

## EXERCISE

# DEBATING LIBERTY

This exercise was developed by Kathryn Notarpole, a 7<sup>th</sup> grade teacher in Arizona as part of her final project for the 2013 Civil War Washington Teacher Fellows program. *Debating Liberty* is designed for students in grades 7–12.



“Liberty” by William Woodward, 2007  
© President Lincoln’s Cottage

## ESSENTIAL QUESTIONS

- What is the definition of liberty?
- To whom did liberty apply in the 1860s?
- How do you protect the liberties of all people?

## STANDARDS ALIGNMENT

- ◆ CCSS.ELA-Literacy.WHST.6-8.1 Write arguments focused on *discipline-specific content*.
- ◆ CCSS.ELA-Literacy.RL.7.1 Cite several pieces of textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.
- ◆ CCSS.ELA-Literacy.RL.7.2 Determine a theme or central idea of a text and analyze its development over the course of the text; provide an objective summary of the text.

## MATERIALS

- ◆ Liberty poster  
(on reverse of *President Lincoln’s Cottage* school program brochure)
- ◆ Civil War Character Sheet ..... page 5
- ◆ Address at a Sanitary Fair, President Abraham Lincoln, Baltimore, MD, April 18, 1864 ..... page 6
- ◆ Analysis of Liberty Parable in Lincoln’s Address at a Sanitary Fair ..... page 7
- ◆ Excerpts from the United States Constitution ..... page 8
- ◆ Confiscation Act of 1861 ..... page 9
- ◆ Militia Act of 1862 ..... page 10
- ◆ Emancipation Proclamation, January 1, 1863 ..... page 11
- ◆ 13<sup>th</sup> Amendment, January and December, 1865 ..... page 12

**TIME:** Three, 55 minute class periods

## CLASS 1

### INTRODUCTION

Project will be described and timeline developed with the students. Teacher will share Lincoln's parable of the Sheep and the Wolf and students will discuss as a class the meaning of liberty in terms of America during the Civil War. The class will also receive their groups and documents and begin document analysis.

- ◆ Students divided into groups with the goal of analyzing primary sources to support the side they are given in the debate.
- ◆ Teacher shares the essential questions for the activity and then reads Abraham Lincoln's Address at a Sanitary Fair to discuss his parable about the sheep and the wolf.  
Discuss as a class the general meaning of this parable and the essential questions.

#### DIVISION OF STUDENTS:

Students are divided into 3 groups of 9-10 students with the following perspectives:

- ◆ Legislation supports liberty
- ◆ Legislation limits liberty
- ◆ Judges for the court

Groups 1 and 2 are tasked with analyzing all the documents from the perspective that they support or limit liberty. Each student will create a "notes page" to use during the debate.

The Judges group is tasked with analyzing each document and creating questions for both sides to answer during the debate. They need to look at the documents from both positions without including their opinion.

## CLASS 2

### DEVELOPMENT

Groups will analyze their documents and create arguments to support their position on liberty.

Students return to their groups to continue analyzing documents and preparing for their Pro Se Court. Students will collaborate with their group members keeping in mind that during the debate they will have to support their position with their own information and notes.

## CLASS 3

### PRESENTATION

Students will be divided into a Pro Se Court setting where they will debate their position on liberty with the opposing side.

- ◆ Students are divided into 10 courts. Each court contains one judge, one supporter of the legislation, and one who is against it.
- ◆ Students are given 25 minutes to debate legislation supporting or denying liberty. The judge will help move the debate along by questioning both sides as well as by keeping order in the court.
- ◆ Each judge will have a minute to decide who "won" the case. These decisions will be shared with the class for a discussion on which arguments helped with that decision.

**CLASS 1****INTRODUCTION OF PROJECT AND PROCEDURES****INTRODUCTION** (5 Minutes)**DO-NOW** (15 Minutes)

- ◆ Q&A session to review prior knowledge of the Civil War
- ◆ Share instructions for exercise with students
  - ❖ Students are divided into groups with the goal of analyzing primary sources to support the side they are given to debate.

