

Subject: Civics and Government

Grade Level: 9 – 12

Standards:

Indiana DOE

Academic Standards (11):

United States Government USG.1.1

Define civic life, political life, and private life and describe the activities of individuals in each of these spheres.

United States Government USG.2.3

Analyze and interpret central ideas on government, individual rights, and the common good in founding documents of the United States.

United States Government USG.2.8

Explain the history and provide historical and contemporary examples of fundamental principles and values of American political and civic life, including liberty, security, the common good, justice, equality, law and order, rights of individuals, diversity, popular sovereignty, and representative democracy.

United States History 1877 to the Present USH.8.8

Explain the background and effects of the September 11, 2001 terrorist attacks on US foreign and domestic policy.

United States History 1877 to the Present USH.9 Post 9/11 United States:

Students examine the political, economic, social, and cultural development of the United States during the period after 9/11.

11-12.LH.1.1:

Read and comprehend history/social studies texts within a range of complexity appropriate for grades 11-CCR independently and proficiently by the end of grade 12.

11-12.LH.4.3:

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

11-12.LH.5.1:

Write arguments focused on discipline-specific content.

11-12.LH.5.2:

Write informative texts, including analyses of historical events.

LESSON PLAN – FREEDOM OF SPEECH DURING TIMES OF WAR

11-12.LH.7.1:

Conduct short as well as more sustained research assignments and tasks to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

11-12.LH.7.3:

Draw evidence from informational texts to support analysis, reflection, and research.

National

College, Career and Civic Life (C3) Standards

National Standards for Civics and Government (22)

Grades: 9-12 II.D.4

Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles may be in conflict.

Grades: 9-12 II.D.4.1

To achieve this standard, students should be able to describe historical and contemporary issues which involve conflicts among fundamental values and principles and explain how these conflicts might be resolved

Grades: 9-12 II.D.4.1.c

individual rights and the common good

Grades: 9-12 V.B

What are the rights of citizens?

Grades: 9-12 V.B.1

Students should be able to evaluate, take, and defend positions on issues regarding personal rights.

Grades: 9-12 V.B.1.1

To achieve this standard, students should be able to explain the meaning of personal rights as distinguished from political rights, e.g., the right to privacy or the right to freedom of conscience as distinguished from the political right to peaceably assemble and petition for a redress of grievances

Grades: 9-12 V.B.1.3

To achieve this standard, students should be able to explain the importance to the individual and to society of such personal rights as

Grades: 9-12 V.B.1.3.c

freedom of expression and association

LESSON PLAN – FREEDOM OF SPEECH DURING TIMES OF WAR

Grades: 9-12 V.B.2

Students should be able to evaluate, take, and defend positions on issues regarding political rights.

Grades: 9-12 V.B.2.3

To achieve this standard, students should be able to explain the importance to the individual and society of such political rights as

Grades: 9-12 V.B.2.3.a

freedom of speech, press, assembly, petition

Grades: 9-12 V.B.5

Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.

Grades: 9-12 V.B.5.5

To achieve this standard, students should be able to evaluate positions on a contemporary conflict between rights and other social values and interests, e.g., the right of the public to know what their government is doing versus the need for national security, the right to property versus the protection of the environment

Grades: 9-12 V.B

What are the rights of citizens?

Grades: 9-12 V.B.4

Students should be able to evaluate, take, and defend positions on the relationships among personal, political, and economic rights.

Grades: 9-12 V.B.5

Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.

Grades: 9-12 V.B.5.2

To achieve this standard, students should be able to evaluate the argument that all rights have limits

Grades: 9-12 V.B.5.3

To achieve this standard, students should be able to explain considerations and criteria commonly used in determining what limits should be placed on specific rights, e.g.,

Grades: 9-12 V.B.5.3.f

public safety.

LESSON PLAN – FREEDOM OF SPEECH DURING TIMES OF WAR

Grades: 9-12 V.B

What are the rights of citizens?

Grades: 9-12 V.B.1

Students should be able to evaluate, take, and defend positions on issues regarding personal rights.

Grades: 9-12 V.B.5

Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.

Materials Needed:

Students will need access to:

- Video, Freedom of Speech During Times of War (Length 3:28 Minutes)

Learning Objectives:

- Review national laws that limited American citizens' free speech during times of war.
- Consider what threats warrant limiting or suspending some provisions of the Bill of Rights.
- Compare the Patriot Act (as amended) with earlier laws for this purpose.

