



# Teaching History

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**TEACHING HISTORY**  
**A JOURNAL OF METHODS**

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All correspondence in regard to contribution of manuscripts and editorial policies should be directed to Stephen Kneeshaw, Department of History, College of the Ozarks, Point Lookout, MO 65726-0017, fax 417/690-3250, e-mail [kneeshaw@cofo.edu](mailto:kneeshaw@cofo.edu). All books for review and correspondence regarding book reviews should be sent to C. David Dalton, Department of History, College of the Ozarks, Point Lookout, MO 65726-0017, fax 417/690-3250, e-mail [dalton@cofo.edu](mailto:dalton@cofo.edu).

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## TWO CHEATPROOF PROJECTS FOR U.S. HISTORY COURSES

Abraham Hoffman  
Los Angeles Valley College

Writing in *AHA Perspectives* in 1990, Professor John E. Stovel lamented student plagiarism on research papers and proposed a drastic solution. He suggested that, instead of submitting a research paper, each student simply write a topic paragraph "as if they were going to write a complete research paper." This sample would receive a grade based on what the sample would have been had it been a ten-page or so research paper. In effect, Stovel was giving up on students and the temptations they faced in buying a canned paper.<sup>1</sup>

Responding to Stovel, I argued at the time that professors still could assign true research papers if they were willing to take the trouble to require outlines, bibliography, note cards, photocopies of sources, and handwritten drafts, along with the finished product. Some teachers could respond to this suggestion by saying they had neither time nor space to handle all the paperwork the assignment would generate, cluttering up the office with dozens of packages full of the materials rather than just the final copy of the research paper.<sup>2</sup>

More than two decades later, the Internet has vastly expanded the problem of plagiarism. In addition to websites that blatantly offer term papers for sale, there is all that information available across the World Wide Web to enable a student to copy and paste, change a few words here and there, and then hand in what looks like, walks like, and quacks like a term paper. The difference now is that the student does not have to pay a commercial website for it. To deal with the problem, many universities pay for plagiarism-detecting programs. Students submit papers electronically, and the papers are scanned for a series of consecutive words that match a huge database of papers and articles.<sup>3</sup>

Unfortunately, many schools cannot budget for software programs that detect plagiarism, though I have spoken to teachers who find that simply announcing such a program is going to be used might serve as a deterrent. As for me, I'm still old school. I would rather hold a research paper in my hand than read it from a monitor. It is easier for me to mark up a paper by hand than write stuff on the margins of an electronic submission. I caution students at the first meeting of the semester that there are very

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<sup>1</sup>John E. Stovel, "HELP—New Tricks for Old Dogs," *AHA Perspectives*, March/April 1990.

<sup>2</sup>Abraham Hoffman, "A Simple Answer to an Old Problem," *AHA Perspectives*, May/June 1990.

<sup>3</sup>For example, see Plagiarism.org as discussed in "Online Firm Targets Term Paper Plagiarists," *Los Angeles Times*, November 28, 1999.



heavy penalties for plagiarism and pass around a notebook filled with plagiarized papers just to show I do care enough about the problem to catch students who try it.

The good news (bad news for plagiarizing students) is that it is ridiculously easy to catch many students who cheat on their term papers. An example from my files: A student handed in a paper on the Erie Canal that focused entirely on De Witt Clinton. The paper began, "CLINTON, DE WITT (1768-1828) ...." It took me about two seconds to find this article on the online *Columbia Encyclopedia*. The student had copied and pasted the article, then changed the format to double-space. The student then noticed that certain words were underlined—external links. What to do? The student solved this problem by using liquid paper to block out the underlining.

Apart from my suspicions being aroused by just reading the first few words of this essay, I could feel the rough texture of the white-outed underlines. Holding the paper to the light, it was easy to see all the places where liquid paper was applied. Grade: F and a referral to the Academic Vice President who would summon the student and apply the college's policy of violating plagiarism rules. The college's written policy defines plagiarism as "reproduction of expressions or ideas from either published or unpublished work(s) as student's own. This also includes copying software and the violation of copyright laws."<sup>4</sup>

It is not my intention to belabor the fact that plagiarism is a serious problem. Instead, I would like to offer a positive approach to the problem, assigning work that cannot be duplicated, replicated, fabricated, plagiarized, stolen, or in any other unethical way be submitted by students as work that is not their own. After my students get the assignment, and recover from the shock that they need to do it (many points for their grades) and have to do the work (they cannot plagiarize it), they generally relax and enjoy it. The assignments that I discuss here are designed to spark each student's sense of inquiry, latent though it might be, and to raise the awareness (that might be close to nonexistent) that research into a historical topic can be an exciting adventure.

