses the importance of audience in terms of student-created and civically-oriented PBL media projects, and notes that it is important for students to be able to reach, and engage with, other people. In this way, the audience provides motivation for students to engage in authentic learning activities, like those that are promoted with PBL. Audience can be vitally important to authentic social studies curriculum, especially in terms of civic engagement and the real-world application of what students learn. Audiences outside of the students’ own school context provide a means to

practice and further develop their public voice. However, it is important to distinguish between active and passive audiences when discussing the development of students' public voice. Rheingold (2008) notes that public voice is learnable if students could be "consciously engaging with an active public rather than broadcasting to a passive audience" (p. 101). In order for a PBL activity to promote civic engagement through the development of students' public voice, students need to be actively connected to each other in unique and diverse ways – possibly even finding ways for students to engage with community members or students in other schools. By engaging with an audience outside of their school community, students have the opportunity to evoke reflexivity through dialogue in the development of their public voice.

Lastly, when students engage in PBL and use their public voice with an audience, they are developing their intentionality for civic agency. Kahne and Sporte (2008) describe civic agency as a key building block for students' emerging civic identities because their experiences using public voice and taking civic action will shape their civic identity. In thinking about the array of choices among online/digital applications or participatory media, students will have to negotiate which media will most effectively express their public voice, and more importantly to which audience they will express it. When students engage in PBL using online/digital applications they are able to authentically make choices and share perspectives that achieve civic agency. These choices could have implications for their civic identity and the modes, manners, and contexts in which they

choose to use their public voice. Thus, experiences with online/digital applications and participatory media in a remote learning context could inform students' choices about their future use of online/digital applications and participatory media to better fit the intentions comprised in their civic agency.

Conclusion

The ongoing Covid-19 pandemic is a seminal moment in our Nation's history that is reshaping the daily lives of people throughout the world and fueling lasting social, economic and political innovations. In education, mandatory remote learning has forced sometimes reluctant students, teachers, and schools to mobilize and harness the power of technology. This massive shift in the way schools operate created conditions in which social studies teachers were able to experiment applying new tools to old ideas; applying a range of new technologies to the identification, research, analysis, and creation of timely, interesting, and important topics in social studies—especially civic projects. The Progressive Era's Community Civics or Columbia University's Citizenship Education Project during the 1950s or more recently the Center for Civic Education's Project Citizen program no doubt helped students develop a public voice, present that voice to a limited audience, and feel the power of civic engagement; however, the technical tools available to today's schools, teachers, and students amplify those benefits several times over.

References

- Condliffe, B., Visser, M. G., Bangser, M. R., Drohojowska, S., Saco, L., & Nelson, E. (2017). [Project-based learning: A literature review \[White paper\]](#). MDRC.
- Kahne, J. & Sporte, S. (2008). *Developing citizens: The impact of civic learning opportunities*

on students' commitment to civic participation. *American Educational Research Journal*, 45(3): 738-766.

- Krajcik, J., McNeill, K. L., & Reiser, B. J. (2008). Learning-goals-driven design model: Developing curriculum materials that align with national standards and incorporate project-based pedagogy. *Science Education*, 92(1), 1-32.
- Levine, P. (2008). A public voice for youth: The audience problem in digital media and civic education. In W. L. Bennett (Ed.), *Civic life online: Learning how digital media can engage youth* (pp. 119-138). The MIT Press.
- Markham, T., Larmer, J., & Ravitz, J. L. (2003). *Project based learning handbook: A guide to standards-focused project based learning for middle and high school teachers*. Buck Institute for Education.
- Mergendoller, J. R. (2018). *Review of the research: High quality project based learning*. Buck Institute for Education.
- Rheingold, H. (2008). Using participatory media and public voice to encourage civic engagement. In W. L. Bennett (Ed.) *Civic life online: Learning how digital media can engage youth*. (pp. 97-118). The MIT Press.
- Yew, E. H., & Goh, K. (2016). *Problem-based learning: An overview of its process and impact on learning*. *Health Professions Education*, 2(2), 75-79.
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US History Education in Transition: Using the Curricular Materials of Facing History and Ourselves to Teach for Transitional Justice

Maureen Murray³

In March 2019 a White, private school teacher in upstate New York was fired for holding a mock slave auction in her 5th grade history classroom (News 12 Staff, 2019). Unfortunately, research suggests that this is not an isolated incident as, despite concerns over both the medium's efficacy and sensitivity, "classroom simulations" rank amongst teachers' favorite lesson plans when teaching this difficult topic (Southern Poverty Law Center, 2018, p. 11; see page 27 for more detailed information about simulations). This is disconcerting given that many professionals argue that an educational environment is the only appropriate context in which to deal with such sensitive subject matter (Horton & Horton, 2009, p. 53). Such findings suggest that current teaching and curriculum practices regarding the history of slavery in the United States are in dire need of revision – and the same can be said for those regarding the civil rights movement (Southern Poverty Law Center, 2014). Given that recent events have heightened awareness of the legacy of racial violence in the United States, such as the Black Lives Matter movement in response to police brutality and the ongoing debate over Confederate statues, many educators have turned to curricular materials from educational organizations which promote social justice. As such, evaluating the efficacy of such materials with regards to their stated aims is of critical importance. This paper will examine the curricular materials of one particularly promising racial justice curriculum, Facing History and Ourselves.

Notably, the criteria used to evaluate this source come not just from the literature on racial justice education in the United States, but instead are derived from research on the literature on transitional justice in a global context. This is because the experiences and ramifications of the United States' treatment of African Americans share important commonalities with countries that have similarly experienced state-sponsored injustice based specifically on markers of identity: for example, Germany, Northern Ireland, and South Africa. Significantly, the research on transitional justice and education mirrors the United States' concerns with teaching the history of domestic racial violence by focusing its discussions on the reconciliatory potential of education in countries that have experienced historical injustices – especially those in which unjust behavior has been state-sanctioned. From a comprehensive review of the literature, the following seven criteria have been identified as critical for the evaluation of racial justice curricula in the United States:

An explicit or direct engagement with difficult knowledge. The curriculum should directly address information and histories that contradict the historical record touted in mainstream culture as well as information and histories that are emotionally charged in examining the roots of discrimination and violence against people of the African diaspora in the United States.

The non-binary representation of actors and identities. The curriculum should include historical

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information that both problematizes the common understanding of identity as a rigid categorization in which all (or even the majority) of the members of the same racial or ethnic group share a particular group mindset and highlights the often overlooked reality that, despite attempts to create a clear-cut racial binary, many historical actors existed outside of this paradigm.

The newness of the knowledge presented. The curriculum should incorporate historical information that is largely unknown in order to mitigate students' apathy -- and in some cases aggression -- towards the familiar historical narratives focusing on racial violence that they have come to view as reinforcing social values rather than as a means to transmit historical information, albeit with an inescapable moral dimension.

The acknowledgement of past injustice at a national level. The curriculum should not view the history of racial violence and oppression as a regional, Southern problem, but instead recognize it as a legacy of the United States as a nation in toto.

A multiperspectival approach. The curriculum should feature perspectives from a variety of historical actors as well as an understanding that rather than being purely factual, history is constantly being interpreted -- even as it is being witnessed -- meaning that different groups may experience history in different, though equally truthful ways (Smith, 2005, p. 36).

An assumed continuity between the past and present. The curriculum should clearly link the actions of the past to the lived realities of today, seeing the present as the consequence of the actions and decisions of past historical actors.

A focus on victimized populations through the lens of human rights. The curriculum should focus on how previous acts of discrimination and oppression abrogated the civil and human rights of

people of the African diaspora. This criteria is particularly crucial as the acknowledgement of past injustices through the lens of human rights is paramount to transitional justice's stated aim of acknowledging past harms to (re-)affirm the norms that protect human rights in the present and for the future.

Facing History and Ourselves

Facing History and Ourselves (FHAO), founded in 1976, is a well-respected organization whose mission to "examine racism, prejudice, and antisemitism in order to promote the development of a more humane and informed citizenry" closely aligns with the literature's first criteria: explicitly engaging with difficult knowledge (Facing History and Ourselves, 2021). Not only does the organization offer lesson plans covering genocide and identity-based violence throughout the world, but they also conduct teacher education workshops in areas that have experienced such conflict, such as Northern Ireland and South Africa. In fact, the organization, its curricula, and its professional development operations are often cited within the literature on education in areas that have experienced intergroup violence. While FHAO offers individual lessons focusing on race which extend to the present day, this paper will particularly examine, through close reading, a 16-lesson unit entitled *The Reconstruction Era and the Fragility of Democracy*, and a unit study guide for the television series *Eyes on the Prize: America's Civil Rights Movement, 1954-1985* due to their emphases on race and US history to determine how closely its curriculum meets the considerations enumerated in the literature on transitional justice and education.

