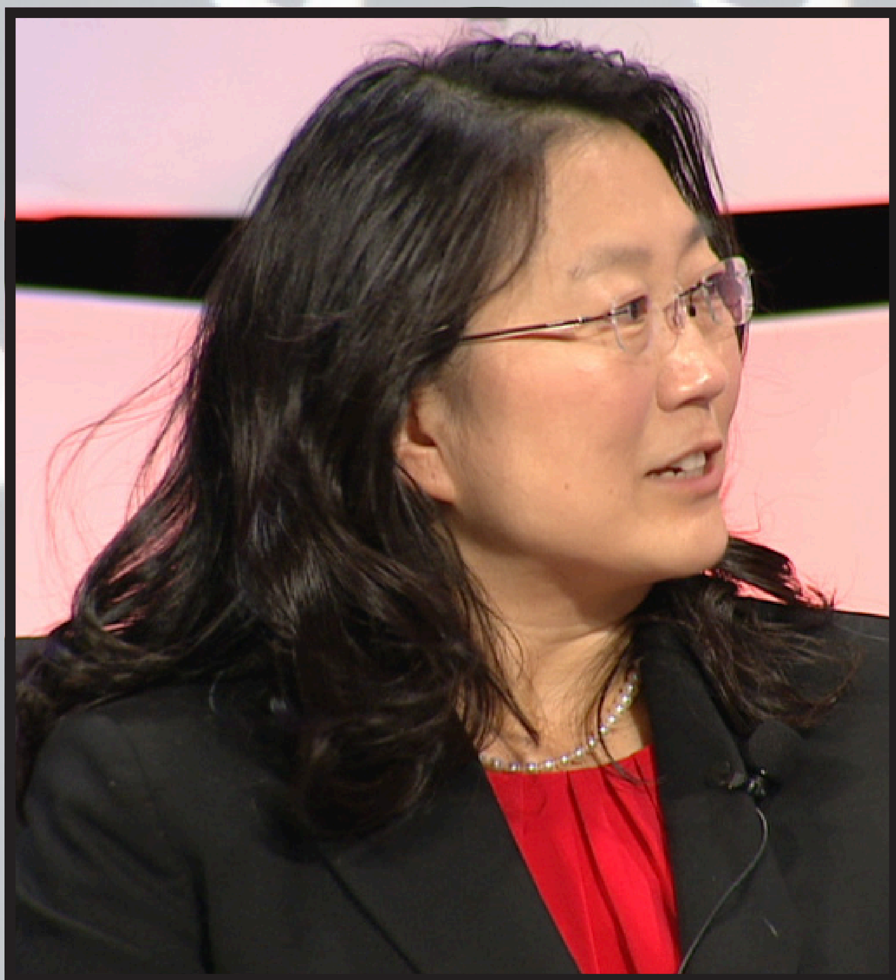
HOW TO BE AN AMERICAN


Judge Lucy Koh

Karen Korematsu

Also in this issue:
Conflict, Service, and Civic Involvement

National Council for the Social Studies
Number 62
May/June 2018
www.socialstudies.org

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How to Be an American: A Conversation between Judge Lucy Koh and Karen Korematsu

On Saturday, November 18, 2017, at a plenary of the NCSS Annual Conference in San Francisco, the Honorable Lucy Koh administered the Oath of Allegiance at the U.S. Citizenship and Immigration Naturalization Ceremony. Judge Koh is the first Asian American U.S. district court judge in the Northern District of California, the first district court judge of Korean descent in the United States, and the second Korean American federal judge. At the ceremony, 52 applicants from 21 countries became U.S. citizens.

After the ceremony, Judge Koh joined in conversation with 2017 Conference Co-chair Karen Korematsu, who is Founder and Executive Director of the Fred T. Korematsu Institute and the daughter of the late Fred T. Korematsu, the plaintiff in *Korematsu v. the United States*. The year 2017 marked the 75th Anniversary of Executive Order 9066 that President F. D. Roosevelt issued in 1942, giving the U.S. military the authority to forcibly remove anyone of Japanese ancestry from the West Coast and send them to any of ten Japanese American prison camps across the United States.

Who is in the History Report?

Both of these notable women shared stories from their families' histories. Koh recounted how her mother told of walking, as a young girl, with her uncle for two weeks from North to South Korea while the border was still porous. As the daughter of immigrants, Koh attended public schools in Mississippi, Virginia, and Maryland, and finally graduating from high school in Oklahoma. She recalled the quiet dignity and strength of Karen's father, and noted that the 1944 U.S. Supreme Court decision against him was described, by the three dissenting justices, as racist and unconstitutional. Later years revealed that the U.S. military had withheld information at the trial: there had been no evidence that Japanese submarines were communicating with any Japanese Americans on the west coast of America.

Karen Korematsu recounted how she discovered—in an 11th grade social studies class—that her father had been the plaintiff in a famous case. A classmate gave a report on *Korematsu v. the United States*. Karen described how her father's generation maintained a social "code of silence" as they struggled to rebuild their lives after the war had ended. Fred Korematsu waited almost 40 years to see justice; the case was finally reopened in 1983, and his conviction was overturned. In 1998 President Clinton awarded Fred Korematsu the Medal of Freedom, the highest civilian honor given in the United States.

Am I in the Song?

Judge Koh recalled an event from kindergarten when a boy aimed at her a mean, childish comment based on her Asian looks: "This land isn't your land!" It was a hurtful thing at that moment, but perhaps it awakened something in the young Lucy Koh that has energized her life's work over the years that followed. She addressed the audience, "Democracy is not a spectator sport. It depends on every single one of us in this

ON THE COVER: Judge Lucy Koh and Karen Korematsu at the 97th NCSS Annual Conference in San Francisco, California, November 18, 2017.

room engaging fully. So you have to vote, become involved in your community, teach your parents, siblings, spouses, kids, and members of your community about democracy, equality, the rule of law. Pay your taxes. Share your story with people who've never met someone from your country. Serve in the military or the government."

Seeing, Hearing, and Reading Our History

At the conclusion of their discussion, the audience (social studies educators, new U.S. citizens and their families, and others) reacted with enthusiasm. One teacher wished she "could bottle up the conversation and release it as a hologram in the classroom" to inspire her students.