The two projects below are intended for high school students and college undergraduates in United States history courses, though courses in geography, political science, journalism, and other fields could find the second project applicable.

### **The Time-Traveling Wastebasket (4 weeks)**

I start "The Time-Traveling Wastebasket" assignment by circulating a sheet with a list of seemingly random dates next to blank lines. Without any explanation as to its purpose, I ask the students to pick a date, sign on the line next to it, and write the date down on their own papers so as not to forget it. There are enough dates for every student in the class, and since the dates seem random (January 9, 1921; February 15, 1921; March 23, 1922; etc.) it does not matter if the last few students find most choices

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<sup>4</sup>Los Angeles Valley College Catalog, 2013-2014, 9.

are signed for by the time they get the sheet. The sign-up sheet is returned to me. I have complete control over what date a student is responsible to research. If a student loses his or her paper with the date, I can tell that student what the date is.

I then hand out an information sheet to explain the assignment. Students learn that the wastebasket in my office is actually a time machine. I found this out one day when a clumsy student accidentally put his foot into it and vanished. A day later he suddenly reappeared to tell an astonished class where—or when—he had been. In his hands he held a newspaper.

The students are not required literally to put a foot into the wastebasket, though a few have done so in jest. The information sheet tells them they are going to travel in time to the date they have selected. Finding themselves on a street corner, they pick up a newspaper lying on the sidewalk. The date on the newspaper corresponds to their assigned date. They are to use the newspapers to provide the following information:

- What is happening on the main news front page?
- What is happening on the sports page?
- In the classified ads section, how much do used cars cost?
- In the classified ads section, how much are apartment rentals?
- In the classified ads section, what jobs are being offered and to whom?
- On the comic page, what are the stories about?
- On the movies page, what movies are being advertised and discussed?
- On the local news page, what is going on in town?
- On the editorial page, what are the topics being discussed?
- Find a page with department store or grocery ads and comment on the prices.

Students are to apply the information called for in two ways. First, they write a large paragraph describing in their own words what they see on each of the newspaper pages. This work is to be typed and double-spaced. Second, they write an essay, three pages minimum, typed and double-spaced, describing their adventure in time travel and using the information from the assigned newspaper pages to make their story interesting. For example, a student sent to July 19, 1936, might decide to go to a movie. They might look up the movie on the Internet Movie Data Base to find out more about the film and its actors. This information goes only in the essay, not in the descriptive paragraphs (after all, the student has just picked up the newspaper from the sidewalk and therefore has not yet seen the movie). Students thus can embellish the essay, but the source must be given in a bibliography—no point in plagiarizing if the teacher knows exactly where the information is coming from.

Students assemble a title page, the essay, descriptive paragraphs, photocopies of the newspaper articles, and bibliography in plastic sheets and in a three-clasp folder. The sheets should be arranged so that the descriptive paragraph is on the left side facing the relevant photocopied newspaper page. The essay should precede the newspaper sheets and descriptive paragraphs.

To get the assignment going, the essay might begin, “I didn’t believe the teacher when he said the wastebasket was a time machine, but when I put my foot in it ....”

### Accessing the Newspapers

It obviously helps if the college library has a microfilm run of the local newspaper. High school students might find the information at the public library or in a nearby college collection. I teach in Los Angeles where the Los Angeles Central Public Library has complete microfilm runs of the *Los Angeles Times* and *Los Angeles Examiner*. Many of the college and university libraries in the Los Angeles area also will have runs of the newspapers, though high school students might need special permission at UCLA to use the reader-printers. In any case, whatever the location, instructors should provide students with specific suggestions that are relevant to materials available at neighboring university campuses and at local public libraries.

Another piece of advice for students is that visits to a library are done best on a Saturday morning, right when the library opens. The later in the day they arrive, the more people are likely to be there wanting to use the reader-printers. Students should get the microfilm, locate the date, make the relevant copies, and only then take a tour of the public library or college campus. Community college students probably will find their campus library does not have a reader-printer or a microfilm newspaper file, community college budgets being what they are. Most public libraries, however, will have a reader-printer and a file of their town's newspaper.

### Oral Report and Grade

I require an oral report as fifteen percent of the assignment's grade. The report is only a formality, around three to five minutes maximum, in which students tell what they did in going to the library and what they learned from the assignment. From the oral reports I found out about students who got lost on the college campus, the ones who paid the steep parking fee, and other confessions.