Significantly, FHAO's curricular materials are also especially successful in meeting the second criteria outlined in the literature review: emphasizing non-binary representations of actors and identities. Though the majority of the lessons examined within this study overwhelmingly focus

on the experiences of Black and White Americans – albeit offering a fuller picture of the differences that existed within these heterogeneous groups – the decision to explicitly deconstruct the concept of race and detail its impact on historical and contemporary life is crucial. In particular, there are two especially significant contributions from FHAO’s curriculum on The Reconstruction Era and the Fragility of Democracy: one, the de-essentialization of specific identity characteristics and two, a nuanced explanation of race as a social construct which acknowledges that it stems from a natural human behavior and has been used to justify unequal treatment.

To de-essentialize specific identity characteristics, the first lesson in The Reconstruction Era (2015) curriculum expressly outlines the multifaceted nature of identity itself, noting that it is “influenced by a variety of factors, including gender, religion, ethnicity, physical characteristics, background, values, and beliefs, as well as our experiences, the way others treat us, and the choices we make” (p. 3). FHAO introduces the concept of identities as fluid rather than static, highlighting the ability for identities to change over time. For example, in the study guide provided for the television series *Eyes on the Prize* (2006), the multifaceted nature of identities is reinforced by having students create charts to track how Fannie Lou Hamer (p. 84) and Muhammad Ali’s (p. 167) identities changed over time. In this sense, the idea that a simple identity binary can even exist is fundamentally called into question as students are encouraged to see identity factors, like race, as one part of a much larger whole as well as to see identity as a fluid construct that can change over time. As such, FHAO succeeds in emphasizing non-binary representations of actors and identities.

FHAO also extends its disruption of binary representations into the realm of new knowledge by underscoring the diverse range of beliefs and

perspectives amongst African Americans during the civil rights movement. Most notably, FHAO’s materials focus on the divisions that existed within black leadership and organizing. For example, emphasis is placed on the fissures between the Southern Christian Leadership Conference and the Student Nonviolent Coordinating Committee as well as between the beliefs and strategies of leading figures such as Martin Luther King, Jr., Bayard Rustin, Malcolm X, and Stokely Carmichael, especially over issues such as “white participation and the efficacy of nonviolence” (Facing History and Ourselves, 2006, p. 102). In fact, the study guide asks students to critically engage with the multitude of opinions that existed amongst Black leadership by asking students to describe the obstacles that Black leaders identified as paramount to civil rights efforts (p. 102); describe the different understandings leaders had regarding the meaning of “freedom” and “democracy” (p. 102); and to compare the competing visions and understandings of Malcolm X and Bayard Rustin with respect to “the impediments to black freedom and equality” and their perspectives on White people (p. 105) as well as those of Malcolm X and Martin Luther King, Jr. regarding “the struggle against discrimination and exploitation” (p. 108). However, the resources also highlight the resistance that Martin Luther King, Jr. initially experienced from African Americans regarding his non-violent beliefs (p. 119). This historical information is likely unknown to most students, offering an opportunity for educators to successfully embed the fourth criteria recommended in the literature review: newness of knowledge. That said, though students are asked to critically engage with multiple perspectives in relation to Black activists and community members, there is far less engagement with diverse White perspectives. While the study guide itself depicts White segregationists, bystanders, and activists, the White perspectives offered are predominantly those of activists. In this sense,

while FHAO's study guide is especially strong with regard to representing multiple perspectives across the black community, the curriculum should be supplemented to include a wider range of perspectives from the White community to avoid unintentionally undervaluing the resistance of White citizens to African Americans' legal, political, and social equality.

Additionally, FHAO's curricula are especially noteworthy for their emphasis on the history and consequences of racism and discrimination in the North as well as the South, closely mirroring the fourth criteria from the literature review: acknowledging injustice at a national level. In particular, the *Eyes on the Prize* curriculum acknowledges that the relative lack of attention paid to the civil rights struggles in the North compared to those in the South should not blind us to the inequity faced by black citizens above the Mason-Dixon line where "segregation wasn't written into law" but was instead "enforced by government agencies and maintained by long-standing customs followed by ordinary people in the private and commercial sectors" (p. 118). For example, the study guide for *Eyes on the Prize* devotes over one-third of its lessons to discussing conditions in the North, including analysis of events in Cleveland, such as the 1966 riots and election of Carl Stokes (p. 133); Los Angeles, site of the race riots of 1967 (p. 117); Oakland, where widespread police brutality catalyzed the formation of the Black Panther Party for Self Defense in 1966 (p. 133); New York, where racial tensions prompted the creation – and ultimately closure – of the experimental Ocean Hill-Brownsville school district in 1968 (pp. 148-149); and Boston, where de facto segregation remained a staple of the education system into the 1970s with its legacy still being felt into the 2000s (pp. 192, 198). Crucially, though, these examples are not treated as anomalies, but are instead contextualized through a broader discussion concerning racial

discrimination in the North; in fact, FHAO goes so far as to underscore the ubiquity of unequal treatment with regard to Black citizens throughout the nation by shedding light on the discriminatory practices of the criminal justice system at large (pp. 178-179) and the oppressive nature of white supremacy (p. 100), which fueled discrimination in the North and the South (*Facing History and Ourselves*, 2006, p. 125). Moreover, the Reconstruction Era curriculum draws attention to the historical disenfranchisement of freedpeople by indirect means such as literacy tests and poll taxes after the passage of the Fifteenth Amendment (pp. 115, 257), as well as highlights the social – rather than predominantly legal or political – realities associated with racism in the 19th century as propagated through the media (p. 198).

Moreover, there are strong parallels between FHAO's curricula and the fifth recommendation found within the literature on transitional justice and education: emphasizing multiperspectivity. This focus is especially apparent in *The Reconstruction Era's* penultimate lesson, which demonstrates multiperspectival leanings by focusing on the constructed nature of history itself and how one's understanding of history influences the present. It prioritizes the following understandings: one, that "[t]he way individuals understand history shapes their beliefs about the present and affects their political, economic, and social choices" and two, that "[h]istory can be used as a powerful tool to reinforce the existence of 'in' groups and 'out' groups in the present" (p. 267). To demonstrate these points, the lesson centers on the impact of the historiography of Reconstruction as expressed in the interpretations of the Dunning School as well as the "Lost Cause" mythologies surrounding the Civil War and Reconstruction, tracing their influence on cultural products such as *The Birth of a Nation* (1915), *Gone with the Wind* (1936), and even history books until as late as the 1960s

(Facing History and Ourselves, 2015, p. 264). As the lesson highlights, the Ku Klux Klan, depicted as “the saviors of the South” in *The Birth of a Nation*, resurfaced for the first time since 1872 the same year the film was released (Facing History and Ourselves, 2015, pp. 265-266), while the Dunning School’s version of history was frequently cited by “those who resisted calls for racial justice” as they “argu[ed] that protecting the political and civil rights of Southern blacks would cause the ‘horrors of Reconstruction’ to be repeated” (Facing History and Ourselves, 2015, p. 265). Here, then, the FHAO curricular materials clearly highlight the ways in which interpretations of history can influence the present, a distinctly multiperspectival understanding. While this understanding also clearly intimates a continuity between the past and the present, the sixth criteria identified in the literature review, in order to more robustly embed this recommendation into the classroom, teachers should consider supplementing this unit with materials from FHAO’s “Judgment, Memory, and Legacy” resources page. These resources are meant to encourage “students [to] consider what it means not just to learn about this history but also to... acknowledge how it influences our lives today” (Facing History and Ourselves, 2021).

Finally, while The Reconstruction Era curriculum does not expressly engage with human rights per se, therefore falling just short of the recommendations offered by the literature on transitional justice and education, it does demonstrate a sustained engagement with the interrelated topics of civil rights, democracy, and freedom. Using the concept of a “universe of obligation” – defined as “[t]he circle of individuals and groups toward whom obligations are owed, to whom rules apply, and whose injuries call for amends... [or] those that a society believes have rights that are worthy of respect and protection” (2015, p. 24) – as its foundation, the curriculum

examines both the particulars of the expansion and the curtailment of African Americans’ rights. Additionally, students are challenged to consider for themselves “[w]ho can be a citizen, to what rights are citizens entitled, and under what conditions [those rights can] be denied” (2015, p. 286). In this sense, FHAO’s curricula offer an intuitive starting point to meet the seventh criteria outlined in the literature on transitional justice and education by focusing on rights-based norms and the trajectories of African Americans’ rights, however, these materials would need to be adapted to contextualize the history of African Americans’ rights using the lens of human rights by expressly recognizing enslavement and state-sanctioned discrimination as human rights abuses. Admittedly, this gap is a small one, but given its significance within the literature on transitional justice education it should not be overlooked: understanding racial violence through the lens of human rights is intimately connected to promoting reconciliation between the State’s citizens and the State as it (re-)affirms the political and legal norms that safeguard against human rights violations – the foundational principle of both transitional justice and the educational efforts developed in its image.