In this issue of *Middle Level Learning*, we do the next best thing. We've transcribed key excerpts from the conversation and offer them as two student handouts, accompanied by some questions to spark discussion and inquiry. We've also posted those excerpts at the NCSS YouTube site for viewing by students and teachers. Those two video excerpts are about 4 minutes long, leaving plenty of time in a school period for class discussion. Find them listed as…

- **Judge Lucy Koh:** "Be Fully Engaged in Democracy"
- **Karen Korematsu:** "You can Make a Difference"

…on the NCSS *Middle Level Learning* webpage at **www.socialstudies.org/journalissue/middle-level-learning-may/june-2018.**

Finally, we also recommend that teachers consider requesting the free curriculum kit offered by the Fred T. Korematsu Institute, which now includes an expanded teacher's guide and new multimedia materials. Learn more about that organization and its resources at **www.korematsuinstitute.org.**

Questions for Class Discussion

(following reading of the handouts and/or viewing of the video clips)

1. Judge Lucy Koh lists some ways to be fully engaged in a democracy. What, in your opinion, are the five most important activities? Rank them 1 through 5, with 1 being the most important, then give reasons for your choices.

2. When Lucy was in kindergarten, a classmate told her that America was not her land. "It's not your land!" he said. If you heard a conversation like this among youngsters gathered, for example, on a playground in your neighborhood, would you intervene? Would you want speak to the two children separately or together? What questions might you ask the youngsters? What would you say to each child?

3. Karen Korematsu was 16 years old when she discovered, in social studies class, that her father was a plaintiff in a famous court case When do you think children are old enough to begin discussing controversial issues? Why do you think that?

4. Fred Korematsu disobeyed a law in 1942 that he thought was unjust. How can we tell whether a law is just or unjust? Should we be ready to suffer punishment if we break a law?

5. What do you think "restorative justice" means? Make a guess. (See pages 14 and 15). Do you think Fred T. Korematsu and other Japanese Americans who suffered imprisonment during 1942–44 were able to experience restorative justice decades later? Explain why you think so, or don't think so.

Handout 1

Judge Lucy Koh: Be Fully Engaged in Democracy

Saturday, November 18, 2017, in San Francisco, California

KAREN KOREMATSU: Judge Koh, what advice do you want to give to our new naturalized citizens? And what does it mean to be an American?

JUDGE LUCY KOH: My first piece of advice is that Democracy is not a spectator sport. It depends on every single one of us in this room engaging fully. So you have to vote, become involved in your community, teach your parents, siblings, spouses, kids, and members of your community about democracy, equality, the rule of law. Pay your taxes. Share your story with people who've never met someone from your country. Serve in the military or the government.

My husband was born in Mexico. He's a naturalized U.S. citizen, and yet he interprets the law of California on the state's highest court.

Run for office. Volunteer or contribute to someone else's campaign for office. Encourage your family and friends to fully engage in democracy. Speak up. Speak out. Write a letter to your newspaper editor. Your opinion matters. You matter.

One of the things I wanted to put in a plug for is serving on a jury service. It is in the Sixth Amendment to the U.S. Constitution which

provides the accused "the right to a speedy and public trial, by an impartial jury." So when you do your jury duty, you're actually fulfilling the promises of our Constitution. It's actually a privilege. People don't understand how much it is a privilege. For the longest time in this country, women could not serve on juries. African Americans could not serve on juries. Their opinion was not valued.

In many countries that have authoritarian governments, for example, criminal prosecution is used as a way to intimidate the political opposition. Control political dissidents. In the United States, we allow ordinary citizens to make the decision, to decide who is guilty or not. That is a tremendous, tremendous power. So

Handout 1b

I hope people take that responsibility seriously.

My final little story is … When I was in kindergarten, we sang "This Land is Your Land." I think every kindergarten sings that song. Here is the first verse:

> This land is your land, this land is my land
> From California to the New York island
> From the Redwood forest to the Gulf Stream waters
> This land was made for you and me.

I think this was actually when I attended a school in Maryland, not Mississippi. We had to stand on bleachers to sing that song during our music class. A boy turned to me and said, "This isn't your land. This is not going to be your land. Stop singing the song."

And so I stopped singing the song. I actually stopped singing the song. I made that huge mistake. My message to our new citizens is "You Never Stop Singing."

BACKGROUND:

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The lyrics to "This Land is Your Land" are by Woody Guthrie (1940). Visit **www.pbs.org/wnet/americanmasters/woody-guthrie-aint-got-no-home/623**.

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Handout 2

Karen Korematsu: You Can Make a Difference

Saturday, November 18, 2017, in San Francisco, California

JUDGE LUCY KOH: Karen, can I ask, how did you find out about your father's court case?

KAREN KOREMATSU: I was born in Oakland and grew up in the San Francisco East Bay area. As a junior in high school, in the 11th grade, our teacher had given, as an assignment to each student, a little paperback book to read. We were studying U.S. government. My friend, Maya, who was third generation Japanese American like I am, got up in front of the class, and her book was *Concentration Camps USA*. And she starts talking about the Japanese American "internment." Those were the terms we used in those days.

And, I thought, "That's interesting!" I had never heard about that, myself. I was 16 years old.

She said, "But there was this one man who resisted the military orders, and disobeyed them, and it wound up to be a Supreme Court case called *Korematsu versus the United States*."

"Oh! That's my name!" And I have 35 pairs of eyes turning around looking at me. I'm shrugging my shoulders, thinking: That must be some black sheep of the family, because she never said "Fred," which was my father's first name.

It was the last class of the day, and I ran out after her after school and I ask, "Well, what's this about?"

She says, "This is about your dad."

I said, "No way. Somebody would have told me."

I go running home and ask my mother. I get the standard answer, "Well, wait 'til your father gets home, and you can ask him."

Of course, he had faced housing discrimination but also employment discrimination. He worked long hours, and by the time he got home it was eight o'clock

at night. I asked him what this was all about, and he said, "It happened a long time ago."

And what he did he thought was right. And the government was wrong. It was that clear and simple.

And I could see this hurt going over his face, and I was really close to my Daddy, so I couldn't ask any more questions.