The grade for this assignment should be at least twenty percent of the total number of points for class assignments and exams. Less than twenty percent and some students will not bother to do it; more than twenty percent and the tail wags the dog. I make it clear that a student who does not complete the assignment cannot make an A in the class because twenty percent would deduct too many points from a possible A. On the other hand, a student with a solid B could achieve an A by doing a good job on the assignment.

I should mention that the time-travel essays are quite entertaining. One student, obviously a fan of the *Terminator* films, wrote that when he arrived at his date in time he was naked and had to steal clothing from a clothesline before he could look for the newspaper. Any number of students have rejected the wastebasket (which was ok with me) in favor of some other method of time travel, including a trip with Doctor Who on the TARDIS. Most of the essays ran longer than the required minimum, in a few cases going to ten pages and describing quite an adventure on their time trip. Many students confess in their oral report that they actually enjoyed doing the assignment, that it was



their first trip to a college campus, looking up something on microfilm, or using a reader-printer.

Doing the assignment has resulted in some unexpected surprises for students. Several African American students expressed resentment when they found negative caricatures on the comics page. The case in point was *Gasoline Alley*, a long-running comic strip that featured a black mammy character who was obese, big-lipped, and ungrammatical. The complaint provided an opportunity for the class to examine comic strips as a reflection of popular culture and how blacks were portrayed stereotypically.<sup>5</sup>

Students also were shocked to find examples of blatant discrimination and prejudice in some of the classified ads. In the decades from the 1920s to the 1950s, the time period from which I pick dates, gender discrimination is obvious in the segregation of Help Wanted ads into Male and Female categories. Job opportunities for women clearly were below those in status offered to men. Ads also requested "white," "Gentile," or "colored," and used other restrictions. Students also discovered that newspapers used jokes as "filler," to complete a column if there was an inch or so remaining below an article and that these jokes frequently used dialect derogatory to Jews, African Americans, Irish, and other minorities of the period.

When students mentioned these prejudices in their oral reports, the class became involved in some stimulating discussions regarding job discrimination, civil rights, and the responsibilities of government to its citizens as specified in the Constitution. Students also noted that newspapers could have been more sensitive in treating minorities. As several students commented, "The good old days weren't that good for some people."

This assignment should not take more than four weeks. I urge students to go to the library as soon as possible and not wait until the last Saturday before the due date of the project, as most of the work involves reading copies, describing them, and creating the essay. After all of the oral reports have been given and the projects graded, I provide class time for students to share their projects with others, and there is always a lot of buzz in the classroom as the folders get passed around. (Note: I do not mark up their work—all grading and comments go on a separate sheet inserted into the folder.) Since everyone had a different time travel date, no two projects are alike—and there is no plagiarism.

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<sup>5</sup>*Gasoline Alley* began its run in 1918 and continues to the present day. *Buck Rogers in the 25<sup>th</sup> Century A.D.* found Buck first battling the Mongols who had conquered the western half of North America. The racist theme was consistent with Yellow Peril agitation at the time. After a couple of years Buck met a new enemy, the Martian Tigermen. The strip ran from 1928 to 1967 but was revived for a few years, during which time a politically correct film and TV series appeared in the 1980s.

**The Vacation Trip (8 weeks)**

The second cheat-proof project is a group effort, with students divided into groups of three, and any mathematical remainder to be groups of four. Five dilutes the work to be done and two makes for too heavy a work load. Students might create their own groups or the teacher can assign students.

I do this assignment in the spring semester. It requires some advance preparation and contact with the auto club. Every January the American Automobile Association issues new tour guidebooks. Although the old books might be out of date, they remain invaluable as educational tools, especially for the Vacation Trip Project. Teachers should contact their local AAA office in early January and inquire about obtaining fifteen to twenty copies of the soon-to-be obsolete tour books for their home state and the states in the surrounding region to a radius of some 700-800 miles. If possible, road maps for those states are also useful for the project. While the Internet also works for this project, I like students to have a hands-on experience spreading maps out on their desks and thumbing through tour books.

