

## Why Teachers Should Use Simulations in Civic Education

Testifying before Congress, arguing a case before the Supreme Court, participating in a town meeting, negotiating a treaty regarding fair trade—these are experiences that few students will have the opportunity to do in their lifetimes, much less while they are in school. Simulations allow students to participate in and learn from these experiences vicariously, and research suggests that simulations have positive benefits. According to the highly regarded *The Civic Mission of Schools* report (New York: Carnegie Corporation and College Park, MD: Center for Information and Research on Civic Learning and Engagement, 2003), simulations are effective in developing students’ civic and political knowledge, civic and political skills, and civic attitudes. (See the sidebar, “Six Promising Approaches to Civic Education” and the article, “CMS Promising Approach 6” on page 2 for more information on the research supporting the use of simulations.)



*Students in a simulated legislative hearing.*

Teachers who employ simulations also report a variety of rationales for their use:

- In simulations, students must apply what they have learned in a low-risk but real-life situation, which allows teachers to assess whether students have internalized information so that they can actually use it in their role as citizens.
- Students are engaged by simulations—and they learn more because they are so involved.
- Simulations require students to use higher order thinking skills.
- The culminating activity of a simulation often involves an audience, which motivates students to work hard and excel. (Barbara Miller and Laurel Singleton, *Preparing Citizens*, Boulder, CO: Social Science Education Consortium, 1997)

A wide array of simulations can be used in civic/law-related education, from moot courts and mock trials, to simulated legislative hearings, town meetings, and elections. Of course, teachers can also involve students in some real-life applications of their civic skills; for example, students can research issues and present their findings to policy-makers. As teachers consider using simulations, the option of real-life civic experiences should be kept in mind. In fact, it may be useful to think about activities that engage students in democratic processes and procedures as being on a continuum, moving from very distant from reality, to simulated but very like reality, to authentic real-life experiences.

While simulations have numerous benefits, they are also complex learning activities that require considerable preparation on the part of teachers and carry the risk of failure. Thus, opportunities for teachers to learn about simulations and how to do them can be particularly valuable professional development experiences. Consequently, we are devoting this issue of *Youth for Justice Trainers Times* to an examination of the use of simulations and how professional development can help teachers prepare to engage students in simulated democratic processes and procedures.

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# Civic Mission of Schools Promising Approach 6:

## Encourage Students' Participation in Simulations of Democratic Processes and Procedures

### The Approach

Several programs exist that allow students to take on roles that simulate democratic processes and procedures. They exist in formal curricular models such as We The People and CityWorks, and through extracurricular activities such as Boys and Girls State, YMCA Youth and Government, and Model United Nations programs. Often students must research current events and persuade their peers to vote with them. Other programs model city or national governments, court proceedings, or the United Nations. In many of these simulations, youth also provide leadership for the proceedings.

### Benefits Accrued

These programs usually simulate actual processes such as the United Nations, Congress, court systems, or state legislatures. Taking on specific roles as part of the simulation, students gain *knowledge* about current issues and processes and also civic and political *skills*. As they act out their roles, they also develop an appreciation of the importance and complexity of government, leading to improved *civic attitudes*.

### The Evidence

- Research on We The People demonstrates the power of simulating government processes. Alumni are significantly more engaged in civic and political life than their peers (Hatry and Porter 2004).
- Research about CityWorks, a classroom-based simulation, shows that students who participated were more committed to participatory citizenship, more interested in service, and had a greater sense of political efficacy than peers who did not participate in CityWorks (Kahne, Chi, and Middaugh 2002).
- Research demonstrates clear relationships between adult civic and political engagement and participation in the YMCA Model Legislature (Kirlin 2001).

### Works Best When

- Students take on major roles in not only the simulation exercises, but in preparation of and leading conferences and major events.
- Events allow students to be exposed to multiple parts of the program, to understand relationships between different roles and actions, and to get to know their peers in the program.

### Caveats

Like most of the approaches, self-selection is a significant issue. But more importantly, once engaged in these programs, students need to have positive experiences. At least one study found that many girls participating in a model UN program

### Six Promising Approaches to Civic Education

Research shows that schools can help to develop competent and responsible citizens when they:

1. Provide instruction in government, history, law, and democracy.
2. Incorporate discussion of current local, national, and international issues and events into the classroom, particularly those that young people view as important to their lives.
3. Design and implement programs that provide students with the opportunity to apply what they learn through performing community service that is linked to the formal curriculum and classroom instruction.
4. Offer extracurricular activities that provide opportunities for young people to get involved in their schools or communities.
5. Encourage student participation in school governance.
6. Encourage students' participation in simulations of democratic processes and procedures.