Except, I did ask him if he could vote. Because voting was very important to my parents. They studied the ballot and even helped at the ballot polls.

We didn't speak about it again until his case was reopened in 1983. There was a code of silence among the Japanese Americans who had been incarcerated. They felt so hurt, and with this shame hanging on their shoulders. They just didn't want to speak about it. They just wanted to prove that they were good Americans, get on with their lives, and rebuild their lives.

This is what I want students to know. They need to be aware about their own family's situations. But they need to know that one man made a difference. And so can they. And so can you!

NOTE:

Most historians today use the terms "incarceration" or "imprisonment" to describe what happened to Japanese Americans. They avoid the term "internment." Here's why. During a war, enemy aliens might be held or "interned" (Webster's Dictionary) according to international law. But the Japanese Americans were not enemies of the United States. Indeed, many of them were U.S. citizens. Using the word "internment" in the context of this historical event is an error. It's a euphemism in this case. It was part of the veil of fear and deception at that time. Let's not today repeat that error as we write and talk about this historical event. —The Editor

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Conflict, Service, and Civic Involvement: Getting Real in Social Studies

Sarah K. Anderson

Conflict in middle school is unavoidable. Adolescent students challenge their parents, their teachers, and each other. They are old enough to learn about war and other conflicts in history, but they need a lot of scaffolding to help them understand the nuances of why conflicts arise and how they evolve. Learning how to consider all sides of an issue is an enormously valuable skill to bring into their lives as democratic citizens. Knowing how to make a clear, persuasive argument is a skill they will need as they begin to advocate for their communities.

Middle level teachers need to be prepared to tackle difficult topics. Students will often come into a class with strong, already established opinions. Or sometimes a topic will seem so cut-and-dry to them that they will immediately commit to an opinion before learning more about what underlies it. Teachers have the opportunity to give students the tools they need to slow down, consider different perspectives, gather evidence, and craft cohesive arguments. This is where civil discourse comes into play. Let's consider a few examples.

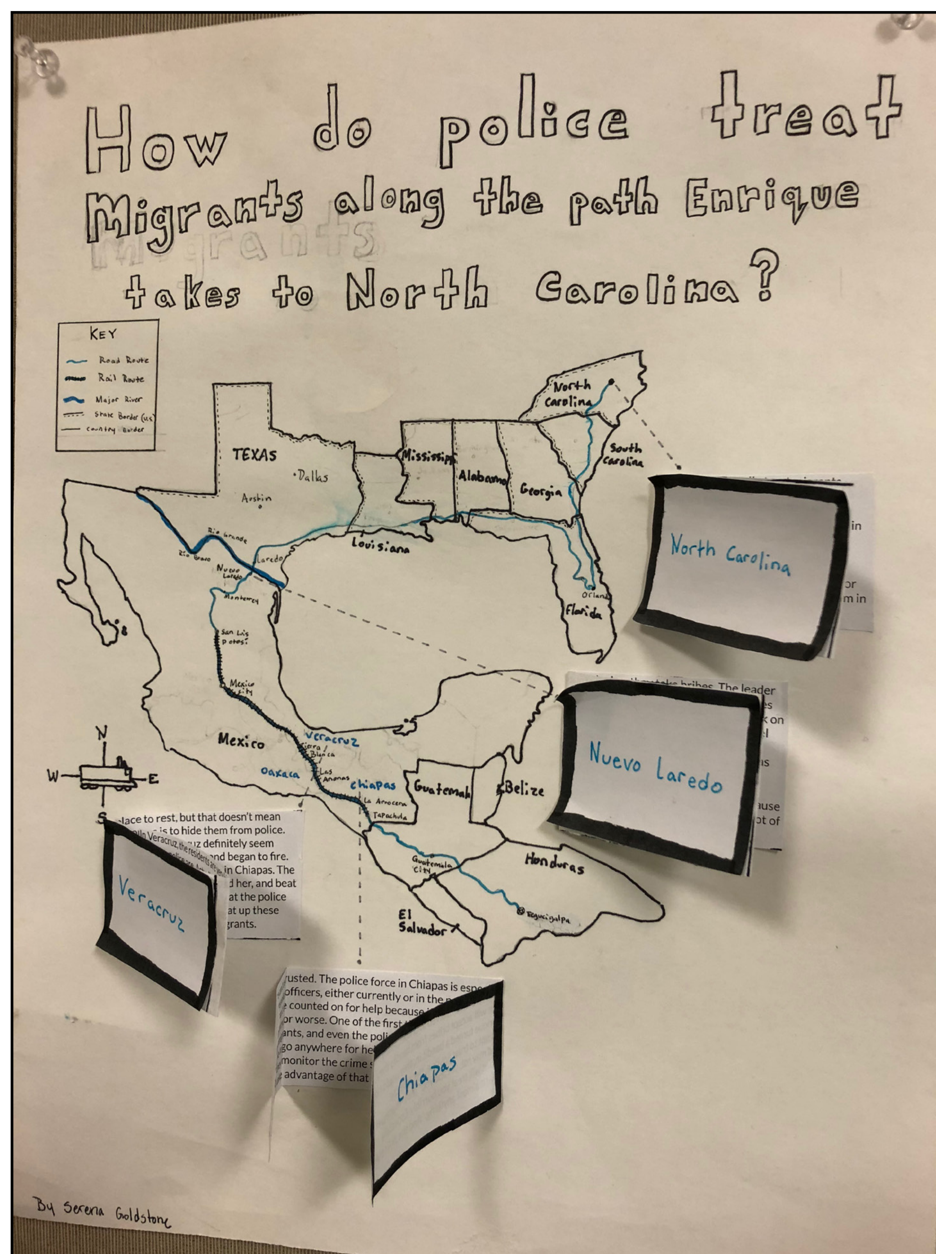
Immigration

Immigration can be a touchy topic. For middle school students tuning into recent news, there are lots of questions: Why is there so much debate about immigration? Where are immigrants coming from and why? How come some people don't want them here while others are defending their presence? The discussion can become tremendously personal depending on the student population. It is important for teachers to be aware of recent immigrants in their class, or students who have family members who are immigrants, and facilitate with care and compassion. Someone with first-hand experience can be an invaluable resource!