In setting up student vacation trips, I lay out AAA maps and look for towns that have their names shown in red and have fairly small populations. Based in California, I would choose Arizona towns such as Williams, Wilcox, and Holbrook, and Nevada towns such as Eureka, Wells, Winnemucca, and Austin. Then I check the tour books to verify that there is a description of the town and, at the least, a contact address and telephone number, possibly the chamber of commerce. I make up a list of fifteen to twenty towns, enough for all of the three-person groups in the class. In announcing this assignment to the class, I create the groups first and then distribute the towns, written on sheets of paper, one to a group. I have group members sign their names to the paper, write down the name of their town, and return the paper to me.

I then distribute the tour guidebooks and maps to the groups, along with an information sheet, stating the goals of the project. The student groups are going on a summer vacation trip, and since it is going to be a virtual trip, they have enough virtual money for gasoline, motel, and food expenses. They also will have an automobile that gets thirty miles to the gallon and a gas tank with a capacity of thirteen gallons, so it will be imperative that they must locate gas stations no further than 350 miles or so on their planned route.

Now, in this marvelous era of the World Wide Web, it would not be much of a challenge to plan a drive from Los Angeles to Winnemucca, what with such aids as MapQuest. So the kicker is this: Students can NOT go more than a total of twenty miles on interstate highways. They will have to consult state road maps for U.S. highways, state highways, and even county roads. Any group that travels more than twenty miles on an interstate highway will get an automatic Fail on the assignment. Students therefore face the challenge of plotting a route that will not be as easy as it sounds, and they will be going through towns that are off the beaten path.

Each member of the group will be in charge of a part of the assignment. One student will be responsible for planning the route, figuring on the location of gas stations, motels, and restaurants. The second student will calculate and keep a record of all virtual expenses, including motel bills, restaurant bills, cost of gasoline, and any other expenses, such as admission to museums or historic sites. The third student will utilize the tour books and websites to look up places of historic and scenic interest along the planned route. Students must write letters to the chambers of commerce, historical societies, museums, and other contacts, requesting information about the town's history, scenic attractions, the area's weather, and anything else chambers of commerce like to boast about. All correspondence is to be archived and copies of letters sent to different places must appear in the project scrapbook.

I have found that very few students have been given an assignment such as this. It involves history (especially local history), geography, mathematics, environmental studies, and more than a few surprises. Back to Winnemucca, where Butch Cassidy's Wild Bunch robbed the First National Bank in 1900, where the Basque Festival is held in June, where visitors can enjoy the Humboldt Museum and explore the nearby Black Rock Desert (home to the Burning Man event). Information on all this is available from the Winnemucca Convention and Visitor Authority.

I urge student groups to begin contacting museums, chambers of commerce, businesses, and so forth along the route as soon as possible. The tour guidebooks are only a starting point; students can surf the WWW for websites on towns and points of interest and email them for information and brochures. They just cannot use the Web to plot the route. As materials come in, each group decides how much time to spend at various locations instead of just driving to their assigned town. Oh—for the return trip—they have to take a different route home.

Just as the game of Monopoly offers "Chance" cards, creative teachers can challenge students with unforeseen problems. Something like a flat tire or automotive breakdown between, say, Austin and Battle Mountain in Nevada or a ticket for speeding on U.S. 60 between Show Low and Springerville in Arizona. What county are they in? Where is the county seat and the courthouse where the ticket is to be paid? Which way to the nearest garage to repair the car? What if a member of the group gets sick (too much road food) in Gila Bend, Arizona, or Deming, New Mexico?

As the brochures, trinkets (literally, bells and whistles and key chains and refrigerator magnets and other stuff), and correspondence come in, each group needs to organize the presentation of the trip. A virtual journal records how far they travel, where they stop for gas and meals, where they stayed for the night, how long they stayed (the Basque Festival was lots of fun), the places and things they saw. The form of presentation is a scrapbook of the trip. Some students became more involved in the assignment than I thought possible, with obliging parents taking pictures of them as they loaded the car with luggage, backed down the driveway, and hit the road. The WWW provided photographs of scenic places, and clever students photo-shopped themselves into the pictures, waving at the "camera."



At the heart of the project was what the students saw and how they felt about places they visited—historic sites, museums about railroads, Native American artwork and crafts, local historical events, pioneer days celebrations, and many other activities and places they did not know about before the trip. They also were invited to remark on the landscape, the trees, mountains, wildlife, and rock formations, or anything they found in the materials that would have been of interest on an actual trip.