From *The Civic Mission of Schools*. (2003). New York: Carnegie Corporation and College Park, MD: Center for Information and Research on Civic Learning and Engagement. Available online at [www.civicmissionofschools.org](http://www.civicmissionofschools.org).

experienced discrimination, leading them to feel less powerful and more distrustful of these types of settings. Another study found that teachers routinely cull a group of "hyper-networked" young people and select them repeatedly for special opportunities, returning to the same pool of stars because they are known, but ignoring others who might benefit from the experience.

### References

Hatry, Ardice, and Kristie Porter. (2004). *We the People Curriculum: Results of Pilot Test*. MPR Associates, Inc.. A report to the Center for Civic Education.

Kahne, Joseph, Bernadette Chi, and Ellen Middaugh. (2002). *CityWorks Evaluation Summary*. Available at [www.crf-usa.org](http://www.crf-usa.org).

Kirlin, Mary. *Adult Civic Engagement: The Role of Adolescent Participation in Overcoming Income and Education Barriers*. Prepared for presentation at the American Political Science Association Conference, Fall 2001.

Excerpted from *Promising Approaches for Strengthening Civic Education*, by Mary Kirlin, California State University Sacramento (March 28, 2005). This paper was prepared for the Constitutional Rights Foundation's California Campaign for the Civic Mission of Schools.

# Preparing Teachers to Use Simulations

By Laurel R. Singleton

*How much time will it take to do a moot court? I've got a lot to cover in a semester and can't afford much time.*

*A simulated legislative hearing? A jury deliberation? These games are fun for students, but what do they learn? Lecturing is a much more efficient way to deliver content.*

*Sure, it would be worthwhile for students to act as advisors to the President—but what if they can't handle it? Things could get out of control and I'd have a disaster on my hands.*

As you face an audience of teachers at a workshop on using simulations, those may well be some of the questions going through their minds. Simulations are complex and time-consuming instructional strategies about which some teachers have significant qualms. Thus, professional development to help teachers implement this strategy must be carefully planned to demonstrate the learning that occurs in simulations, give teachers insight into what makes a simulation work, and provide time for teachers to plan for use of simulations in their own classrooms.

In talking with experienced trainers in civic/law-related education, two factors emerged as particularly important in conducting professional development on simulations: (1) teachers need to experience one or more simulations and (2) the simulations must be carefully debriefed.

## Involving Teachers in Simulations

Perhaps the only way to really understand both the learning that occurs in a simulation and what makes a simulation work is to experience it—to take part in a simulation. While conducting a simulation takes significant time in your agenda, it greatly increases the likelihood that participants will actually try the strategy in their classrooms.

The type of simulation selected depends, of course, on your purpose. For a program such as *We the People... the Citizen and the Constitution*, in which a simulated legislative hearing is a central element of the program, the choice is obvious. For teachers to understand the preparation process, as well as the stress associated with presenting before community members, they must have the same experience that students will have when they take part in *We the People*. Suzanne DeLemos, a teacher at Northglenn High School in Colorado, reflected on the value of taking part in the simulated legislative hearing at a *We the People* summer institute:

At the summer institute, I took on the role of a student and went through the same process my students would experience in the fall. This gave me an appreciation of the intensity of the mock congressional hearings and how stressful the preparation process can be.

... Between the work on the questions and the scholarly presentations, my understanding of the political philosophies of the Framers and the Constitution itself grew deeper. At the end of the week, my team presented our work to a group of attorneys and constitutional authorities. I had not been so nervous about a presentation for years. Afterwards, every member of my group felt a rush of pleasure over our accomplishment. I wanted my students to have the same experience.

In other programs, the most suitable simulation may depend on the content focus. For example, if you are examining the Supreme Court, as *Street Law* does in their annual summer institutes, the moot court is likely to be most relevant.

In a 2003 institute, the Constitutional Rights Foundation was looking at a combination of content themes—limited government, separation of powers, and the role of the citizen. In that instance, we chose to do two simulations demonstrating the role of citizen when interacting with two different branches of government—a simulated jury deliberation and a lobbying simulation. By choosing two very different simulations, we also demonstrated to participants that the familiar simulations are not the only options available.

In a workshop setting where time is limited, using the classic “quick-and-dirty” simulation—the pro se court—can be an effective way to demonstrate that not every simulation has to be long and involved. The table on page 5 provides an overview of different kinds of simulations; links to online examples of various types of simulations are available at the web site of the Center for Education in Law and Democracy ([www.lawanddemocracy.org/sim.main.html](http://www.lawanddemocracy.org/sim.main.html)).

Preparing to use a simulation in professional development is akin to planning to use one in the classroom—many of the same “tips” (see article on page 6) apply. Of particular importance are allowing enough time for the experience to be a positive one and making sure that your directions are clear. You may think that, because you are working with adults, you can go over the instructions more quickly or skip a preparatory step—but think carefully before doing so.