Our seventh and eighth graders in Portland, Oregon, explored questions surrounding American immigration in a trimester-long study. As part of this study, students went on two walking tours of historical immigrant neighborhoods in Portland: Japantown and South Portland. A local immigration lawyer visited our class to talk about her work and about current policy. Other guest speakers included the head of the Human Trafficking Task Force in Portland, and a representative from Portland's Immigration and Refugee Community Organization.

In addition to learning about the history of national policy, students participated in a storyline where they assumed the identities of different stakeholders within the debate. This allowed them to think more personally about all sides of the issue. The classes also read *Enrique's Journey (The Young Adult Adaptation): The True Story of a Boy Determined to Reunite with His Mother* by Sonia Nazario, to learn the intimate details of one individual's odyssey from Honduras to the United States.[1]

As a culminating event, students hosted a naturalization ceremony at school. The middle schoolers welcomed 10 new



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citizens to the U.S. by decorating the room, providing food and drink for a reception, and singing the National Anthem. After the ceremony, students had the opportunity to interview the new citizens and hear their stories. Two local newspapers covered the event and several of the parents who attended commented on how powerful the experience was for them and their children.[2]

The First Amendment

One of the most common misconceptions students have about the Bill of Rights is that the First Amendment gives them the right to say whatever they want. Students hide behind this fallacy as an excuse to use profanity or as justification when they verbally offend their peers. What they often have not yet realized is that every right comes with responsibilities. Although the freedom of speech is one of the fundamental facts we want our students to know, it is equally important for them to learn about the limitations of the First Amendment.

Recently, we taught about these restrictions by studying court cases where the boundaries of First Amendment freedoms were debated. Students broke up into small groups, studied specific cases, and then presented their findings to the class. In one important case in 1942, *Chaplinsky v. New Hampshire*, the Supreme Court laid out the "fighting words" doctrine: words that are so offensive that they incite violence, or lead to a breach of the peace, should not be protected by the First Amendment.

We also talked about the meaning of "libel" and "slander" and tied these ideas to the life of a middle school student. The students learned that spreading rumors is akin to slander, and that it is not legal for adults to spread lies that can ruin someone's reputation. They learned that, as a nation, we have decided that severely hurtful or intimidating speech is not worthy of protection.

In contrast to these restrictions on free speech, the Supreme Court sometimes rules to protect speech that most people find horribly offensive. In the 2011 case *Snyder v. Phelps*, the Court decided to protect the Westboro Baptist Church's picketing near military funerals. Even though the signs were hurtful and offensive to the family of the deceased, the Court decided that the protests did not interfere with the funerals, and therefore were protected free speech. This opened up a conversation in the class about the difference between what is legally permitted and what just seems socially or morally wrong.

Most students passionately disagreed with the Supreme Court's ruling in *Snyder v. Phelps*, leading to a conversation about hate speech in general. Should it be legal or illegal? Why? What about in our school? What words would we consider "hateful"? How can students be held accountable for what they say? Should we have a school code against hate speech? How could restorative justice be realized if hurtful words had been spoken?

By the end of this unit, none of the students could honestly say that the First Amendment gives them the right to say whatever they want. As citizens of a democracy, it is our shared responsibility to recognize how words can impinge upon the rights of others.

(See related *MLL* handouts on limits to freedom, pages 13–14)

Internships in the Community

Many school districts have service-learning hours as a requirement for graduation. Engaging with the wider community is a key element in building a strong place-based middle school program. This is where students can put their career skills in practice and develop a work ethic. By the seventh and eighth grades, students' talents and abilities have increased value to

staff at the hosting sites, and students can meet local needs on a more complex level.

Every spring, our eighth graders fan out across the school, the neighborhood, and the city of Portland to volunteer in classrooms, nonprofit organizations, government agencies and businesses. In the past, students have interned at retirement centers, computer recycling centers, soup kitchens, the Red Cross, local watershed councils, classrooms, and many more locations.

Internships take place one afternoon a week during the spring trimester. Parents and students receive a description of their placement along with permission slips and a "behavior contract" two weeks before the program begins. In addition to hands-on service work, students also reflect on their experience through guided journal questions and class discussion.

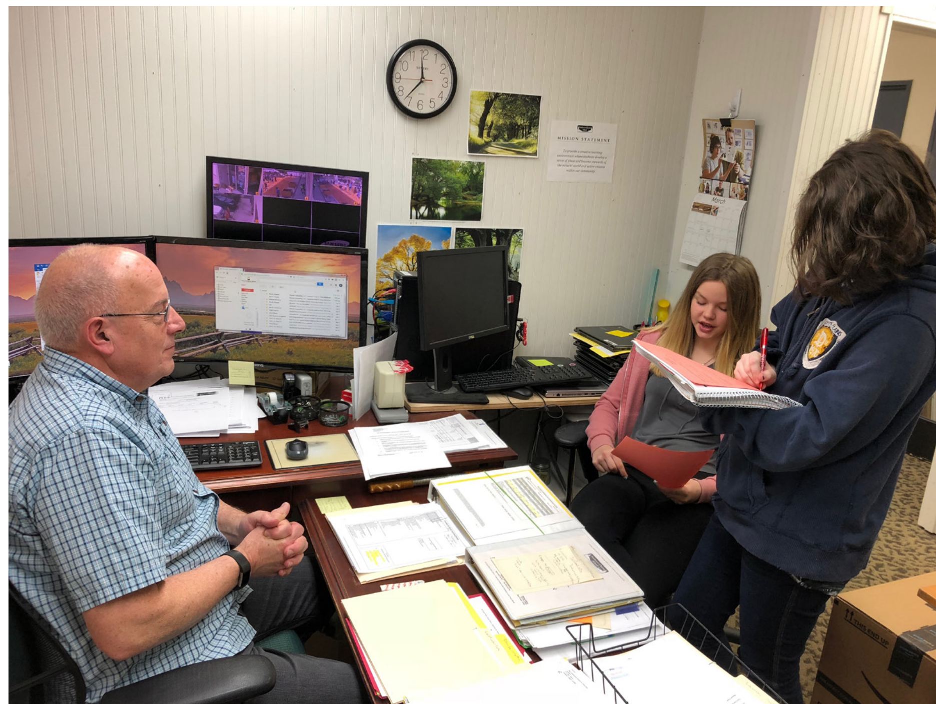
Students go to one internship site over the course of the eight weeks (with only one other student or a small group), which is adequate time to build a relationship with that particular community partner while also learning in depth about the service that partner provides. When we are able, we also place students in internships that utilize their special interests or skills.