To conclude the work, each student wrote a summary account of the trip from their point of view and how they got along with their traveling companions. Some students wrote about “virtual” arguments over whose turn to drive, getting lost on a back road, or forgetting to buy more bottled water. I also required students to evaluate the input of fellow group members. Early on I told students that the classic example of committee work was the writing of the Declaration of Independence. Of the five people on the committee, Thomas Jefferson wrote ninety percent, Benjamin Franklin about nine percent, and John Adams one percent. Two other members, Robert R. Livingston and Roger Sherman, contributed nothing to writing the Declaration and probably threw paper wads at each other while Jefferson was trying to get the job done. Interestingly, quite a few students recalled group projects in middle school where one or more students in the group failed to do his or her share of the work, yet the teacher awarded everyone the same grade. I assured the class that the peer evaluations would receive a careful reading from me. Since I graded with numerical scores, it was quite possible for a “Jefferson” to earn many more points than a “Livingston.”

For one example of a Vacation Trip: One group received the task of going from Los Angeles to Ephrata, Washington. On Day One they stopped at a market to buy munchies for the road trip, spending \$32.50. “At 7:00 a.m. we got on the 101W for our first destination, San Luis Obispo,” read the log. “We arrived at San Luis Obispo at 10:00 a.m., and we decided to go to the Mission San Luis Obispo de Tolosa. There we saw a museum filled with Chumash Indian artifacts and memorabilia from early settlers.” The log went on to summarize a day in which they “traveled” 310 miles and spent \$284.63, including admission to Hearst Castle, gasoline, motel, and dinner. The following pages contained photographs taken from brochures at Hearst Castle, the menu from an Apple Farm Restaurant at San Luis Obispo, a picture postcard of the La Playa Hotel in Monterey, and other items collected on the “trip.”

Day Two took the group up the California Coast to Oregon, utilizing the Pacific Coast Highway and U.S. 101, but staying off I-5. They reached Ephrata at the end of Day Five and stayed at the Ephrata Travelodge. While visiting Ephrata, the group toured the Grant County Historical Museum and Pioneer Village, looking at “old pictures, tools, farm equipment, rocks, Wanapum and Sinkiuse Indian artifacts, cowboy paraphernalia, clothing, documents, and household furnishings from the homestead era.” The scrapbook included pictures of the museum exhibits.

Heading for home, the group took time out for river rafting for two days on the Deschutes River in Oregon. They took a different route back to California, going by



way of Lava Bed National Monument to Sacramento and south on SR 99. On Day Fourteen the group arrived back in Los Angeles.

Each of the group members wrote separate evaluations as well as a group evaluation. There was a general consensus that each student had collaborated fully on the project. One group evaluator stated, "We all enjoyed doing this type of project. By making the assignment a group project, we all learned how to work together in an effective and efficient way. It was good experience for us to learn how to use roadmaps and the tour books. Speaking to the employees on a business level was also good experience. We had a lot of fun planning this simulated trip, and we recommend it for future classes."<sup>6</sup>

### Conclusion

I assigned both of these two classroom projects, Time Travel and Vacation Trip, to honors and regular students at the high-school level and the Time Travel project to students in my college-level U.S. history class. The effort the high school students made on the Vacation Trip proved particularly interesting. As might be expected, the honors classes were initially more motivated than regular classes. When I ask students in regular classes at the start of the fall semester if they plan to go to college, almost all of them respond affirmatively, yet it soon emerges that most of them, as eleventh graders, are making few plans to attend a university or four-year college. A few say they plan to attend UCLA, a pipe dream since they are not taking any honors or advanced placement courses and have at best average grades.

As the project progressed, however, the attitude among the regular students changed. Outside of class, they had friends in the honors class doing the same project except that everyone had a different town. Perhaps they shared ideas or grumbled about the large number of grading points at stake. In any event, the regular students soon knuckled down to the task, and most of them submitted projects that were not qualitatively different from what the honors students did. Maybe, like influenza, motivation can be contagious. Incidentally, every time I assign this project, I use different towns; no two scrapbooks are alike—and there is no plagiarism.

I have experienced two unexpected conclusions to the Vacation Trip Project. The first time my students did the project, I thought it might be interesting if the assistant principal dropped by to hear some of the oral reports. He stayed for fifteen minutes and heard three groups present their projects, taking turns narrating about where they went and what they saw and holding up the scrapbook and turning its pages. I later saw the assistant principal on the schoolyard. "You know," he confessed, "when I heard the first two groups give their reports, I thought that they had really gone on the trip. I was wondering how you got the parents to give them permission to go on it! I

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<sup>6</sup>Student scrapbook in the author's possession.

didn't catch on that it was simulated until the third group!" I told him not to feel bad, but I did not say "gotcha!"