Ultimately, Facing History and Ourselves is exceptional in how closely aligned its materials are to the recommendations outlined in the literature on transitional justice and education. While slight adaptations would need to be made to fully realize the curricular materials’ potential as a tool for teaching for transitional justice, these materials offer an easy bridge for teachers unfamiliar with the field to move past simply promoting tolerance amongst individuals of various backgrounds and inculcating respect for diversity. Instead, the FHAO curricular materials build off these objectives to provide an opportunity for educators to use history teaching as a means to prioritize recognizing previous rights violations -- and the

injustice of their denial -- in service of establishing a future which is built on the recognition of those

rights and the creation of shared norms that promise security and protection for all citizens.

References

- Facing History and Ourselves. (2006). *Eyes on the prize: America's civil rights movement, 1954-1985: A study guide to the television series*. https://www.facinghistory.org/sites/default/files/publications/The_Reconstruction_Era_and_the_Fragility_of_Democracy_1.pdf
- Facing History and Ourselves. (2015). *Reconstruction era and the fragility of democracy*. https://doi.org/https://www.facinghistory.org/sites/default/files/publications/Eyes_on_the_Prize_0.pdf
- Facing History and Ourselves. (2021). "About Us". <https://www.facinghistory.org/about-us>
- Facing History and Ourselves. (2021). "Judgment, Memory, & Legacy". <https://www.facinghistory.org/scope-and-sequence/judgment-memory-legacy>
- Horton, J. O., & Horton, L. E. (2009). *Slavery and public history: The tough stuff of American memory*. University of North Carolina Press.
- News 12 Staff. (2019, March 18). 'I teach with my heart': Teacher pushes back amid slavery lesson firestorm. Connecticut News 12. <https://connecticut.news12.com/i-teach-with-my-heart-teacher-pushes-back-amid-slavery-lesson-firestorm-40155154>
- Smith, M. E. (2005). *Reckoning with the past: Teaching history in Northern Ireland*. Lanham: Lexington Books.
- Southern Poverty Law Center. (2014). *Teaching the movement: The state of civil rights education in the United States*. Montgomery, AL: Southern Poverty Law Center. <https://www.learningforjustice.org/sites/default/files/2017-10/Teaching-the-Movement-2014-v2-CoverRedesign-Oct2017.pdf>
- Southern Poverty Law Center. (2018). *Teaching hard history: American slavery*. Montgomery, AL: Southern Poverty Law Center. <https://www.learningforjustice.org/sites/default/files/2018-02/TT-Teaching-Hard-History-American-Slavery-Report-WEB-February2018.pdf>

Closing the Civic Empowerment Gap: Professional Development for Teachers of High-Need Students

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The need to improve civic education in the nation's middle and high schools is especially pressing for high-need students. Teaching students living in poverty, minority students, migrant students, English language learners, and special needs students who often have few civic learning opportunities presents unique challenges to educators. Schools serving high-need populations frequently are under-resourced and have large classes (Levinson, 2012; Lynch, 2018). Teachers must contend with students who are not interested in the subject matter, have low levels of reading and other academic skills, are truant, present disciplinary problems, and have learning disabilities that are not well-addressed (Gehrke, 2005). High-need students have fewer opportunities to learn and engage outside of the classroom (Levinson, 2012). Still, civic education has been found to be most effective for increasing democratic capacity in these students (Gainus and Martens, 2012).

The James Madison Legacy Project (JMLP) was a nationwide initiative of the Center for Civic Education (Center) to expand the availability and effectiveness of civics instruction for high-need students in secondary schools by providing professional development (PD) to their teachers. The program was based on the Center's longstanding *We the People: The Citizen and the Constitution* (WTP) program. Funded by a grant from the U.S. Department of Education's

Supporting Effective Educator Development (SEED) program, the JMLP provided PD to over 2,200 teachers who have instructed over 260,000 students and counting. The JMLP consisted of three major components: (1) the PD program, (2) videos by scholar-experts, and (3) a new platform which lives on after the grant and allows the Center to add and update materials. The program increased the number of highly effective teachers and enhanced students' achievement in attaining state standards in civics and government. In addition, the Center successfully developed a scalable version of its well-established *We the People* PD model where videos of scholar-experts were substituted for in-person presentations. Teachers attending an in-person PD program were shown the scholar videos followed by discussions facilitated by mentor teachers. This blended-learning version of the PD program is viable, effective, and resource-efficient. Effectiveness for teachers was measured by the magnitude of their gains in civic knowledge and their implementation of active learning pedagogies proven to enhance civic learning, such as simulated congressional hearings, in their classrooms. The program was demonstrated to be effective for students based on statistically significant gains in knowledge and civic dispositions (Owen, Hartzell, and Sanchez, 2020). The blended-learning model can expand teachers' access to WTP professional development at lower cost without compromising program quality or

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successful student outcomes. This model can be readily adapted to the all-virtual environment.

The number of in-depth studies of the impact of civic education on high-need student populations is limited. The JMLP offered a unique opportunity to collect and analyze data on civics teachers and their students on a large scale. Dr. Diana Owen of Georgetown University led a research team from the Civic Education Research Lab (CERL) (<https://cerl.georgetown.edu/>) in studying the JMLP. Thus, the goals of this article are twofold: (1) to describe the major components of the JMLP PD program and (2) to present research findings on the effectiveness of the JMLP in improving teachers' content knowledge, pedagogy, self-efficacy, and commitment to civics instructional goals as well as imparting civic knowledge and dispositions to students.

Program Administration

The Center administered the JMLP SEED grant by dividing the country into 26 sites each led by an experienced site coordinator from one of the Center's partner organizations. Thirteen were single state sites and thirteen were partnership sites, such as Maryland, Virginia, West Virginia, and the District of Columbia or New Jersey, Pennsylvania, and Delaware. Coordinators, mentor teachers, and teacher participants from Middle States member states featured prominently in the JMLP. National meetings were held annually where state coordinators were invited along with at least two of their lead mentors to exchange ideas for the various sites from both a teaching perspective and an administrative perspective. Important concepts for the research team and the Center were highlighted.

The JMLP teacher PD program and curriculum intervention were grounded in the Center's *We the People, the Citizen and the Constitution* (WTP). More than 30 million students and 75,000 teachers in all 50 states and

the District of Columbia have been served by WTP since 1987 (www.civiced.org/wtp-the-program). The JMLP PD program and the accompanying WTP text consisted of six units based on the high school curriculum.

- Unit 1 – What are the Philosophical and Historical Foundations of the American Political System?
- Unit 2 – How Did the Framers Create the Constitution?
- Unit 3 – How Has the Constitution Been Changed to Further the Ideals Contained in the Declaration of Independence?
- Unit 4 – How Have the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices?
- Unit 5 – What Rights Does the Bill of Rights Protect?
- Unit 6 – What Challenges Might Face American Constitutional Democracy in the 21st Century?

JMLP Professional Development

The JMLP PD program officially consisted of three cohorts. Most sites were asked to recruit 25 teachers on the secondary school level. Over 90% of the participating teachers taught in Title I schools and/or schools serving large percentages of high-need students. Due to the timing of the SEED grant, Cohort 1 began after the start of the 2015-2016 academic year and was different from the following two cohorts. The PD program employed the traditional WTP model where teachers received civics content in-person from scholar-experts. Teachers received a minimum of 30 hours of PD. Cohort 2 teachers received a minimum of 52 hours of PD, 36 hours of which took place during a summer institute with 16 hours of follow-up PD during the academic year. Sites were randomly assigned to provide the traditional PD or a hybrid version which combined scholar videos with in-person scholar

lectures. Teachers in Cohort 3 received the same number of hours of PD as Cohort 2, with sites randomly assigned to the traditional or fully blended PD conditions.

All of the PD models, regardless of cohort, included three major elements:

1) Scholar Content – whether in-person or through videos the content of civic education material was presented by scholars and discussed with the teachers.

2) Interactions with Mentors and each other. There is a great deal to be said of learning from other practitioners. During each PD, session mentors would work with teachers to help them understand the content discussed and translate it into classroom use. Mentors would also go over pedagogy, generally with teachers, to determine best practices, how to achieve mandated standards, how to include ELA standards, etc. Teachers also had the opportunity to discuss what worked best with their classes and share their successes and difficulties with each other.

3) Learn the Simulation. WTP culminates with students participating in a simulated congressional hearing. Before a teacher can tailor the simulation to meet the needs of their students, teachers must know how it works in the ideal sense. All JMLP teachers gained experience with how the simulation was conceived, how it is employed at the middle and high school levels, and the way it is implemented at the national competition. The simulation requires a teacher to divide their class into six groups which are each assigned one of the WTP units. Each group researches and prepares answers to three complex essay questions provided in the WTP text. On the day of the simulation, the groups are asked one question from the three without knowing in advance which question will be chosen. They have four minutes to respond to the question uninterrupted and may use notes, after which they

remove all notes and respond to six minutes of follow-up questions from the judge(s). Teachers can see if students have internalized the content, given concepts their own interpretation based on substance, and engaged in civil discourse. It is important for teachers to understand the process before deciding with their mentors if they will modify the hearing or complete the traditional hearing in their classes.