For example, the retirement home a few blocks from the school has requested students who can serve as technology teachers. The students are stationed in the computer room and residents come to them with questions about their smartphones, tablets, and laptops. The elderly residents have given us positive feedback about these students, who have a chance to share and show off their tech skills. Without fully knowing it, the students are gaining experience in communication and problem-solving.

Service Learning in the School

Service learning for middle schoolers does not only involve interacting with adults; it can also mean creating healthy connections with younger children. Inter-grade activities offer countless opportunities for adolescents to take leadership roles. They can function as tutors, reading buddies, teachers, and role models. (Students throughout our K-8 school build stronger relationships, and middle school students are challenged to reach beyond their own peer group.)

Some students who do not always have the best interactions with people their own age can thrive in a leadership role in a younger class. We have seen depressed students glow with pride when they return from the kindergarten classroom, hands full of cards declaring, "I love you!" in thanks for their service. For some middle schoolers, this is the first time they have ever succeeded in a leadership role. It can change the way they think about themselves and increase their confidence. Such growth would not be possible if they were not permitted the chance to interact with younger kids.



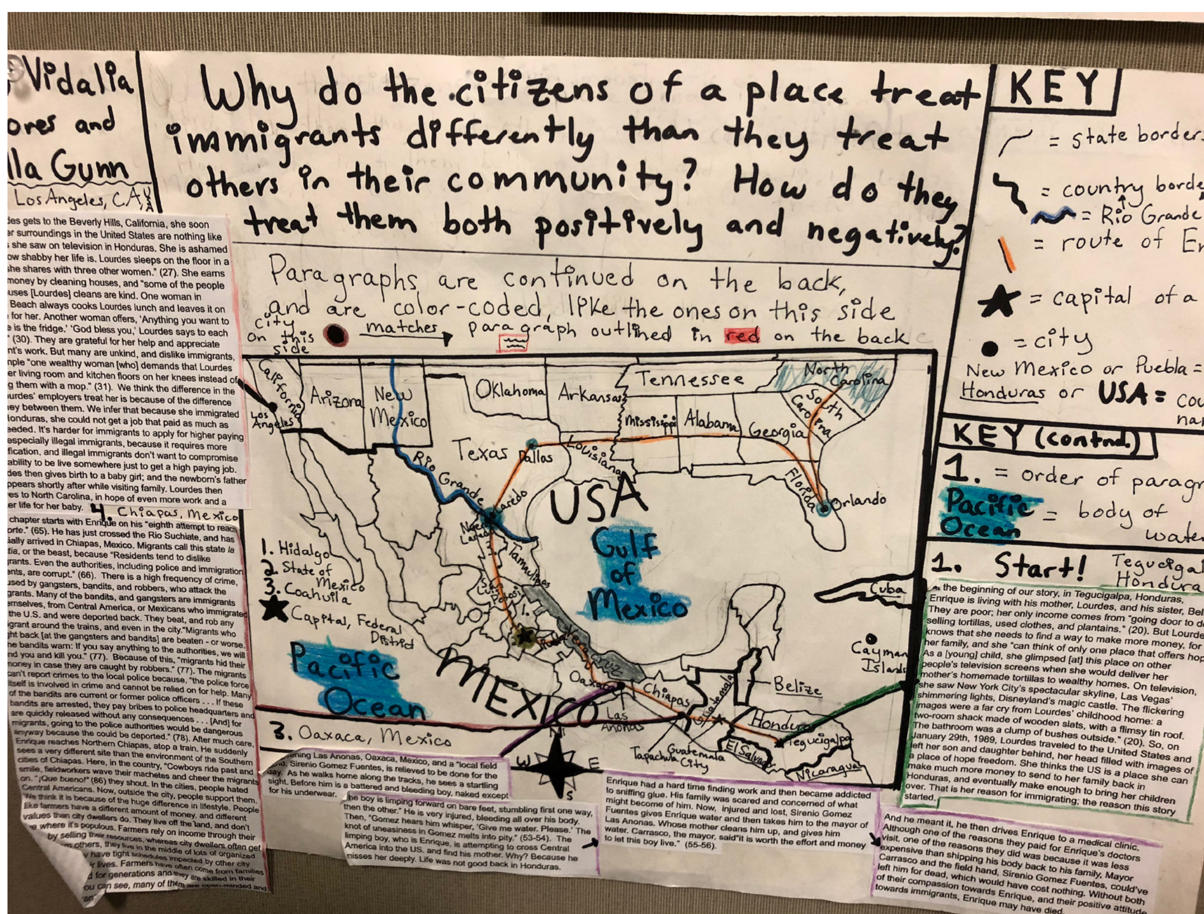
Project Citizen

At The Cottonwood School, we have adopted a program designed by the Center for Civic Education called Project Citizen. This place-based unit for our seventh and eighth grade students integrates civic education, civic action, and service, along with multiple standard-based skills. The idea is straight forward: identify a local problem, research it, propose a policy-based solution, and put the solution into action. In short, Project Citizen is a formula for citizen participation in creating public policy.

Project Citizen (PC) invites kids into a realm that they assume is reserved for select adults and by doing so, encourages them to be active contributors to the decision-making process in their community. PC is often the unit our students like the best, probably because it is the one that empowers them the most.

One of the culminating events for Project Citizen in Oregon is a showcase of student projects at the state capitol, which is organized by the local non-profit organization Classroom Law Project (**www.classroomlaw.org**). To prepare, students focus on different aspects of their "portfolio." Some students create artwork to illustrate a problem on a four-panel display board, while others write reports to communicate their research and proposals. Another group designs graphs and charts to report the survey results. Yet another group creates a binder full of all of the

research and notes from our class meetings. The showcase takes full advantage of the range of students' talents and interests; kids who are passionate about art, or math, or writing, or organization each have a way to contribute.