I was demonstrating a moot court at a recent conference. From occasionally sitting in with a study group of teachers in Illinois, I knew that teaching use of precedents was one of the areas that teachers had found challenging in using moot courts—thus, I *should* have given it special attention in modeling a moot court. Yet because the session was short, I decided to skip the stage of reviewing

*CONTINUED on next page.*

the precedent cases and simply give the teachers a hand-out of the cases—what a bad idea! While the teachers playing the Supreme Court did a good job using the precedents, the teachers arguing the case did not cite a single precedent. Since the significance of *stare decisis* is one of the important concepts in studying constitutional law, this was a major failing on my part. The lesson? Don't make assumptions about what adults can do without direction and do remember what teachers have told you about their experiences using a strategy in the classroom!

You may also want to think about modeling how resource people can be used in simulations. For teachers who worry that resource people might simply lecture their students, showing them how to use a judge, attorney, or elected official in a highly interactive learning activity can open their eyes to ways in which they can structure a classroom visit to be most productive. The table on page 5 suggests resource people who might be especially qualified to assist with each type of simulation.

## Debriefing the Simulations

Teachers who have experienced a simulation need the opportunity to reflect on that experience as learners and as teachers. Why is this “double debrief” important with simulations? Teachers come to simulations with varied views that can affect their ability to use simulations effectively. Some teachers come to professional development sold on simulations because students find them engaging; too often, however, these teachers have not thought deeply about the **outcomes** they hope to achieve through using simulations. Other teachers see simulations as “fun and games” that take a lot of time without producing any real learning; they, too, need the opportunity to reflect on the learning that occurs in simulations. Still other teachers are intimidated by the apparent complexity of simulations and the opportunities for things to go wrong; these teachers need time to reflect on how the process works and to plan how they would manage the simulation.

The first phase of the double debrief focuses on the experience of the simulation **as a learner** and might include discussion of such questions as:

- What did you learn as a result of participating in this simulation? That is, what substantive knowledge did you gain?
- How did you **use** knowledge in the simulation? Is using knowledge a valuable experience? Why or why not?
- What skills did you use in this simulation? Are those valuable civic skills?
- How do you feel after participating in this simulation? Did it reinforce beliefs about democratic processes

and procedures? Did it create any questions or concerns about fairness or efficiency of democratic processes and procedures? How might those questions or concerns be addressed?

- Overall, was participating in the simulation a learning experience for you?

The second phase of the double debrief provides an opportunity for reflection on the simulation **as a teacher**. The question of whether the simulation was a learning experience can be a good segue to this second phase of debriefing, which could include discussion of such questions as:

- Would this simulation provide a valuable learning experience for your students? What important civics goals or outcomes could the simulation help you achieve?
- What preparation would students need to be successful with the simulation?
- How would you group students for the simulation? What factors would you need to consider in making grouping decisions?
- How much time would you need to allow for the simulation?
- Are the directions and materials as supplied to you suitable for your students? If not, how would you need to adapt them?
- What questions would you ask in debriefing the simulation to ensure that students achieved the goals or outcomes you set? What follow-up might you require?
- How would you evaluate student learning?

## A Final Note

When you have so much you want to cover in a limited amount of time, it's hard to set aside time for teacher planning, but the research on professional development suggests that doing so will increase the chances that teachers will actually implement what they learned.

An excellent way to follow the debriefing and conclude the session is to provide time for teachers to look at materials available for using various types of simulations, plan how they might use a simulation that supports their curricular goals, and get coaching and feedback from colleagues and presenters. If feasible, teachers will also appreciate the opportunity to get together at a later date and share what happened when they tried to use a simulation. Together, they can solve problems and provide support for each other in undertaking these challenging but rewarding teaching strategies.