**PROCEDURE** (30 Minutes)

- ◆ Share the essential questions for the exercise and read from Lincoln's *Address at a Sanitary Fair*.
- ❖ Lead the class in an analysis of the meaning of this parable. See page 7 for the *Analysis of Liberty Parable in Lincoln's Address at a Sanitary Fair* template. Copy and paste the text for each "card" in this guide (Card #1-Card #5) on a separate piece of paper. Have five students volunteer to read aloud from the card give to him or her. Starting with Card #1, have the student read the text and lead students in a discussion using the sample analysis questions in the guide. Continue until all five cards have been read and discussed.
- ◆ Divide the students:
  - ❖ Students are divided into 3 groups of 9-10 students.
    - ❖ Group #1: The legislation supports liberty
    - ❖ Group #2: The legislation limits liberty
    - ❖ Group #3: Judges for the Pro Se Court
  - ❖ Groups 1 and 2 are tasked with analyzing the documents and discussing how the legislation supports or limits liberty. Each student will create a notes page to use during their court.
  - ❖ Group 3 is tasked with analyzing each document and creating a list of questions for both sides to answer during the debate. This group should look at the documents from both positions without including their own bias or opinion.

**CLOSURE AND ASSESSMENT** (5 Minutes)

- ◆ Walk around the room to check for student understanding and assist as needed.

**CLASS 2****ANALYSIS****INTRODUCTION** (5 Minutes)**DO-NOW** (45 Minutes)

- ◆ Students should return to their groups to continue analyzing their documents and preparing for their Pro Se Court.

**REFLECTION AND CLOSURE** (5 Minutes)

- ◆ Remind students of the procedure for the Pro Se Court to take place in Class 3. At this time, students should ask any questions they may have and/or seek clarification on documents or procedures.
- ◆ Walk around the room to check for student understanding and assist as needed.

**CLASS 3****PRO SE COURT****INTRODUCTION** (5 Minutes)

- ◆ Students are divided into 10 courts. Each court contains one member from each of the three groups (previously divided in Class 1).

**DO-NOW** (25 Minutes)

- ◆ Students are given 25 minutes to debate whether the legislation supports or limits liberty. The judge will help move the debate along by questioning both sides and keeping the court in order.
- ◆ At the end of the 25 minutes, each judge will have one minute to determine who "won" the case.

**CLOSURE** (20 Minutes)

- ◆ Each judge will then share their decisions with the rest of the class. These judgments will be shared with the entire class, who will then discuss which arguments helped with that decision. This process will bring key points of each court to the attention of the full class.

**ASSESSMENT** (5 Minutes)

- ◆ At this time, students should turn in their notes page.
- ◆ Assess each court as it is being debated.
- ◆ Students will peer and self assess each participant in their court.

## TAKING IT FURTHER

### VARIATIONS

- ◆ Use documents provided to have a general, philosophical debate on liberty.
- ◆ Give students each a Civil War “character role” and they must debate and write an argumentative essay from the position of their particular character. Have each student fill in the Civil War Character sheet on page 5.
- ◆ Judges will perform each piece of legislation as an oratory performance before the debate begins.

### CHARACTER ROLES FOR CIVIL WAR STUDY

Two of each (roles may be duplicated for larger classrooms):

- ◆ Former field slave from South Carolina who fought for the Union
- ◆ Literate, mixed race former slave from Maryland (man or woman)
- ◆ White cotton trader from New York and son
- ◆ White northern Virginia plantation owner
- ◆ Massachusetts writer with strong abolitionist ties (woman)
- ◆ White, Georgetown, D.C., dockworker (unable to fight)
- ◆ White schoolteacher from Kentucky (woman)
- ◆ Servant in the White House (man or woman)
- ◆ Free- African American entrepreneur (man or woman)
- ◆ Tradesman (option to be either pro-slavery or anti-slavery)

NAME: \_\_\_\_\_ GROUP # \_\_\_\_\_

**CIVIL WAR CHARACTER SHEET**

<b>Gender</b>	<b>Occupation</b>
<b>Description</b>	<b>Station</b> ( <i>servant, government official, businessman</i> )
<b>Educated</b>	<b>Free</b>
<b>Challenges</b>	<b>Accomplishments</b>

Think about your character as you read the resources at your table. Fill in each box to reflect the experience of your specific character.

## ADDRESS AT A SANITARY FAIR

Abraham Lincoln • Baltimore, MD • April 18, 1864

Ladies and Gentlemen—Calling to mind that we are in Baltimore, we can not fail to note that the world moves. Looking upon these many people, assembled here, to serve, as they best may, the soldiers of the Union, it occurs at once that three years ago, the same soldiers could not so much as pass through Baltimore. The change from then till now, is both great, and gratifying. Blessings on the brave men who have wrought the change, and the fair women who strive to reward them for it.