Sample Hearing Question:

- What are the fundamental characteristics of a constitutional government?
- In what ways does constitutional government mean limited government?
- Describe at least three provisions of the Constitution that provide a means of preventing the abuse or misuse of governmental power. Explain how these provisions work in our system of government today.

Scholarly Videos

JMLP PD employing the hybrid or fully-blended approaches differed from the traditional model only with regard to the delivery of the scholar content. Whereas the traditional PD had scholars discussing the civics content material in person, the hybrid and blended approaches featured the same scholars on video. The hybrid PD model used a combination of in-person scholars and scholar videos during the PD program which took place in-person. The blended model relied solely on scholar videos during in-person PD sessions. Six nationally known scholars (one per unit of the high school WTP text) made video presentations, with each unit divided into lessons and each lesson subdivided into sections. Videos were made for each section followed by true/false check for understanding questions and discussion questions which grow in complexity as in the following examples:

Discussion Questions from Unit 1

1. How did the period of "salutary neglect" set the stage for independence?
2. Which colonies would you suppose might develop stronger movements toward self-government, proprietary colonies or corporate colonies? What evidence can you find on this topic?

Discussion Questions from Unit 5

1. Does the tax-exempt status given to religious groups violate the principle of the separation of church and state? Explain your position.
2. Does the provision of chaplains and other religious leaders in the armed forces violate the principle of separation of church and state? Explain your position.

The videos had advantages. They could be viewed by participants even after a concept was introduced, and they allowed for flipped instruction. However, to be successful the videos required very articulate scholars to convey the content effectively and truly competent mentors in both pedagogy and substance. For example, mentors not only know what is meant by civic virtue and how to explain it within both historical and current contexts, they also use various activities to show teachers how to get the concept across to students through pedagogic practices.

The New Platform

The scholar videos continue to be made available to all teachers and anyone who wants to improve their knowledge of the US. Constitution, its philosophical origins, and its evolution to the present. The videos can be found on the Learn.civiced.org platform in the Open Courses section. The videos are available free of charge as a course called: We the People Open Course. There are four other courses in this segment and six additional courses being developed for the Strengthening Democracy in America Series.

The Learn platform has four segments:

- Open Courses
 - Instructor-led Course(s) – which is where fee-based courses are housed
 - The Civics Forum – open for free to all educators who want to dialogue on content or pedagogy questions
 - Resources – provides information on books, instructional resources, reports and articles, and websites that educators or anyone can use

Teacher Effectiveness and Student Outcomes

Research indicates that effective teachers are the most important factor contributing to student achievement (RAND Education, 2012). Empirical studies conducted by Georgetown University's CERL found that the JMLP significantly increased teachers' civic content knowledge, improved their pedagogy, increased their self-efficacy, and reinforced their dedication to civics instruction. Teachers who had a strong command of civic content and implemented a range of instructional pedagogies associated with the WTP curriculum in their classrooms were highly effective in increasing the civic literacy of high-need students (Owen, 2016; Owen and Riddle, 2017; Owen, 2018; Owen, Hartzell, and Sanchez, 2020). JMLP teachers' civic knowledge correlated significantly with their students' knowledge acquisition. The correlation (Pearson's R) between JMLP teacher and student civic knowledge on tests administered after they had completed the program holding constant students' pretest knowledge scores was .214 ($p \leq .01$) for middle school and .378 ($p \leq .01$) for high school. The civic knowledge of JMLP teachers in the traditional, hybrid, and fully-blended PD programs improved substantially as a result of the program, and was higher than that of teachers in a

control group who did not received the PD for all three cohorts.

JMLP teachers expressed satisfaction with the program. Over 90% of JMLP teachers reported that they learned a great deal about the philosophical and historical foundations of the American political system, the U.S. Constitution and the Bill of Rights, and American government and political institutions. A similar percentage agreed that they (1) felt better equipped to teach their students about American government, (2) gained experience with interactive methods of instruction, (3) gained critical thinking skills, (4) learned best practices for civics instruction, and (5) were better able to teach students about good citizenship. JMLP teachers made substantial gains in civics self-efficacy, a belief in their ability to convey civic knowledge and competencies to students effectively. Teachers' enthusiasm and commitment to imparting elements of the civics curriculum, such as conveying knowledge of American government and politics and encouraging students to become involved in their community and participate in the electoral process, was enhanced by the JMLP.

Nearly all of the participants felt that the JMLP prepared them extremely or very well to instruct the WTP curriculum. The JMLP PD program gave teachers the confidence to successfully use the WTP textbook and employ the associated core pedagogies in their classrooms. Typically, civics instructors of high-need students rely heavily on lectures to convey content largely to the exclusion of active learning pedagogies. JMLP teachers were proficient in the use of active pedagogies that were successful for instructing high-need students, such having students work collaboratively in groups. They integrated a variety of media-related pedagogies into their WTP classes designed to facilitate students' research skills, reading proficiency, and critical media literacy. They were more likely to

prioritize social and emotional learning (SEL) goals post-program. Over 70% of JMLP teachers held simulated congressional hearings. One-quarter of JMLP high school teachers and 20% of middle school teachers had their students take part in a civics competition during their first or second year teaching the WTP curriculum. At least seven JMLP classes have participated in the *We the People* National Finals held annually in Washington, D.C.

Middle and high school students in the JMLP gained greater civic knowledge after taking a WTP class than students in a control group who took a standard civics, social studies, or American government class. The U.S. Department of Education's What Works Clearinghouse improvement index, or the expected change in an average control group student's percentile rank if that student had been in a JMLP teacher's class, was 12% for middle school and 14% for high school. While the focal outcome of the JMLP was students' acquisition of civic knowledge, JMLP students also developed positive civic dispositions, or traits essential for democratic character formation and the maintenance of constitutional democracy (Branson and Quigley, 1998). Middle and high school students whose teachers participated in the JMLP PD program became more disposed to keep informed and follow government and politics in the media than those in the control group. Over 70% of JMLP students indicated that they had become more attentive to government affairs and felt more prepared to take part in their community after taking their WTP class. More than 90% of JMLP middle and high school students believed that it is a citizen's duty to vote in elections following the program.

During the JMLP, teachers had significant opportunities to collaborate and share their experiences using a wide range of instructional approaches both in person and through the JMLP

online community. These experiences have allowed teachers to expand their pedagogical repertoires as well as to gain confidence in implementing new approaches in their classrooms. These collaborations have continued post-program through the Center's Learn.civiced.org and social media platforms. State WTP coordinators throughout the country continue to support JMLP teachers and they are available to any teachers using and new to the

WTP curriculum. Should the district or school need to provide professional development online only, the state coordinators have excellent mentors at their disposal to provide PD in both content and pedagogy. The result has benefitted the civic development of high-need students nationwide.

References

- Branson, M.S., and Quigley, C. (1998). The role of civic education. The Communitarian Network.
- Gainous, J., and Martens, A.M. (2012). The effectiveness of civic education: Are “good” teachers actually good for “all” students? *American Politics Research*, 40(2), 232-266.
- Gehrke, R. S. (2005). Poor schools, poor students, successful teachers, *Kappa Delta Pi Record*, Fall, 14-17.
- Levinson, M. (2012). Diversity and civic education. In Campbell, D. E., Levinson, M., & Hess, F. M. (Eds.). *Making civics count: Citizenship education for a new generation* (pp. 89-114). Harvard Education Press.
- Lynch, M. (2016). Poverty and school funding: Why low-income students often suffer. *The Edvocate*, February 6.
- Oppen, I. (2012). Teachers matter: Understanding teachers' impact on student achievement. Research Report. Rand Corporation.
- Owen, D. (2016). Educating high need students for engagement in the digital age. Paper prepared for presentation at the 42nd Annual Conference of the Association for Moral Education, Panel K3.2: Social Media, Activism, and Marginality, Harvard Graduate School of Education, Cambridge, MA, December 8-11.
- Owen, D., and Riddle, G.I.W. (2017). Active learning and the acquisition of political knowledge in high school. In McCartney, A., Bennion, E., Matto, E., & Simpson, R. (Eds.) *Teaching civic engagement across the disciplines* (pp. 103-120). American Political Science Association.
- Owen, D. (2018). Evaluation of the We the People program: Student knowledge. Research Report. Georgetown University.
- Owen, D., Hartzell, K., and Sanchez, C. (2020). James Madison Legacy Project final report. Civic Education Research Lab, Georgetown University.

RAND Education. (2012). Teachers Matter: Understanding Teachers' Impact on Student Achievement. Research Report. Santa Monica, CA: Rand Corporation. https://www.rand.org/pubs/corporate_pubs/CP693z1-2012-09.html

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The James Madison Legacy Project: Evaluation Report can be accessed here:
<https://cerl.georgetown.edu/james-madison-legacy-project-evaluation-report/>

4 Things You Can't Say in the K-12 Classroom

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In 1969, the U.S. Supreme Court told the nation that, “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” But there are some limitations on what a K-12 teacher can say in class.