## Selected Examples of Civic/Law-Related Simulations

	Type of Simulation	Description	Purposes	Potential Resource People	Comments
Legislative Processes	Legislative hearing	Simulation of a legislative body at the local, state, or national level conducting a hearing on a piece of legislation or controversial issue	Understand the legislative process, including the need for compromise; delve deeply into a specific issue to understand multiple perspectives; learn skills of advocacy	Legislators, legislative staff	Teachers and students (like many other citizens) sometimes find compromise and the way in which progress is made in legislatures unsavory. In professional development, additional debriefing may be necessary to discuss why compromise is necessary.
	Town meeting	An example of direct democracy in which citizens deliberate and make decisions on issues of concern to the community	Understand local issues in depth; participate in deliberation and decision-making; grasp the difference between direct and representative democracy	Local experts on the issue being considered, city council members, other community officials	Focus on local issues can be both a plus and a minus, depending on curricular fit. Because the town meeting is a large group discussion, management can be more difficult.
Executive Functions	Presidential Advisors	Role play of presidential advisors discussing what recommendations to make to the president on a particular issue	Understand presidential power; delve deeply into a specific issue to understand multiple perspectives; learn skills of advocacy.	Experts on the issue under consideration, journalist who has covered executive branch	It may be more difficult to get an accurate picture of how the advising process actually occurs, as many meetings in the executive branch are not open. Historical cases may be more applicable in this instance.
	Diplomacy	Role play of diplomatic negotiations about a foreign policy or international issue	Gain knowledge of foreign policy; delve deeply into a specific issue to understand multiple perspectives; learn skills of advocacy	College professor with expertise in foreign policy, diplomat	Students and teachers may have less background knowledge about foreign policy than about domestic issues, requiring more preparation time.
Judicial Proceedings	Pro se court	Simulation of small claims court proceeding with no attorneys	Understand small claims court process and applicable law; use communication skills	Small claims court judge	Simple, easy to use, with all students actively participating; less conceptual learning
	Mock trial	Simulation of trial proceeding in civil or criminal court	Understand legal procedures and applicable law; learn advocacy skills	Attorney, judge	Engaging for students; not every student has an active role requiring thought/knowledge.
	Jury deliberation	Simulation of the process a jury goes through in reaching a deliberation	Understand role of jury as citizen participation in judicial branch; learn the burden of proof and law applicable to case; use thinking skills to evaluate evidence; apply deliberation skills	Citizen who has served on a jury, judge, jury commissioner	Every student can be actively engaged; emphasis is on the role of the citizen.
	Moot court	Simulation of appeals court process	Understand appeals process and such concepts as stare decisis; apply constitutional concepts; use advocacy skills	Lawyer who does appeals work, appeals court judge, representatives of advocacy groups on both sides of a constitutional issue	Greater focus on more conceptual learning, rather than facts or procedural knowledge; conceptually challenging; not every student has an active role in the simulation.
Citizen Participation	Mock elections	Simulated elections	Understand electoral procedures; develop skills related to staying informed and making decisions based on evidence	Political candidates, election commissioner, poll watcher, campaign manager	Research on Kids Voting indicates that learning about voting and taking part in a simulated election may impact parents, as well as students.
	Advocacy	Simulation of lobbying	Gain knowledge of the role of interest groups and lobbyists, as well as in-depth knowledge of specific issues; practice advocacy skills	Lobbyist, public official, member of advocacy groups	Teachers and students may have negative views of lobbying and may be tempted to play up.

# Tips for Using Simulations


Are simulations complicated? They can be, and teachers should ask themselves the question “Is it worth it?” before deciding to undertake a simulation. With good planning, however, simulations can be powerful learning experiences. Below are some general tips for using simulations effectively and successfully in the classroom:

- **Be very clear about your objectives.** Knowing what you want students to learn and the skills you want them to gain or practice will help you select the type of simulation that will help you achieve those objectives. Being clear about your objectives will also help you plan the simulation so that all students can achieve your goals.
- **Plan carefully.** Break the simulation down into the steps and decide how much time you will allot to each step. Prepare directions for students, including the various role assignments. Be sure that every student has some task to accomplish in every phase of the simulation. For example, in a mock trial, all students can assist in the preparation of the cases; however, there may not be enough active roles in the trial for everyone. Students not serving as lawyers, witnesses, the defendant/complainant, jurors, or the judge, should be asked to observe for specific criteria on which they will later report or to act as reporters, observing and writing stories or preparing newscasts following the trial.
- **Identify the knowledge and skills students will need.** For example, many simulations involve role playing and small-group work. If students do not have experience with these strategies, provide some instruction/practice before undertaking the simulation.
- **Make sure students have access to any necessary resources.** The best simulations deal with controversial issues; students will need materials that present multiple perspectives on these issues in order to succeed. Teachers may provide those materials or allow students to conduct research to find information; even in the latter case, however, teachers need to be sure beforehand that grade-level-appropriate materials are available.
- **Participation of outside resource people.** Determine whether students will benefit from coaching or other forms of participation by outside resource persons. For example, an attorney coach can be very helpful in preparing and conducting a mock trial; a staff member from a legislator’s office could help in debriefing a simulated legislative hearing. Line up the outside resource people that you have identified.
- **Prepare your setting.** Set up the classroom so it can best accommodate the activities of the simulation. This

may require some rearranging of desks, clearing of open spaces, or provision of props.