On the day of the showcase, a group of student representatives gives an oral presentation to a panel of judges, who are lawyers and legal judges in the community. They select the "most powerful presentation" from among the student offerings. But this event is not usually the end of the project. Because this is a real-world problem that we are addressing, the class works on it up until the end of the school year.

Over the past few years, our students have researched a myriad of problems such as river pollution, bike safety, lack of e-cigarette regulation, vacant lots in the neighborhood, and the need for a school cafeteria. Some of the projects that we brought to the state showcase include looking at the problem of dog owners not picking up after their pets, the miles of unpaved city streets, the pros and cons of a later school start time, and the need for a better playground at our school.

Not long ago, the seventh grade class voted to explore the problem of adults smoking in public parks. It turned out to be the right issue at the right time, as the city council had recently decided to look into the matter. Students surveyed people in the neighborhood, found studies about secondhand smoke that were posted online, contacted health advocacy agencies such as the American Lung Association and the American Heart Association, and started a petition.

One student found an article about a state representative who had proposed a bill to the Oregon legislature to ban cigarettes statewide. Needless to say, the bill did not pass, but we thought the congressman might support the class effort. Indeed, the representative visited our class to speak of his experience and answer questions. He even wrote a letter of support, as did the health advocacy organizations we contacted. The students' cause was highlighted in the city newspaper, and their online petition garnered hundreds of signatures.

The project display and presentation won these students a first place-ribbon in the Public Citizen competition at the state capitol. As exhilarating as that was, the victory wasn't the highlight. Students and teachers were invited to Portland City Hall by the city commissioner in charge of parks to reprise the presentation about the problem of smoking in public parks. Again, the city paper covered the story, and the commissioner asked us to return the following year, when the bill would be up for vote, to give testimony to the entire council. The students' pride was palpable. The journey they'd traveled to arrive at this place would not be forgotten.

When we allow our middle school students to engage in the difficult topics of real life, we communicate to them that we respect their opinions and trust their ability to comprehend and respond to complex material. We further empower them as young members of a democracy by channeling their desire to be a part of the adult world into meaningful service work and efforts to improve the communities in which they live.

Sarah K. Anderson *taught middle school humanities for several years before becoming the fieldwork and place-based education coordinator at the Cottonwood School of Civics and Science in Portland, Oregon, a K-8, tuition-free, public charter school that offers place-based learning through the lens of science, civics and art. This article is adapted from* Bringing School to Life: Place-Based Education Across the Curriculum, *by Sarah K. Anderson.* *Copyright © 2017 Rowman & Littlefield. Used by arrangement with the publisher. All rights reserved.*

Resources

Barbara A. Lewis, ***The Kid's Guide to Social Action: How to Solve the Social Problems You Choose—And Turn Creative Thinking into Positive Action*** (New York: Free Spirit Publishing, 1998). This book is a great resource in any classroom, but is especially helpful in middle school. It gives kids step-by-step instructions on how to launch civic action projects such as writing petitions, letters to the editor, and proposing changes to laws.

The First Amendment Center

The mission of the Newseum's First Amendment Center is to provide resources to help the public understand how freedom of speech, of the press, of religion, of assembly, and to petition all work, and how these freedoms can be protected. The First Amendment Center's online primers are designed to get teachers and students up to speed on First Amendment issues–from the basics to cutting edge topics–in a minimal amount of time. They use interactive graphics and visual aids to simplify and explain complicated issues. Learn more at **www.newseuminstitute.org/first-amendment-center.**

Project Citizen

Project Citizen is an interdisciplinary curricular program for middle, secondary, and post-secondary students, youth organizations, and adult groups that promotes competent and responsible participation in local and state government. Find links to the programs in your state and other resources at **www.civiced.org/programs/project-citizen**. See especially **The World We Want**, directed by Patrick Davidson (2010), which provides an overview of the Project Citizen process, covering students around the world as they create projects and ultimately come together in Washington D.C. for an international showcase. The DVD includes a 25-minute condensed version that is useful to show a class at the beginning of the project.

Sonia Nazario, ***Enrique's Journey*** (Young Adult Version) (New York: Ember, 2014).

Middle Level Learning

Amy Trenkle, "Researching Our School's History," *MLL* 34 (January/February 2009), **https://www.socialstudies.org/publications/mll/Jan-Feb2009.**

Arlene Girard and Mary Beth Henning, "What's in a Name? Investigating Whom to Memorialize," *MLL* 30 September 2007, **https://www.socialstudies.org/publications/mll/September2007.**

Naturalizations Ceremonies

Learn about how to host a Naturalization Ceremony at your school or civic space at **http://www.uscourts.gov/about-federal-courts/ educational-resources/annual-observances/naturalization-ceremonies.**

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Two Quotes about Limits to Freedom

"Freedom, however, is not the last word. Freedom is only part of the story and half of the truth. ... That is why I recommend that the Statue of Liberty on the East Coast be supplemented by a Statue of Responsibility on the West Coast."

About the quote: This excerpt is from a book by Victor E. Frankl, *Man's Search for Meaning* first published in 1946. Frankl (1905–1997) was a practicing physician and psychiatrist in Vienna during the rise of National Socialism in Germany. Although he survived concentration camps, his young wife and most of his family did not. After the war, he gained world renown as a humanist, author, teacher, and counselor.