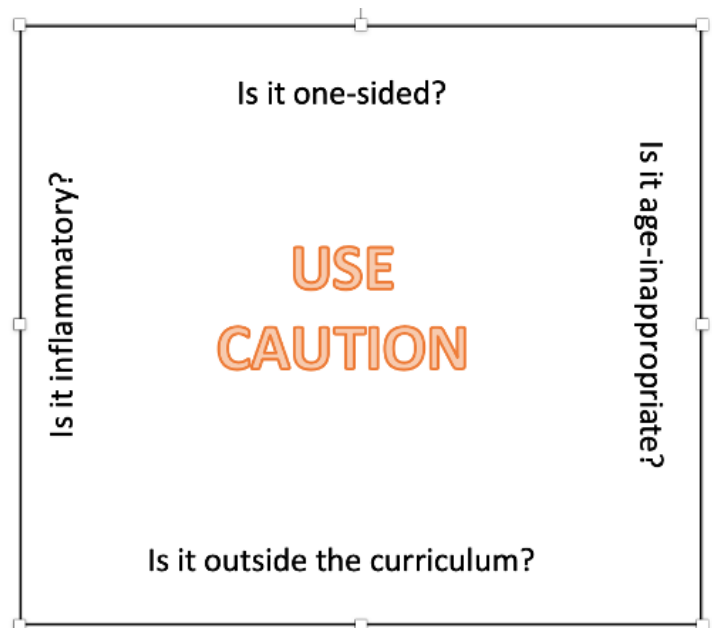
Teachers work hard to meet students where they are, and to handle relevant topics while maintaining student interest and responding to community and parental input. However, with today’s “callout culture” and universal cell phone video availability, many classroom teachers are fearful of saying the “wrong” thing in class, being taken out of context, and risking their jobs over an offhand or ill-considered remark or discussion diversion.

With this in mind, here are some guidelines to help you steer clear of speech that might land you in hot water with your employer or with the public. These 4 “rules” are based on a scholarly review of cases where teachers did face legal trouble for classroom speech. If you’re not sure what you can say in class, ask yourself these 4 questions before doing so:

Is it one-sided? Instruction should be **EVEN-HANDED**.

Teachers have unique access to other citizens’ minor children and must not be perceived as using their position of authority to promote their own personal views on controversial issues

or sensitive topics. Students are required by law to attend school and parents are compelled to send them there, making students in school a captive audience.



DON'T BOX YOURSELF IN!

In order to maintain the public’s trust in the school system, students must be protected from abuse of the authority over them. This includes avoiding giving the impression of delivering biased instruction with the intent of influencing them towards a teacher’s preferred viewpoint.

⁵ www.thefire.org/k12

According to educational legal researchers Maxwell, McDonough, and Waddington, avoiding perceived abuse of authority entails “encouraging students to consider several competing viewpoints, treating students who adhere to views one disagrees with respectfully, and generally conducting oneself in a way in class that models honest intellectual inquiry.” (p. 200.) Professional teachers are rightfully expected to be “honest brokers” in presenting information even-handedly.

TIP: Consulting reputable, neutral, independent, and varied sources is important to find and present accurate, opposing views.

Relevant cases: *Mayer v. Monroe County Cmty. Sch. Corp.* (2007); *Garcetti v. Ceballos* (2006.)

Is it age-inappropriate? Instruction should be **AGE-APPROPRIATE**.

The school system has a duty to ensure that young people are not exposed to “inappropriate” content at school, including material that a pupil could reasonably be expected to find traumatizing given their age or developmental level. Professional teachers are expected to exercise pedagogical appropriateness.

Failing to respect this principle could likely lead to a “poisoned” school environment — meaning that parents would reasonably be reluctant to entrust their children to the atmosphere and authority of the school, and children would be uncomfortable about attending.

An example of material that would be inconsistent with age-appropriateness would be showing historical footage of corpse disposal at Nazi death camps to children in elementary school. Showing “R-rated” movie scenes in a class with underage students can mean trouble as well. (Many K-12 schools will only allow PG or PG-13 film use, regardless of students’ ages.)

TIP: Professional discretion, experience, and consultation with peers and administrators will help guide teachers in this area.

Relevant cases: *Hazelwood v. Kuhlmeier* (1988); *Walz v. Egg Harbor Township Bd. of Educ.* (2003).

Is it outside the curriculum? Instruction should be **ALIGNED** with the official curriculum.

In public schools, the scope of the curriculum and many of the materials are decided democratically; teachers are hired to cover this content and meet certain standards while doing so. A teacher who deviates from the official curriculum and their school’s adopted learning standards is taking a risk.

If parents or citizens decide to review the official curriculum, they have a reasonable right to expect that when students are sent to school, this is what is going to be covered in class. It is an issue of institutional transparency. Classroom lessons and discussions that are clearly aligned with the official school curriculum are unlikely to be successfully challenged.

TIP: The more closely aligned your instruction is to the official school curriculum requirements, the more solid your standing if you are ever questioned.

Relevant cases: *Ray Webster v. New Lenox School District* (1990); *Boring v. Buncombe* (1998); *Pickering v. Bd. of Education* (1968); *Connick v. Myers* (1982); *Burns v. Rovaldi* (1979); *Kirkland v. Northside Independent School District* (1989.)

Is it inflammatory? Instruction should not be **INFLAMMATORY** or disruptive to learning.

The school has an interest in maintaining an orderly environment conducive to learning.

Therefore, it is reasonable to ask teachers to avoid making comments, dealing with topics, or using material that could foreseeably cause significant disruption to the normal operation of the school.

This principle involves exercising discretion and judgment and having a sense of your audience's maturity level and their likely response to certain types of material. Teachers can legitimately be expected to avoid broaching subject matter that, at a particular time or place, is reasonably likely to cause a significant disruption to normal school activities.

According to Maxwell, McDonough, and Waddington, "teachers have to distinguish between teachable moments which may ruffle feathers and interventions which may precipitate a full-blown crisis of public confidence. In addition to requiring a certain kind of pedagogical tactfulness, it also necessarily draws on local knowledge which attunes the teacher to which topics or material cross the line between controversial and inflammatory." (p. 202.) Examples that might fail this test would be graphic violence or sexuality, or a story of intense, immediate local concern or dispute.

TIP: Here, again, professional discretion will help you to steer clear of obvious pitfalls while the ongoing admonition to continually monitor and adjust according to classroom reactions can help you to recover if you happen to strike an unexpected nerve. Some responses can't be predicted, and the only thing you can do is respond calmly and shift gears or redirect the discussion.

Relevant cases: *Ward v. Hickey* (1993); *Tinker v. Des Moines Independent Community School District* (1969); *Morse v. Frederick* (2007).

To sum up, teaching school is somewhat of a performance art, in which teachers are expected to respond quickly to an ever-shifting range of incoming demands. Experience and familiarity

with the students and their parents will help you make wise choices.. If you're ever in class—on the spot—wondering if you should bring up a delicate topic, *if it's **not in the official school curriculum**, is **not age appropriate**, or could be considered **inflammatory** or **one-sided***: you might be stepping past the guardrails and should exercise caution.

Here's an acronym to help you quickly remember how to decide: **Always Inspect Every Angle** (or every **Apple**.) This stands for **Age** appropriate, (not) **Inflammatory**, **Even-handed**, and **Aligned**.

Beyond these limits, considerable space remains for teacher autonomy. It is legitimate to raise a sensitive or pressing topic with students in class as long as it is done in a way that respects these guiding principles.

Other things to keep in mind:

You have different speech rights as a hired employee than you do as a private citizen. You are generally considered to speak for the school district when you are in your classroom. "Speech" extends to classroom decorations, signs, posters, and statement clothing (such as pins or buttons.) According to the ruling in *Garcetti v. Ceballos* (2006), when public employees engage in speech related to their job duties, that speech is considered the expression of the employer, and can be controlled by the employer. Circuit courts have applied that rule to the in-classroom expression of K-12 teachers (for example, the Ninth Circuit in *Johnson v. Poway Unified Sch. Dist. of San Diego County*). Hence, "curricular" speech is regarded as "hired speech," and teachers do not have a First Amendment right to control that speech.

The law on teachers' speech on social media is evolving and, in some cases, conflicting. It is generally possible, though, to be disciplined or fired by your school for something you say

outside of school on social media. This is particularly true if you use social media to comment publicly about your students or your school, or if you use it to engage in what could be considered conduct impairing your ability to function as a teacher. Your social media comments could be considered to reflect on your professionalism as a teacher or as an example of how you “treat” your class. It is important to respect student privacy online. Your school may be able to demand access to your personal social media account. Some schools (especially private) also have morality clauses in their contracts, and your online speech could be used as evidence of breach of that.