- **Make the rules clear.** Introduce the simulation briefly by outlining the rules and procedures. Explain the purpose of the simulation in terms of what students will learn; be clear that while a simulation may appear to have a “winner” (the side prevailing in a mock trial, for example), that does not mean students on the other side learned less or were less successful. Explain students’ roles as well as how their participation will be assessed (if it will be).
- **Reflect on the experience with your students.** Debriefing the simulation is critical. You may be tempted to skip the debriefing stage because a simulation has already taken more time than you planned and students clearly enjoyed it—DON’T GIVE IN TO THIS TEMPTATION. A good debriefing is critical in helping students bring meaning to the experience. Many teachers find it useful to begin the debriefing with a brief one-page worksheet with questions designed to elicit students’ reactions to the simulation. The worksheets can then be used as a starting point for the debriefing discussion, which can be conducted in small or large groups. The questions should be focused on the purposes of the simulation, relating the simulation to students’ previous learning and comparing the simulated processes and procedures with how the processes operate in real-life.

Adapted with permission from the website of the Center for Education in Law and Democracy, [www.lawanddemocracy.org/sim.tips.html](http://www.lawanddemocracy.org/sim.tips.html).



Youth for Justice is the national coordinated law-related education program supported by the Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice and is a collaboration of the American Bar Association, the Center for Civic Education, the Constitutional Rights Foundation, the Phi Alpha Delta Public Service Center, and Street Law, Inc. Youth for Justice provides national leadership for sustainable, high quality LRE programs for at-risk youth and their communities. It provides program models, materials, training and technical assistance to educators, students, and parents in schools and in community and juvenile justice settings. Youth for Justice delivers these services in cooperation with its national network of State LRE Centers.

# Using LRE Simulations and Role Play in the U.S. History Classroom

By Keri Doggett

In today's educational climate, teachers are pressed to make every instructional minute count. For history teachers, this means covering standards-based content while also helping students develop the skills necessary to think about historical content with more sophistication than rote memorization of names, dates, and places. Interactive methods, like simulation and role play activities, can be vital tools of the history-social science teacher.

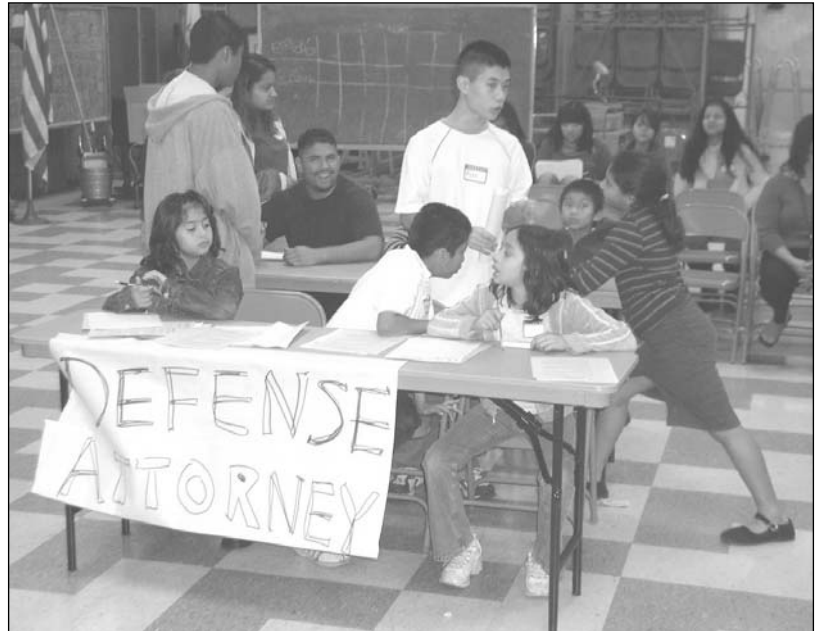
Law-related education (LRE) offers unique opportunities for deploying powerful simulation models and infusing critical legal and political content within the U.S. History curriculum. As providers of curriculum resources and professional development, LRE practitioners can help teachers effectively use simulation and role play activities as powerful learning experiences that impact students' **content knowledge, skills, and dispositions**, making every minute count.

## Moving Beyond Old Simulation Models

In past decades, simulations were commonly used in social studies classes to develop empathy for the needs and concerns of a particular group. These simulations, such as the "Blue Eyes-Brown Eyes" simulation and its adaptations, typically put students through an experience that paralleled a social situation experienced by a particular group in order to elicit real and often emotional responses. Students did not take on roles, but reacted to the experience as it affected them personally.

The development of civic virtues like tolerance and respect is an important part of civic education. But in teaching students about the law, political institutions, and legal controversies in American History, well-designed simulations and role play activities can—and must—address more than attitudes and dispositions. LRE simulations can help teach students the knowledge and skills to assess these issues in intellectual and historical context and from multiple perspectives.