Questions for discussion:

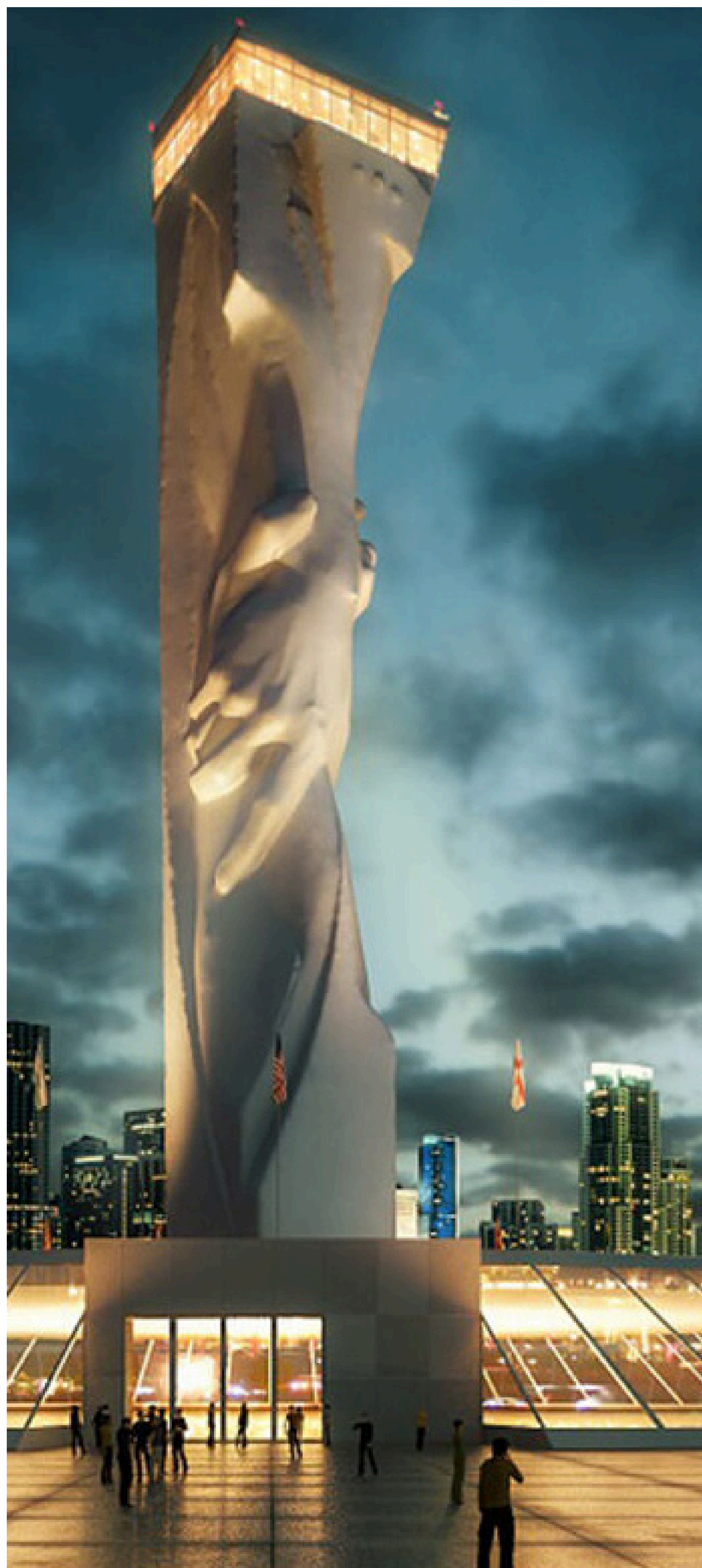
Think about how statues and monuments affect people. Do you think the United States of America would benefit from having a Statue of Responsibility on the West Coast? What do you think about the proposed design for the statue, which shows one huge arm reaching down to clasp another person's arm? Does it look like one person is lifting another person up? Do you like it? If so, why? If not, why not?

Can you sketch a different design for the statue? Explain the meaning of your drawing.

Think about the monuments in your own community. What event or person does it commemorate? What values does it honor? How could you find out when it was created and who created it?

Read more:

- *Man's Search for Meaning*, http://www.beacon.org/Mans-Search-for-Meaning-P607.aspx;
- Responsibility Foundation, http://responsibilityfoundation.org;
- "Mr. Frankl's Statue" by Jon Eig, *Huffington Post*, https://www.huffingtonpost.com/entry/mr-frankls-statue_us_5819dbfbe4b045629a2be9f8.



Drawing of the proposed Statue of Responsibility for the West Coast. (Responsibility Foundation)

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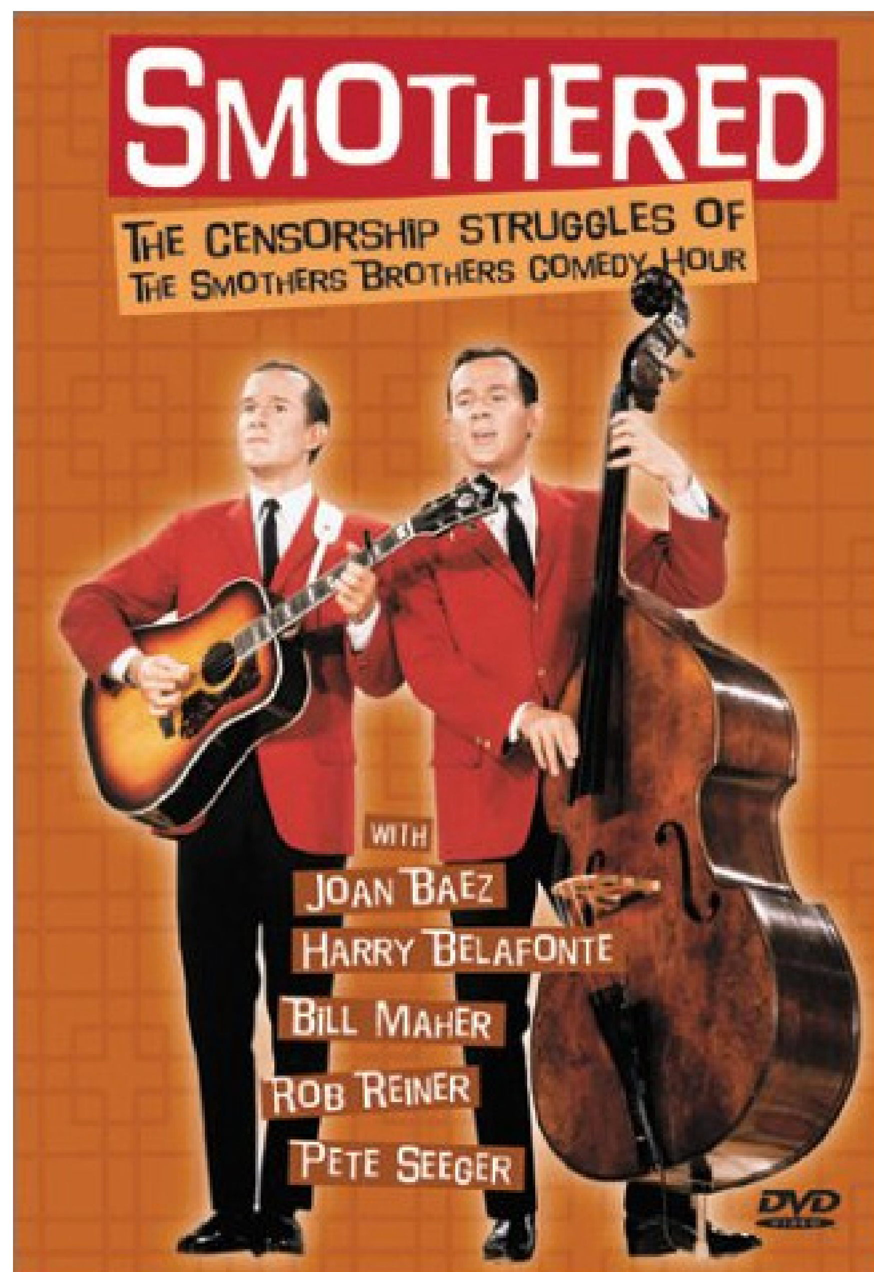
"Freedom of expression and freedom of speech aren't really important unless they're heard. The freedom of hearing is as important as the freedom of speaking."