But Baltimore suggests more than could happen within Baltimore. The change within Baltimore is part only of a far wider change. When the war began, three years ago, neither party, nor any man, expected it would last till now. Each looked for the end, in some way, long ere to—day. Neither did any anticipate that domestic slavery would be much affected by the war. But here we are; the war has not ended, and slavery has been much affected—how much needs not now to be recounted. So true is it that man proposes, and God disposes.

But we can see the past, though we may not claim to have directed it; and seeing it, in this case, we feel more hopeful and confident for the future.

The world has never had a good definition of the word liberty, and the American people, just now, are much in want of one. We all declare for liberty; but in using the same *word* we do not all mean the same *thing*. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different, but incompatible things, called by the same name—liberty. And it follows that each of the things is, by the respective parties, called by two different and incompatible names—liberty and tyranny.

The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as a *liberator*, while the wolf denounces him for the same act as the destroyer of liberty, especially as the sheep was a black one. Plainly the sheep and the wolf are not agreed upon a definition of the word liberty; and precisely the same difference prevails to-day among us human creatures, even in the North, and all professing to love liberty. Hence we behold

the processes by which thousands are daily passing from under the yoke of bondage, hailed by some as the advance of liberty, and bewailed by others as the destruction of all liberty. Recently, as it seems, the people of Maryland have been doing something to define liberty; and thanks to them that, in what they have done, the wolf's dictionary, has been repudiated.

It is not very becoming for one in my position to make speeches at great length; but there is another subject upon which I feel that I ought to say a word. A painful rumor, true I fear, has reached us of the massacre, by the rebel forces, at Fort Pillow, in the West end of Tennessee, on the Mississippi river, of some three hundred colored soldiers and white officers, who had just been overpowered by their assailants. There seems to be some anxiety in the public mind whether the government is doing its duty to the colored soldier, and to the service, at this point. At the beginning of the war, and for some time, the use of colored troops was not contemplated; and how the change of purpose was wrought, I will not now take time to explain. Upon a clear conviction of duty I resolved to turn that element of strength to account; and I am responsible for it to the American people, to the christian world, to history, and on my final account to God. Having determined to use the negro as a soldier, there is no way but to give him all the protection given to any other soldier. The difficulty is not in stating the principle, but in practically applying it. It is a mistake to suppose the government is indiffe[re]nt to this matter, or is not doing the best it can in regard to it. We do not to-day *know* that a colored soldier, or white officer commanding colored soldiers, has been massacred by the rebels when made a prisoner. We fear it, believe it, I may say, but we do not *know* it. To take the life of one of their prisoners, on the assumption that they murder ours, when it is short of certainty that they do murder ours, might be too serious, too cruel a mistake. We are having the Fort-Pillow affair thoroughly investigated; and such investigation will probably show conclusively how the truth is. If, after all that has been said, it shall turn out that there has been no massacre at Fort-Pillow, it will be almost safe to say there has been none, and will be none elsewhere. If there has been the massacre of three hundred there, or even the tenth part of three hundred, it will be conclusively proved; and being so proved, the retribution shall as surely come. It will be matter of grave consideration in what exact course to apply the retribution; but in the supposed case, it must come.

## ANALYSIS OF LIBERTY PARABLE IN LINCOLN'S ADDRESS AT A SANITARY FAIR

**CARD #1:** "The world has never had a good definition of the word liberty, and the American people, just now, are much in want of one. We all declare for liberty; but in using the same *word* we do not all mean the same *thing*."

**Analysis/Questions:** Was the concept of "liberty" new during the Civil War? Before the War, in what context, documents, and from whom do we hear this word?

**CARD #2:** "With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor."

**Analysis/Questions:** Lincoln offers two different definitions for liberty.

**CARD #3:** "Here are two, not only different, but incompatible things, called by the same name---liberty. And it follows that each of the things is, by the respective parties, called by two different and incompatible names---liberty and tyranny."

**Analysis/Questions:** In fact, Lincoln says these definitions are opposites. What he does next is fascinating--instead of telling his audience which definition he believes to be right, he presents it in a parable, a literary technique familiar to him since childhood.

**CARD #4:** "The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as a *liberator*, while the wolf denounces him for the same act as the destroyer of liberty, especially as the sheep was a black one."

**Analysis/Questions:** Does it surprise you that Lincoln dives right in to the parable, with little set up? Why was he able to do this?

**CARD #5:** "Plainly the sheep and the wolf are not agreed upon a definition of the word liberty; and precisely the same difference prevails to-day among us human creatures, even in the North, and all professing to love liberty. Hence we behold the processes by which thousands are daily passing from under the yoke of bondage, hailed by some as the advance of liberty, and bewailed by others as the destruction of all liberty."