Simulations and role play activities should also do more than simply reenact a historical episode, event, or attribute of "daily life." Reenactments can be a motivating way to present content about "what life was like back then" or how a particular historic event unfolded. Yet if the simulation is overly focused on content (i.e., factual accounts of who, when, how, and what happened), the



*Students serve as attorneys in a mock trial.*

activity loses its potential to engage students in developing and applying critical thinking and historical thinking skills. One of the strengths of LRE simulations and role play activities is their capacity to put students in the time and place so that they can grapple with the issues of the day.

## Simulation Lessons from the Teaching American History Program

According to historians and history educators, the best history instruction uses content to develop skills and likewise promotes skill-development for the purpose of gaining in-depth knowledge about content. In turn, as teachers provide instruction for students, historical thinking skills cannot be divorced from content (Stearns et al. 2002). As LRE practitioners who provide professional development for history teachers, we can model this critical interplay between content, pedagogy, and historical thinking.

Support for this approach can be found in research stemming from the U.S. Department of Education's *Teaching American History* (TAH) program. Through grants to local education agencies throughout the country, the TAH program is providing intensive professional development, curriculum materials, and other resources to hundreds of thousands of K-12 teachers. These grants are designed to improve **teachers'** content knowledge about American history and, by extension, increase teachers' capacity to provide effective instruction to students. From this work, history-social science educators are

learning more about what works in providing effective professional development as well as identifying particular needs in strengthening content knowledge and historical thinking skills.

Confirmation for the importance of forging a bond between content and skills is illustrated by a recent evaluation of several TAH projects that required teachers to create their own products, including lessons and research papers (Humphrey et al. 2005). A team of evaluators, including historians and pedagogy experts, then assessed the teachers' work to determine the level of content knowledge and historical thinking skills demonstrated in the products. In the case of lesson plans, the evaluation team also looked for the teachers' ability to plan classroom activities that would increase student content knowledge **and** thinking skills.

The study found that teachers were able to demonstrate content knowledge in terms of historical facts, but had difficulty interpreting and analyzing historical information using higher-level thinking skills. These findings illustrate the need for professional development that helps teachers effectively select and use simulation and role play activities to increase both **content and skills**.

Consider a simulation many teachers use to introduce the Stamp Act of 1763. In this simulation, students are "taxed" on a variety of things they already possess or need to use in their daily lives (pencils, paper, etc.). In the debrief of these simulations, analogies are drawn between the students' reactions to the classroom taxes and the American colonists' reactions to the policies imposed by the British government. Not only can such simulations be highly effective in motivating students to learn about a historical event, they can also help students develop a more sophisticated understanding of the actions and reactions of people in a given time and place. Teachers who effectively use these types of simulations often use them to build an anticipatory set and follow the activity with a content-rich unit that further exposes students to the issues and complexities of the situation simulated.

### **Simulations and *The Civic Mission of Schools Initiative***

In addition to the Teaching American History program, the Civic Mission of Schools (CMS) initiative is providing further research and guidance we can use to help U.S. History teachers effectively use simulation and role play activities. CMS is providing funding to states across the nation to examine and improve current policies and practices in civic education. The 2003 report entitled *The*



*Students deliberate following a moot court presentation.*

*Civic Mission of Schools* is guiding this work, which emphasizes six Promising Approaches to Civic Education. Three of the six approaches have particular implications for using simulations to teach American history:

- Providing formal instruction in government, history, law, and democracy (Practice #1) and incorporating discussion of current local, national, and international issues and events into the classroom, particularly those that young people view as important to their lives (Practice #2). LRE simulations using governmental and civic processes (see page 5, "Selected Examples of Civic/Law-Related Simulations") are ideal opportunities for creating thematic links between the present and events in the past.
- Encouraging students' participation in simulations of democratic processes and procedures (Practice #6). LRE simulations offer students the chance to engage in discussions of both historical and current issues and take part in activities that can help put a "real life" perspective on what is learned in class.

The CMS research suggests that well-designed simulation activities have the potential to impact students' content knowledge and to cause students to engage with that content in sophisticated ways; however, this potential is dependent on what the activity is designed to do and how well the activity is implemented with students. As we help history teachers determine how to select good simulations or role play activities, LRE can provide particular assistance by directing them toward those that incorporate analysis, evaluation, or generation of policy.

The CMS research pertaining to the use of simulation and role play activities is based on the analysis of a variety of existing curriculum materials and programs, including

*Kids Voting, USA*; *We the People* (Center for Civic Education); *International Communication and Negotiation Simulations* (Center for International Development and Conflict Management Department of Government & Politics, University of Maryland ); and *CityWorks* (Constitutional Rights Foundation). One commonality of these programs is that each causes students to interact on some level with policy (*The Civic Mission of Schools*). History teachers can take advantage of policy-based activities to impact content and thinking skills.