About the quote: This quote was spoken by comedian Tom Smothers. By 1968, "The Smothers Brothers Comedy Hour" television show had become controversial, satirizing politics, racism, and the unpopular Vietnam War. Despite the show's success, in April of 1969, the CBS Television Network fired Tom and Dick Smothers. *Smothered*, a film by Maureen Muldaur, documents the Brothers' struggle against censorship and, as a lawsuit later determined, the wrongful firing by CBS.



Read more:

- Maureen Muldaur (Producer/Director/Writer), *Smothered* (DVD, 2002). http://www.muldaurmedia.com/smothered.html
- "The Smothers Brothers Biography," http://www.smothersbrothers.com/smobro_bios/sb_bio_.html
- See also "Are there Limits to Freedom?" *Middle Level Learning* 40 (January/February 2011): 16, https://www.socialstudies.org/publications/mll/Jan-Feb2011

Questions for Class Discussion

A censor is a person who examines messages and removes words or images that he or she thinks would be harmful.

Do you want your communications with your friends to be censored by an adult? (Probably not.)

However, what if your friend feels hurt by a posting on Facebook. Should comments be regulated in some way on Twitter and on Facebook? Who should decide what is allowed, and what is not?

How do you tell apart facts from "fake news" when you read something on the Internet? What could you do if someone posed a false rumor about you? Who could you go to for help?

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Restorative Justice versus Zero Tolerance

Above is a still image from "Restorative Justice: A New Approach to School Discipline," video, 6m 50s (In Close/PBS) http://www.pbs.org/video/in-close-restorative-justice.

Read the intro and quote below from the *New York Times Magazine* article, and then hold a discussion with your classmates and teachers. Use the discussion questions on the next page to launch your conversations.

Introduction: Zero-tolerance at schools often means more punishment for students. Some studies have found that such discipline policies reinforce the "school-to-prison" pipeline, instead of preventing destructive behaviors and increasing student safety. Federal guidelines from 2014 suggested that educators consider, among other alternatives, an approach called restorative justice, which differs radically from zero tolerance.

> When kids get into trouble at school, traditional forms of discipline often lead to more trouble. Is there a more productive way to change behavior? … Restorative justice is built on values like community, empathy and responsibility; in its specifics, it asks students and teachers to strengthen connections and heal rifts by sitting on chairs in circles and allowing each participant to speak about how a given incident affected him or her. It could easily be dismissed as an impossibly amorphous process for overworked teachers and volatile students were it not for its success so far, in programs in Denver and Oakland that started in the mid-2000s.
>
> Schools employing restorative justice, or restorative practices, as it's sometimes called, experienced such significant results—lowered suspension rates, higher graduation rates, improved school atmosphere—that both cities, as well as San Francisco, now offer restorative-practices training for all educators. New York's Education Department is investing in training its own faculty, and Schools Chancellor Carmen Fariña has expressed her enthusiasm for the approach.

—Susan Dominus, "An Effective but Exhausting Alternative to High-School Suspensions," *New York Times Magazine* (September 7, 2016), **https://www.nytimes.com/2016/09/11/magazine/an-effective-ut-exhausting-alternative-to-high-school-suspensions.html.**

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Questions for Class Discussion

- Do you think a restorative justice program could work at your school? Why or why not?
- Do you already see some aspects of restorative justice being enacted in your school or in the wider community?
- How could you research whether any restorative justice programs are being used in your school district, or in your state?
- Do you think teenagers can adopt some aspects of restorative justice among themselves, without any adult intervention, when bullying has happened? How could that work?
- Is anyone measuring the results of implementing restorative justice policies? Is anyone measuring the results of punitive disciplinary policies? What measures are they using to determine success or failure of a program?

Other Resources on Restorative Justice in Schools

Bintliff, Amy. "Talking Circles: For Restorative Justice and Beyond," *Teaching Tolerance* (July 22, 2014), **https://www.tolerance.org/magazine/talking-circles-for-restorative-justice-and-beyond**.

Davidson, Jill. "Restoring Justice: Restorative Disciplinary Practices Look to Students to Help Make Schools Safer," *Teaching Tolerance* (47, summer 2014), **https://www.tolerance.org/magazine/summer-2014/restoring-justice.**

Evans, Katherine and Dorothy Vaandering. *The Little Book of Restorative Justice in Education: Fostering Responsibility, Healing, and Hope in Schools* (New York: Good Books, 2016), Part of the series: Justice and Peacebuilding.

"Restorative Justice: A New Approach to School Discipline," video, 6m 50s (In Close/PBS) **http://www.pbs.org/video/in-close-restorative-justice/.**

Rethinking Schools, "Restorative Justice: What it is and is not," **https://www.rethinkingschools.org/articles/restorative-justice**.

Toolkit for Restoring Justice (Classroom simulations), **https://www.tolerance.org/magazine/summer-2014/toolkit-for-restoring-justice.**