Generally speaking, something that happens one time in class is less likely to be highly problematic than something that happens consistently and repeatedly. A teacher who shares a strong opinion once will probably be viewed

differently than someone who appears to have a personal ax to grind in every class.

Public schools must accept students from all kinds of backgrounds, whereas some private schools may restrict access and select their student body. In both cases, retaining confidence in the enterprise may be undermined by failure to respect the standards of the governing body of the school system, such as the School Board, Advisory Council, or the Board of Trustees. The school board has discretion over hiring and disciplinary matters for public school teachers, and they are elected democratically, reflecting local community standards. What is acceptable in one community may not be in another nearby district. Knowing your community well will help you make sound determinations of the boundaries of your speech.

References

ACLU document: “Free Speech Rights of Public School Teachers.” Retrieved May 8, 2020.

<https://www.aclu-wa.org/news/free-speech-rights-public-school-teachers>

Maxwell, B., McDonough, K., Waddington, D. (2018.) Broaching the subject: Developing law-based principles for teacher free speech in the classroom. *Teaching and Teacher Education*, 70(1), 196-203.

Zimmerman, J. and Robertson, E. (2017.) *The case for contention: Teaching controversial issues in American schools*. University of Chicago Press: USA.

Classroom Notes: The Significance of Reading Body Language in Formative Assessment

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During remote instruction I recognized how much information I gather from my students via in-person observation of body language. I realized while teaching on Zoom I can't interpret faces or moods. For example, in-person when I assign a reading I can tell from body language within the first couple of minutes if the reading is interesting, boring, too difficult, too simplistic, etc. but on Zoom I have no idea. To help bridge this gap I will occasionally poll the class to get an idea of what they thought of a reading or an assignment. Another example is reading the class mood. Every teacher knows that if you teach three sections of the same course that lesson will come out three different ways because no group of students is identical. Some groups are more

energetic, whereas some are arriving in the morning and are half asleep, etc. I try my best to "read" the class by asking a question during the first 15 minutes of class. It might be about the weather, upcoming holidays, TV, sports, etc. I then try to judge the class mood by their responses. If there is a lot of feedback and emojis in the answers then I know they are awake and ready to participate. On the other hand, if their responses are short, lack symbols, lack emojis, or if I don't get many responses, I know a lesson that requires a lot of interaction may not work well and therefore will try to shift my lesson to more independent work.

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Classroom Notes: Reflections on Being a Preservice Teacher During the Pandemic

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Student teaching itself is already a daunting task in normal times. Taking over a classroom is intimidating and exciting, but the pressure to do well seems to come from every angle. Being a student teacher during the pandemic has provided many learning experiences. Some elements of being a preservice teacher during COVID have been harder than others; however, the experience I have gained, some positive and some less so, is invaluable. Something professors, teachers, or anyone in education tells you often as a preservice teacher is that teaching requires flexibility. To say the pandemic has highlighted the significance of flexibility would be an understatement. Being positioned as both student and teacher during the pandemic provided numerous opportunities for growth and understanding. As both student and teacher, I adapted to out of the ordinary teaching spaces and last-minute changes, and I gained opportunities to develop meaningful mentorships and friendships with teachers and my classmates.

Being a preservice teacher during the pandemic has provided an interesting and somewhat unique perspective. I have been both student and teacher, both Zoom meeting participant and Zoom meeting host. I was lucky to be able to watch as my professors navigated the many changes that came with online learning before attempting them myself. From establishing hand raising policies to struggling with breakout rooms and screen sharing, teachers were met with so many new components and moving parts to a lesson to think about. I knew I was likely going to be navigating those same waters in the coming months, so I tried to pay attention to the

structure of their classes and what worked well in those lessons and what didn't.

I think I had many of the same experiences that students all over the world were facing as well, such as finding a quiet place to take my classes in a full house, trying to avoid the distraction of notifications popping up on my phone, and learning to be self-motivated and self-regulated with my asynchronous work. Understanding some of the added challenges as a student in the pandemic helped become a better teacher. However, I have also been in the position of the teacher. Realizing and experiencing first-hand how much time and effort goes into creating an engaging class, trying to make the course as robust and comprehensive as possible without sacrificing my students' mental health, and creating community and building relationships with students in a virtual (or semi-virtual) world opened my eyes to the multifaceted nature of the teaching profession. Understanding a teacher's work makes me a better student. It is these two simultaneous positions and perspectives that have added such immense value to my time as preservice teacher during COVID.

Teaching in a dramatically non-traditional setting and time is challenging. Many of the pedagogical practices we learned during our social studies methods class were either not applicable or had to be heavily adapted for distance learning and inflexible learning spaces. I came into student teaching excited to implement so many of the strategies, activities, and lessons I learned in class.

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I envisioned simulations for feudalism and full class conversations about Civil War Reconstruction, but I pivoted, pushed to think more creatively about how students can work together when they cannot be near each other. I have learned to teach to students spaced six feet apart in the gym with some at home, having never even taught students all in the same room before.

While taking courses as a preservice teacher, I worked part-time at two private schools with schedules changing constantly. We'd be fully remote, then half of the students would be in the building while the others were asynchronous, then we would all be back in the building, except for the students who opted to learn remote all year, then we would all be remote all over again. I have quickly learned how much flexibility and adaptability are key in normal times, only to be intensified by COVID (a sentiment repeated by every teacher I have ever spoken to).

With so much unknown, it is crucial to create lesson plans that adapt easily and can be used effectively in many different scenarios. They should engage both the students in the building and the students online, and be able to be moved to an all-online format at the last minute. We learned so much about student-centered learning, group and collaborative work, and the value in getting students up and moving in my courses. Taking all of the things we've learned in class and realizing that the opportunity to implement them during the student teaching period would be unlikely has been discouraging.

My cooperating teacher has nearly 40 years of experience. He has a story or example for every scenario and every question. We have collaborated incredibly so far, with him taking in my thoughts, questions, and ideas with excitement. In his economics class, while I am observing, he often tells me after each lesson how he would have done the lesson differently in a normal year, with all of the students going to the board to draw graphs or

working in teams to do practice problems. None of that can happen this year. We are teaching in tents outside with only half of the students, the rest of them logging on remotely throughout the school. I find he is disappointed that I can't see him at his "best", but I appreciate his debriefings after each class to talk about how lessons could look in a "normal" classroom.

But it hasn't been all bad. I have leaned heavily on mentors for advice, for new ideas, for support. I have pushed myself outside of my comfort zone, no longer looking for perfection, realizing that it doesn't exist. With the support of my cooperating teacher, I have tried new strategies and activities that scare me a bit. Sometimes they work great, sometimes they miss the mark. Sometimes the best way to learn is by doing, making mistakes, fixing them, going again, and making more mistakes.

The changes this year have challenged my thinking in terms of the ways courses and lessons should be conducted. I have learned about more technological resources, trying to provide endless ways for students to participate when they don't have the loudest voice on the Zoom call. With so much variety with students' learning, in-person, equal assessments are challenging, if not impossible, to administer. Because of this, I have had the opportunity to learn about countless alternative assessments from my cooperating teacher and other mentors, something I would have had less of as a preservice teacher during "normal" times.

An incredible benefit that has emerged during my time as a preservice teacher during this pandemic is the cohort of my fellow preservice teachers. We are constantly bouncing ideas off of each other, the group text flooded with collaboration daily. Some are asking for suggestions for adapting a project or a teaching strategy to better serve our students during this time, others are sharing feedback they have

received from advisors or their own cooperating teachers. We have come across many of the same situations and events over the past year, and we all experienced the duality of being both student and teacher. The community that has blossomed out of the challenges of student teaching during COVID is something I would never trade.

Like all of us, I hope to see more normalcy in our schools in the coming year. I hope that my future students will be able to sit shoulder-to-shoulder, working on group assignments. I hope to be able to teach in an actual classroom, but I have

learned that teachers and students alike are resilient. I have learned more in the past year as a preservice teacher than I ever could have imagined. I have begun developing skills that I am sure will help me thrive as a teacher next fall, many of which would have been less likely in other circumstances. I am leaving this year with colleagues and friends for a lifetime, having endured and persevered throughout this year together.

Time Capsule

Alexander Pope IV

To recognize the organization's 50th year anniversary in 1953, the Middle States Council for the Social Studies published an extended issue focused on Citizenship Education. Eighteen articles in that issue explored what was then known, believed, and hoped about citizenship education in the United States. Particular papers focused on better understanding the first 50 years, marking important territory in 1953, and making predictions about the next 50 years. In this issue, we include a reprint of Patrick Murphy Malin's article from that issue. Titled "Ideals and Goals of Citizenship Education," Malin's article explores some of the guiding principles that he felt should inform school-based practice for democratic citizenship.