Policy-based simulation and role play activities provide an excellent opportunity for students to conduct their analysis from a variety of perspectives, including those contemporary to the time of the document. One of the more challenging historical thinking and analysis skills is understanding that although the past tends to be viewed in terms of present values, a proper perception of the past requires a serious examination of values of that time (Stearns et al. 2002). A well-designed and implemented simulation can help students develop this important skill. For example, in exploring the issues surrounding the internment of persons of Japanese origin during World War II, a moot court on the U.S. Supreme Court decision *Korematsu v. United States* (1944) can help bring the feelings and arguments of that period to life. (To help prepare students for such an experience, see the activity, “Examining the Arguments in *Korematsu v. United States* (1944),” beginning on page 10.)

In addition to U.S. Supreme Court decisions, other historical source documents such as treaties, declarations, and proposed or enacted legislation can provide rich content for a simulation. More recent policies—such as responses following the attacks of September 11, 2001—can also be used to increase students’ historical content knowledge and to engage them in research and analysis as they trace the evolution of issues associated with a policy. Simulations that use recent or current policies can increase students’ capacity to relate past and present as they analyze the relevancy of historical issues to the present. In either case, in the history classroom, simulation and role play activities should increase students’ understanding about the historical context in which the document was created, including the alternatives and options considered during the time.

There is also merit in using hypothetical examples with issues that parallel current or historical policies. Using hypotheticals can reduce the tendency of students to think there is a “right” answer or viewpoint they should take based on what “really happened.” A congressional debate on whether to authorize U.S. troops to intervene in a hypothetical conflict, for example, can provide students with a useful lens for evaluating the reasons and decisions

made by Congress in the past or today. Other democratic processes, such as a trial, hearing, election, or media event offer similar opportunities for students to explore potential consequences while reducing the hazard of students simply reenacting events. According to the CMS research, these kinds of simulated **processes** can help students develop deeper understanding of and insight into the complexities, controversies, and compromises of a democratic society.

The connection between content and pedagogy is key to effective use of simulations and role play activities. Interactive methodology is more than students “interacting” with each other. It is students interacting with content in sophisticated ways requiring the skills of analysis, interpretation, and decision-making. LRE simulations combine these skills to help teachers and students address compelling issues, ideas, and events in the American history classroom.

## Sources

*The Civic Mission of Schools*. (2003). New York: The Carnegie Corporation and College Park, MD: CIRCLE (The Center for Information and Research on Civic Learning and Engagement).

Humphrey, Daniel et al. (2005). *Evaluation of the Teaching American History Program*. Washington, DC: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service. [www.ed.gov/rschstat/eval/teaching/us-history/teaching.pdf](http://www.ed.gov/rschstat/eval/teaching/us-history/teaching.pdf) (accessed December 8, 2005).

Kirlin, Mary. (2005). *Promising Approaches for Strengthening Civic Education*. White paper commissioned by Constitutional Rights Foundation. [www.cms-ca.org/CMS%20white%20paper%20final.pdf](http://www.cms-ca.org/CMS%20white%20paper%20final.pdf) (accessed December 8, 2005).

Stearns, Peter, et al., (2002). *Benchmarks for Professional Development in Teaching of History as a Discipline*. Washington, DC: American Historical Association. [www.historians.org/teaching/policy/benchmarks.htm](http://www.historians.org/teaching/policy/benchmarks.htm) (accessed December 8, 2005).



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# Examining the Arguments in *Korematsu v. United States* (1944)

Perhaps the greatest challenge of *Korematsu v. United States* is understanding the arguments for each side of the case, particularly those supporting the constitutionality of Civilian Exclusion Order No. 34, which banished from a prescribed area of the Pacific Coast “all persons of Japanese ancestry, both alien and non-alien.”

Below are arguments from the case.

**Step 1:** With a partner, read through each argument and decide whether it supports Fred Korematsu’s position against enforcing the exclusion order against persons of Japanese ancestry (**K**), the United States Government’s position enforcing the exclusion order (**US**), both sides (**Both**), or neither side (**Neither**). Fill in the blank with your response.

**Step 2:** Working in a foursome (you, your partner, and another pair), reach consensus on which argument you feel is the *most persuasive* for each side. Be prepared to explain your choices to the entire group.