**Analysis/Questions:** How does this parable reflect/illustrate Lincoln's policy on emancipation? Which definition do you think best reflects the idea that Lincoln thinks is the "right" one?

DOCUMENT #1

CONSTITUTION OF THE UNITED STATES OF AMERICA

EXCERPTS RELATED TO SLAVERY

*Slave Trade—Article I, Section 9, Clause 1*

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

*Three/Fifths Clause—Article I, Section 2, Clause 3*

*(Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.)*

*Fugitive Slave Clause—Article IV, Section 2, Clause 3*

*(No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, But shall be delivered up on Claim of the Party to whom such Service or Labour may be due.)*



DOCUMENT #2

CONFISCATION ACT 1861

AN ACT TO CONFISCATE PROPERTY USED FOR INSURRECTIONARY PURPOSES.

It has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if, during the present or any future insurrection against the Government of the United States, after the President of the United States shall have declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employé, shall purchase or acquire, sell or give, any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned.

SEC. 2. And be it further enacted, That such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

SEC. 3. And be it further enacted, That the Attorney-General, or any district attorney of the United States in which said property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts.

SEC. 4. And be it further enacted, That whenever hereafter, during the present insurrection against the Government of the United States, any person claimed to be held to labor or service under the law of any State, shall be required or permitted by the person to whom such labor or service is claimed to be due, or by the lawful agent of such person, to take up arms against the United States, or shall be required or permitted by the person to whom such labor or service is claimed to be due, or his lawful agent, to work or to be employed in or upon any fort, navy yard, dock, armory, ship, entrenchment, or in any military or naval service whatsoever, against the Government and lawful authority of the United States, then, and in every such case, the person to whom such labor or service is claimed to be due shall forfeit his claim to such labor, any law of the State or of the United States to the contrary notwithstanding. And whenever thereafter the person claiming such labor or service shall seek to enforce his claim, it shall be a full and sufficient answer to such claim that the person whose service or labor is claimed had been employed in hostile service against the Government of the United States, contrary to the provisions of this act.

APPROVED, August 6, 1861

DOCUMENT #3

**MILITIA ACT OF 1862**

CHAP. CCI.—An Act to amend the Act calling forth the Militia to execute the Laws of the Union, suppress Insurrections, and repel Invasions, approved February twenty-eight, seventeen hundred and ninety-five, and the Acts amendatory thereof, and for other Purposes. ...

SEC. 12. And be it further enacted, That the President be, and he is hereby, authorized to receive into the service of the United States, for the purpose of constructing intrenchments, or performing camp service or any other labor, or any military or naval service for which they may be found competent, persons of African descent, and such persons shall be enrolled and organized under such regulations, not inconsistent with the Constitution and laws, as the President may prescribe.

SEC. 13. And be it further enacted, That when any man or boy of African descent, who by the laws of any State shall owe service or labor to any person who, during the present rebellion, has levied war or has borne arms against the United States, or adhered to their enemies by giving them aid and comfort, shall render any such service as is provided for in this act, he, his mother and his wife and children, shall forever thereafter be free, any law, usage, or custom whatsoever to the contrary notwithstanding: Provided, That the mother, wife and children of such man or boy of African descent shall not be made free by the operation of this act except where such mother, wife or children owe service or labor to some person who, during the present rebellion, has borne arms against the United States or adhered to their enemies by giving them aid and comfort.

SEC 14, ... in the service of the United States under this act shall receive the pay and rations now allowed by law to soldiers, according to their respective grades: Provided, That persons of African descent, who under this law shall be employed, shall receive ten dollars per month and one ration, three dollars of which monthly pay may be in clothing.

APPROVED, July 17, 1862

DOCUMENT #4

THE EMANCIPATION PROCLAMATION

JANUARY 1, 1863

A Transcription

By the President of the United States of America:

A PROCLAMATION.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

“That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.”

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth[]), and which excepted parts, are for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the Independence of the United States of America the eighty-seventh.

By the President: ABRAHAM LINCOLN  
WILLIAM H. SEWARD, Secretary of State.

DOCUMENT #5

**THE THIRTEENTH AMENDMENT  
TO THE UNITED STATES CONSTITUTION**

AMENDMENT XIII

**Section 1.**

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Section 2.**

Congress shall have power to enforce this article by appropriate legislation

Passed by Congress January 31, 1865. Ratified December 6, 1865.