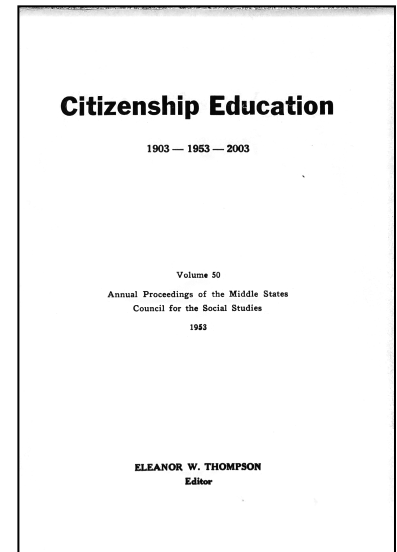
As the second Executive Director of the American Civil Liberties Union (ACLU) Malin brought a particular focus to his article. In fact, his article is more about civil liberties and their importance to education than it is about the sort of direct citizenship education we might expect from the time period. There is little concern for things like the responsibilities of citizens, even to their communities. Instead, Malin organizes his writing around three "prime liberties in our system": freedom, justice, and equality.

Those concepts, Malin argues, must be the central focus of any effort to educate students in or about citizenship. All experiences must begin with a concern for the freedom of the individual, the justice of all people in face of the law, and the inherent equality of anyone living in the United States. Malin helps us distinguish crucial liberties from the sorts of rights and responsibilities that many think of in citizenship education:

In the first place, civil liberties are not freedom of speech, or due process, or equality before the law; they are all three. In the second place, you cannot apply them just when you feel like it; you apply them in season or out of season. And, in the third place, you do not apply them just for your favorite causes, but also for the causes of your opponent, however loathsome you may find him in his use of free inquiry and communication, due process and fair trial, and equal protection of the law.

Malin was himself complicated. The son of a wealthy banker and Quaker, he mostly turned his back on an expected life as bank president in Missouri. From a member of the ACLU he became Executive Director and created the chapter model that the organization still runs on. But perhaps Malin did not always put his words into practice; he has been accused of failing to use the ACLU to push enough against Joseph McCarthy, even as the Senator attacked ACLU board members as Communist sympathizers.

Malin claims that "controversy is the means whereby democracy keeps enriching itself," and he asks us to consider the role that controversy can and should play in our classrooms. With so much controversy swirling in societies today, we hope that you find some solace in Malin's final suggestion, that "we must keep our civil liberties alive by practicing them."



THE 1953 COVER

IDEALS AND GOALS OF CITIZENSHIP EDUCATION

Patrick Murphy Malin

Executive Director of the American Civil Liberties Union,
New York, New York

As far as civil liberties are concerned, as one goal of citizenship education, I would settle for three things: First, that our students should know what civil liberties are, and what they are not. Second, that in defining the extent and the limits of civil liberties in American free democracy, there should be a constant realization of the experiment, choice, and risk involved. And third, that in assessing how we are getting along with respect to civil liberties in American free democracy at any given moment, we should avoid both extremes of despair and complacency.

Civil Liberties have three key words—freedom, justice, and equality. The civil liberty of freedom in American democracy is not a charter of anarchy. It is free inquiry and communication, as set forth chiefly in the first amendment to the Federal Constitution. It is freedom of religion, freedom of speech, freedom of the press, freedom of peaceable assembly and freedom of petition.

The civil liberty of justice in American democracy is not a guarantee that every verdict will be correct. It is justice in the sense of due process and fair trial, as set forth chiefly in Amendments 2 through 10 of the Federal Constitution, the remainder of the Bill of Rights. It is justice in the sense of scrupulous observance of rules of procedure laid down in advance, generally recognized as universally applicable—to be distinguished from the arbitrary decision of a case at a given time and in a given place according to whoever has the power at that time and place.

The civil liberty of equality in American democracy is not a declaration that every one of us is in fact equal to every one else—physically, mentally, or spiritually. It is equality before the law, as set forth chiefly in Amendments 13, 14, 15, and 19. It is an insistence on people being treated in terms of their individual merits and demerits rather than on the basis of their accidental membership in racial or credal or national origin groups. It is an insistence on keeping separate things separate, recognizing distinctions only when based on strictly relevant functional grounds. For example, there are biological differences between men and women, and some of them are relevant in industrial health protection. But the distinctive laws for the industrial protection of women interfere discriminatorily with women's freedom of contract, and they are constitutionally defensible only to the extent that they rest on strictly relevant functional grounds.

Civil liberties, therefore, whether in terms of freedom of inquiry and communication, or in terms of due process and fair trial, or in terms of equality before the law, ought not to be thought of as covering the waterfront. They simply represent channels for traffic. They say nothing at all in themselves about marriage and divorce arrangements. They say nothing at all in themselves about how much, if any, of the cost of medical care should be borne socially and how much individually. They say nothing at all in themselves about whether the North Atlantic Treaty Organization is good, bad or indifferent for the peace of the world. All that the civil liberties of inquiry and communication, due process and fair trial, and equality before the law, do for us is to keep the channels open for the discussion of all of the problems that we have to decide experimentally.

But, even though they have limits, these three great civil liberties are the prime liberties in our system, and they are in three vital senses universal. In the first place, civil liberties are not freedom of speech, or due process, or equality before the law; they are all three. In the second place, you cannot apply them just when you feel like it; you apply them in season or out of season. And, in the third place, you do not apply them just for your favorite causes, but also for the causes of your opponent, however loathsome you may find him in his use of free inquiry and communication, due process and fair trial, and equal protection of the law.

All of this involves experiment and choice and risk. One of the most astonishing and hateful characteristics that has somehow crept into us lately is our feeling that we can have all of this cake and eat it too; that we can have all of these liberties without cost; that we should never be expected to pay in our time anything what was paid by our forefathers, who documented these liberties and made them embryonically available to us in the common law of Britain and in the Constitution of the United States.

Everything of this sort involves risk because you cannot have a society composed of free people without confronting each of its members with the danger implicit in the freedom of each other member. We should be on Easy Street, in one sense, if we were willing to be interested only in order; we could have it, for a while, under tyranny. Or, we should be on Easy Street if we were willing to be interested only in freedom; we could have it, for a while, under anarchy. But the glory as well as the perplexity of American freedom is that we want the optimum blend of both order and freedom, and we pay for that double desire by experiment and choice and risk.

Lincoln in his first message to the Congress asked this fundamental question: "Must a government of necessity be too

strong for the liberties of its citizens or too weak to maintain its own existence?" Now, we shall never get a Solution to that problem. All we shall get is a series of small solutions, experimentally, and by choice between risks.

We have been very lucky in American history, from colonial times onwards, with respect to our civil liberties. They have been buttressed by the circumstances of peace and prosperity and a population made up of successive waves of immigrants coming here with intense appetites for individual freedom of one sort or another. Today, however, we no longer have peace so easily. We no longer have prosperity without paying the cost of technological complexity and governmentalization. We no longer have a population interested only in freedom and with lots of land to work it out on; we have a population concentrating on security because of the terrifying complexity of the industrial civilization in which it lives.

Every time I go to Monticello, I feel as if I am an unprofitable servant. I say to myself, in effect. "What wouldn't I give to be the size of Jefferson, and to be able to do for civil liberties what he did for them." Then I come away from Monticello, and I read an historical marker at the edge of Charlottesville which says: "Population in 1775, 100"; and my dignity is restored, because I can say to myself: "He had it easy." People are the cause of the trouble in civil liberties! We have to cope with millions of them, often in one place; and it is impossible to maintain freedom of inquiry and communication, due process and fair trial, and equality before the law so easily when you have got that many people around, organized in masses and with high stakes in their pushing and hauling.

Well, in 1953—50 years out in the life of your organization, 175 years out in the life of our federal government, 300 years out in our organized Eastern Seaboard life—we face in this country at this time what I suppose is the hardest challenge ever directed at belief in freedom of inquiry and communication, due process and fair trial and equality before the law. Is it possible to have the basically necessary free channels in a society which is as complicated as ours is and as demanding of swift solutions to all problems? How are we getting along and what are the prospects? There seem to me to be many threats. I cannot be complacent. There seem to me to be many gains. I cannot be despairing.

In the realm of equal protection of the law, non-discrimination except on the basis of individual merit and demerit, the high courts of this country are within a few years of outlawing. There will be much left to do afterwards. There will be lower court judges guilty of lag or reaction. There will be executive

and legislative officials, at all governmental levels, guilty also. Our neighbors will be guilty, and we shall be guilty. The filibuster will continue to block the federal civil rights program, and we therefore face long years of working chiefly by means of state and local laws and ordinances, and plain garden-variety voluntary education in home and church and school, for the non-discriminatory treatment of people on the basis of individual merit and demerit, keeping separate things separate, recognizing only strictly relevant, functional grounds of distinction.

We shall, also, I think, have an ever larger problem of making as sure as we can that the great intra-societal organizations, like the trade unions, practice internal democracy—for example, in avoiding discrimination against their Negro members. A society which is dynamic is never out of the woods. Every time it creates from within itself a great sub-organization like a corporation or a trade union, then it has all over again the general problem of citizenship rights in that new setting. Do corporation officials treat rank and file stockholders without fraud? Do trade union officials treat rank and file members with freedom of inquiry and communication, with due process according to union law, and with equality before that union law without discrimination except on individual merit and demerit?