## Arguments from *Korematsu v. United States*

1. \_\_\_\_\_ The “war power” of the Congress and the President are as much part of the Constitution as provisions for the nation in peacetime. Therefore, the validity of action under the war power must be judged wholly in the context of war. And within their sphere, military authorities are just as bound to obey the Constitution as judges are within theirs. If the exclusion order does not transcend the means appropriate for conducting war, such action by the military is as constitutional as would be any authorized action by the Interstate Commerce Commission within the limits of the constitutional power to regulate commerce.
2. \_\_\_\_\_ A military order, however unconstitutional, is not apt to last longer than the military emergency. But if the exclusion is held to be constitutional, then the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon, ready for the hand of any authority that can bring forward a plausible claim of an urgent need.
3. \_\_\_\_\_ What the military can decide, and whether or not they have overstepped in a particular case, are judicial questions. The judicial test of whether the Government, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is whether the deprivation is reasonably related to a public danger that is so “immediate, imminent, and impending” as not to admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger.
4. \_\_\_\_\_ All legal restrictions which curtail the civil rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny. Pressing public necessity may sometimes justify the existence of such restrictions; racial antagonism never can.
5. \_\_\_\_\_ If any fundamental assumption underlies the American legal system, it is that guilt is personal and not inheritable. Even if all of a person’s ancestors had been convicted of treason, the Constitution forbids its penalties to be visited upon him, for it provides that “no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.” But here is an attempt to make an otherwise innocent act a crime merely because this prisoner is the son of parents as to whom he had no choice, and belongs to a race from which there is no way to resign.



Sign posted notifying people of Japanese descent to report for relocation.

CONTINUED on next page.

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6. \_\_\_\_ Korematsu was born on American soil, and the Constitution makes him a citizen of the United States by birth. His presence in the exclusion area was a crime only because his parents were of Japanese birth. Had he been one of four—the others being, say, a German alien enemy, an Italian alien enemy, and a citizen of American-born ancestors, convicted of treason but out on parole—only Korematsu would have been guilty of violating the order. The difference between their innocence and his crime would result, not from anything he did, said, or thought, different than they, but only in that he was born of different racial stock.
  7. \_\_\_\_ The Court cannot reject the finding of the military authorities that it was impossible to bring about an immediate segregation of disloyal from loyal persons of Japanese descent, and therefore the exclusion order was a reasonable action.
  8. \_\_\_\_ The military and naval situation in the spring of 1942 generated a very real fear of invasion of the Pacific Coast, accompanied by fears of sabotage and espionage in that area. The military command was therefore justified in adopting all reasonable means necessary to combat these dangers. When judging the military actions to meet those apparent dangers, we must not erect too high or too meticulous standards; it is necessary only that the action have some reasonable relation to the removal of the dangers.
  9. \_\_\_\_ The exclusion order is reasonable only if one assumes that all persons of Japanese ancestry may have a dangerous tendency to commit sabotage and espionage and to aid the Japanese enemy in other ways. To infer that examples of individual disloyalty prove group disloyalty and justify discriminatory action against the entire group is to deny that, under our system of law, individual guilt is the sole basis for deprivation of rights. This inference is at the very heart of the evacuation orders.
  10. \_\_\_\_ The exclusion order clearly imposed hardships upon a large group of American citizens, most of whom no doubt were loyal to this country. But hardships are part of war, and war is an aggregation of hardships. All citizens alike, both in and out of uniform, feel the impact of war in greater or lesser measure. Citizenship has its responsibilities, as well as its privileges, and, in time of war, the burden is always heavier. Under conditions of modern warfare, when American shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger.
  11. \_\_\_\_ Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because the United States is at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of the West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and, finally, because Congress determined during a time of war that American military leaders should have the power to do just this. There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short. The Court cannot rely on the calm perspective of hindsight to now say that, at that time, these actions were unjustified.

### Questions for Discussion

- Try to imagine yourself at the time of this case. How would you think the Court should decide?
- What effect, if any, does knowing the history surrounding this case affect your decision?
- What light do the arguments about Korematsu shed on issues of safety and liberty today?

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Youth for Justice, the national coordinated law-related education (LRE) consortium funded by the Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice, invites 100 middle and high school classes across the United States to teach others about the fundamental ideas of American democracy through the Third Annual National Teach-In celebration of National Youth Service Day and National Law Day. The first 100 classes to register will receive a mini-grant of **\$200**, which may be used to buy materials to conduct their teach-in, provide law-related education resources for their class or school library, host a teach-in conference with another school, or donate to a school club or charity.

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For more information, go to: [www.crfc.org/YFJ\\_Teachin2006.html](http://www.crfc.org/YFJ_Teachin2006.html)

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Applications will be accepted on a first-come, first-serve basis. For complete information and to apply, please go to [www.youthforjustice.org/nti](http://www.youthforjustice.org/nti) or e-mail Shannon Tobin at [stobin@streetlaw.org](mailto:stobin@streetlaw.org).



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