Introduction/Anticipatory Set:

Do citizen criticisms of the government undermine the nation's ability to defend itself in wartime?

Dr. Jett explains that Congress has limited free speech at various times to promote national unity and prevent adversaries from demoralizing or dividing the nation. Such measures have been temporary because they prevent healthy discussion of national policy and could allow a demagogue to assume power. For this reason, Congress is reluctant to approve such laws and national leaders who implement them are likely to be condemned as power-hungry enemies of democracy.

Body of Lesson:

1. Summarize and compare the provisions of American laws that limited free speech in time of war.

Assign various students to research and write a one-page summary of each of these laws: (1) Sedition Act of 1798, (2) Espionage Act of 1917, and (3) Sedition Act of 1918. Each group should answer these questions as part of their report: What war prompted the passage of this law? Are any of its provisions still in effect? What did Congress hope to avoid by enacting it?

2. Discuss threats to national security that could cause Congress to limit some provisions of the Bill of Rights.

This study focuses on wartime laws that restrict freedom of speech and press, but other rights might also be suspended, depending on the nature of the threat. List these features of the Bill of Rights on a marker board and ask students, “Can you think of a national threat that should cause us to deny people this right, at least temporarily?”

- Right of free speech, press, public assembly, and petition.
- Right to keep and bear weapons.
- Right to deny soldiers lodging in the citizen’s home.
- Right to deny unreasonable searches and seizures.
- Right to a fair and trial by jury.

Unlike earlier laws that restricted free speech, the Patriot Act gave Federal agencies broad powers to monitor personal communications.

Modern technology allows citizens to exchange millions of messages each day, so the Patriot Act allows law enforcement agencies to scan messages electronically for terrorist activity, sometimes without obtaining a search warrant in advance.¹ The Act prohibited speech that might give “material aid” to terrorists, but did not specify what would constitute such speech. This question has been tested by numerous lawsuits and hotly debated in Congress, but was still unresolved when the Patriot Act expired on March 15, 2020. Ask students to write a one-page description of some kinds of statements that would aid terrorist adversaries of the United States, with examples. Discuss a few selected papers as a group.

¹David L. Hudson, Jr., “Free Speech During Wartime,” *First Amendment Encyclopedia*, Middle Tennessee State University, <https://www.mtsu.edu/first-amendment/article/1597/free-speech-during-wartime>, accessed December 16, 2021.

Summary/Closure

We often assume that the Bill of Rights, the first ten amendments to the U.S. Constitution, describe essential privileges of American citizenship that will never be modified, but national leaders have often modified them during times of war. This lesson explores why. Finally, we turn our attention to a law commonly known as The Patriot Act, which placed significant limits on the First Amendment to safeguard the nation against terrorism. Students evaluate the effectiveness of this law and consider why it was allowed to lapse.

Extension Activities

One of the most controversial results of The Patriot Act was its impact on the privacy of individual citizens. The law authorized government agencies to collect data on citizens' communication with foreign entities by expanding the scope of a 1978 law known as the Foreign Intelligence Surveillance Act (FISA). Congress enacted a new law known as the USA Freedom Act to address these problems. FISA was further amended in 2008 and 2020. Point students to the following links to review these changes to FISA:

- [Confrontation or Collaboration?: Congress and the Intelligence Community](#)
- [FISA Amendments Act of 2008](#)
- [USA Freedom Act of 2015](#)
- [2020 FISA Oversight Correction Act](#)

Ask, “Do you think the Bill of Rights give you the right to privacy? How might these laws affect your right to privacy?”

Assessment

High-school students may be surprised to learn how citizens' rights were limited in wartime to protect national security. Since they grew up in a post-9/11 world, they may not be aware of the controversy surrounding The Patriot Act and other laws passed since that time. This lesson gives them an opportunity to think critically about how the nation tries to balance security and freedom.

Coming to Terms

Espionage—spying on a nation to provide military secrets to an adversary.

Privacy—an individual’s right to keep personal information confidential.

Sedition—inciting people to rebel against the authority of a state or monarch.

Surveillance—monitoring the activities of a suspected adversary.

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