With respect to due process and fair trial, we are once again, as far as the high courts are concerned, in fairly good order. It must have cost a good deal—humanly speaking—for the district court judge in Washington to free the Chicago gambler from citation of congressional contempt because of his refusal to answer questions of the Kefauver Commission on grounds of possible self-incrimination; but he did so, and in doing so he was in the best American tradition of keeping intact its due process, rules of procedure laid down in advance generally recognized as universally applicable.

Those rules of procedure become more and more significant, as well as more and more difficult to apply, with the growing complexity and governmentalization of society. Consider, at one end of the social scale, government by hearing, whether congressional or administrative. I don't see how you can run a complex society like ours democratically without such hearings. But it is equally vital to democracy that those hearings be conducted by due process, even though the details of due process are necessarily different for a Congressional hearing room from what they are in a decorous court room.

The basic standards of due process are four: Specification of charges, full and fair hearing, considered judgment on the basis of reasoned findings, and opportunity for review and appeal. Well, a House Ways and Means sub-committee in December 1951 called a Chicago lawyer to testify, and he said

that the then General Counsel to the Bureau of Internal Revenue was a member of a corrupt clique. I shall never know myself whether he was or not; but I know that what happened that evening was not due process: the testimony, given in closed session, was released to the newspapers by the subcommittee's counsel, without asking its members, and without any opportunity for prompt counterstatement in the forum where the adverse testimony was given.

Congress must never be asked to surrender the dearly-bought democratic right of immunity for whatever the people's representatives want to say in the course of doing their work. But it may properly be asked to proceed rapidly, from the beginning which it is happily making, in adopting such self-denying ordinances as are needed to guarantee due process in hearing procedures.

In May 1952 the United States Steel Corporation became a "minority" for a moment (to think that we should live so long), when the President of the United States seized the steel plants. The American Civil Liberties Union then said to him, in effect: "For you to claim, even in an emergency, that the President of the United States has some sort of an inherent or residual power not expressed or clearly implied in the Constitution, is to wreck the basic concept of American constitutional liberties—specified, limited, delegated power." And when the Supreme Court upheld that view, the United States Steel Corporation and the other steel companies had cause to be thankful that in roughly all particulars we still observe due process in this country.

Consider, at the other end of the social scale, the problem of maintaining minimal order and decency in our vast cities without cutting the due process of citizens. I have an ethnic affinity for all metropolitan cops. They are always named Monaghan or Gallagher, and the Murphy in me responds to that! I also have a tremendous respect and gratitude towards them, because they do for me what I take for granted from them. They maintain that minimal order and decency. They like the British professional army in 1914 "save the sum of things for pay." They are underpaid, they are understaffed, they are under-instructed; and yet they keep for us minimal decency and order. It is no wonder that, as they go about their unmanageable task of coping with gangsterism, racketeering, and punksterism, they should be tempted constantly to take short cuts across due process; but we must constantly be alert, as citizens, to prevent their taking those short cuts of brutality or coercion or plain and simple neglect of constitutional rights. Because those who are members of lower-income groups, and especially minority groups, in our great cities, have their chief experience with democracy in the course of their relations with the police, the prosecutors, and the lower court judges; they are prey to the temptation of various kinds of

extreme action unless that experience convinces them of the fairness of procedures.

The third civil liberty, freedom of inquiry and communication, is threatened much more than either of the other two—though, even here, I am happy to say there are people who continue to speak out despite what is commonly called, though not by me, hysteria. This is not a matter any longer of mounting a soap box or hiring a hall to preach some absurdity. This is a matter of official censorship and pressure-group boycott and suppression in the mass media of books, magazines, newspapers, television, radio, the theatres and movies—often undertaken for the noblest of religious motives, but nevertheless dangerous.

I am a Quaker, by virtue of the English Malins having over-ridden the Irish Catholic Murphys and the German Lutheran Werkheisers and the Scottish Presbyterian Campbells; but, even as a Quaker, I have moments of wanting to use any instrumentality I can lay my hands on to get other people to do what I am sure is for their moral and spiritual good. So, I can sympathize with what frequently occurs.

In Memphis, where Protestants are strong, the censor will not let Charlie Chaplin's slapstick movies of the early 1900's be shown—not because of their content, but because Charlie Chaplin is an "ungodly" man. I know exactly what he is worried about, for having had children, I know that it is possible for children to worship the artist so much that they emulate the man. But our society includes adults, and adults are people, too! So, we must take some risks; and not, on the basis of that reasoning, exclude people from listening to Beethoven or from looking at Rembrandt (who were "ungodly" in exactly the same sense).

The movie, "The Miracle," which parodies a central doctrine of Roman Catholicism, was banned in New York, under a state censorship law forbidding "sacrilege." The U. S. Supreme Court, however, decided 9-0 that "sacrilege" is too vague a word for censorship, because what is sacrilege to the Roman Catholic is not sacrilege to the Presbyterian, what is sacrilege to the Mohammedan is not sacrilege to the Quaker. We have all kinds of people, all citizens. That is the trouble with democracy: everywhere you look there are citizens! They vary, and what is objectionable to one is another's freedom of speech. We pay the costs involved, for the sake of the great gain produced.

Then there is "Oliver Twist." "Oliver Twist" was written by an eminent Victorian who was against child exploitation, and he dipped his pen in acid when he drew the figure of Fagan. Fagan makes it in part an anti-Semitic book, and when J. Arthur Rank made the movie, he faithfully reproduced that anti-Semitic part as well as the rest. But I think the Jewish

organizations which worked to prevent its being shown in its original form did more harm than good, not only to our Jewish fellow-citizens but to all of us, by departing from the principle of free speech—even when it hurts.

A second matter of great and growing importance in the realm of free inquiry and communication is the preservation of variety and freedom in our educational system. Variety and freedom in education, especially in our public schools, are being attacked in various ways—often in the name of “non-controversiality.” But controversy is the means whereby democracy keeps enriching itself; and, in this country, the most heterogeneous society as yet created, we have not a chance of having truly representative schools staffed by non-controversial teachers. We could have non-controversial schools, but we should have them at the price of not having anybody on the faculty who was worth listening to even in a non-controversial way! We can not train students for citizenship in our kind of free and varied community except by giving them practice—progressively, as their minds are able to take it—in dealing with controversy.

That means, for example, indicating that there is some difference of opinion among Catholics and Protestants and Quakers as to exactly what occurred during, and as a result of, the Protestant Reformation. We must teach with as much objectivity and tolerance as is humanly possible, but we must equally be unafraid to deal—in variety and freedom—with all the important areas of human experience.

This problem is infinitely more important and more enduring than the problem of Communist teachers, who never have been more than a microscopic and feeble crew, significant only in a few places. Too often the effort to solve that problem is trapping us into a general undermining of variety and freedom, our basic educational aim.

A third matter, of transcendent importance to free speech and civil liberties generally, is the relation of national security and civil liberties. This problem is going to be chronic, as long as you and I and our children and our grandchildren live.

The men in the Kremlin, whatever their tactics at any specific moment, are either bent on war, or bent on purposes for which they are willing to risk war, or think that war is inevitable. Hence they do all they can, outside of this country and inside this country, to prepare for war and to undermine us as their chief opponents. And we thus face five kinds of subversive action: violence, treason in its technical sense of giving aid and comfort to a formally declared enemy, espionage, sabotage, and infiltration followed by disruption of policy in positions of power and trust—especially, so far, the last three.

We must prevent and punish such actual subversive acts,

whatever their form—little or big, individual or group, open or secret; whatever their prospects of success or failure, as soon as they can be identified as acts, or imminently threatened acts, as distinguished from mere talk. But that is a police job.

On the other side, we must keep our civil liberties alive by practicing them. They are only what they always have been, but they are all that they always have been—freedom of speech this side of the line of clear and present danger of illegal action, due process and fair trial even for those charged with violating the law, and equal protection of the law for all who abide by the law.

Eternal vigilance, the price of liberty, will always have to be paid by all of us who want both a free nation and a free people. Our students will have to learn what civil liberties are and what they are not; the experiment, the choice, the risk involved; and the necessity of avoiding both despair and complacency.

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- Submissions may be up to 2,500 words, not including references

Guidelines for Classroom Notes:

Classroom notes focus on sharing specific classroom strategies and reflections on teaching experiences. Adhere to the following guidelines:

- Ground your strategy or experience in best practices
- Follow APA formatting (find basic APA guidelines [at this link](#))
- Include links to reproducible materials
- Explain the materials' use and success
- Submissions may be up to 1,000 words, not including references

Submission due to Editors: **First Friday in August**

Issue published in late 2021

Send Word files to journal.msccss@gmail.com. Other file formats will not be accepted.