The second surprise came at the end of the semester, when I was packing up for the summer on the last day. A Chicano student from the regular U.S. history class came into my room. At best he had been an average student in his class work and tests, though his part in the Vacation Trip Project helped him earn a solid C grade in the course. He had a request to make. He knew I kept the roadmaps and tour books in a filing cabinet for use with future classes. Would I lend him the books and maps for California, Arizona, and New Mexico? I said sure, and dug them out for him, and I asked him what he wanted to do with them. He replied, "My parents got a big kick out of the project, and how I helped my group. My parents are planning to take the family to New Mexico to visit my grandparents. And," he said with a big smile, "I'm in charge of seeing the best way to get there."

## LIFT, SIFT, PEEL, AND TUNNEL: EMPOWERING UNDERGRADUATES TO EMBRACE LEGAL OPINIONS

Dominic DeBrincat<sup>1</sup>  
Eastern Connecticut State University

Too often history students avoid legal resources because they are presumably difficult to understand or because these primary sources lie beyond their ranges of expertise. This essay aims to remedy those misconceptions or misguided fears by helping undergraduate instructors, particularly historians, teach students how to handle judicial opinions effectively and confidently. I begin with an explanation of the benefits of using judicial opinions in teaching. The article then offers ways to boost students' confidence and skills in managing, dissecting, digesting, and understanding case opinions. This empowerment involves three simple steps: Boost students' academic confidence, teach them how to read cases, and show them how to take useful notes. If teachers and students embrace judicial opinions as productive learning tools, students should have a fuller understanding of historical developments as they were happening. Beyond the historical benefits, examining judicial opinions can improve students' skills in critical thinking and critical applications, as well as sharpen their appreciation for their roles as thoughtful citizens.

Judicial opinions can yield great historical benefits as primary sources. Sometimes judicial opinions get cloaked in less-than-accessible legal language and jargon, but they offer contemporary snapshots of social, economic, political, and cultural developments and perceptions. Courts grapple with a variety of legal issues, from the mundane (like patents or contracts) to the extraordinary or charged (like gun control or capital punishment). Regardless of the legal issue's "sexiness," the opinions that accompany judges' rulings can be windows into the varied arguments and historical considerations at play in and out of the courtroom. It is even better for the historian if the case elicits several judges' opinions; in addition to controlling majority rulings, some cases generate persuasive concurring or dissenting opinions. The more opinions a case inspires, the fuller the picture we have of competing viewpoints on critical issues. We also can explore judges' contextual evidence to unravel the historians' question of "why" history unfolds the way it does. If written well, judicial opinions can serve as well-developed, self-contained primary sources, rich in factual and analytical examples, ripe for honing students' research and reading talents.

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<sup>1</sup>The author wishes to thank Cornelia Hughes Dayton for the opportunity to test some of these ideas in her Topics in American Legal History course at the University of Connecticut. Thanks also go to Chad Reid and Patrick G. Blythe for lending their critical eyes and insights to earlier drafts. Finally, he expresses gratitude to the editor and anonymous reviewers who generously offered their time and helpful words in bringing this article to print.

The controversial *Roe v. Wade* illustrates the historical value judicial opinions can have.<sup>2</sup> Justice Harry Blackmun's lengthy opinion provides a thorough snapshot of Americans' varied understandings of abortion in 1973. Blackmun offered an extensive account of the enduring acceptance of abortion, reaching back to its ancient known roots. He balanced this historical record with an exposition of the reasons American states began criminalizing abortion in the late nineteenth century. After these relatively objective historical narratives, Blackmun introduced emergent socio-psychological reasons for reconsidering criminal abortion laws. He pointed to the emotional and financial strains that wanted and unwanted children can bring to underprepared parents. Then, addressing the lack of consensus in state and medical definitions as to when life begins, Blackmun created the monumental trimester schedule that clarified the scope of the states' authority in regulating abortion and preserving potential life. Finally, the concurring and dissenting opinions represented additional perspectives on governmental roles in regulating abortion. Most notably, then Associate Justice William Rehnquist accused Blackmun of exceeding his judicial authority by drafting a legislative-like prescription for terminating pregnancies. Studying *Roe* reveals how Americans understood abortion and its histories, while also laying out the course of debates that followed in succeeding decades.

Beyond substantive historical gains, reading judicial opinions can sharpen students' critical thinking skills. Like most liberal arts and humanities instructors, historians train their students to be excellent critical thinkers. We insist that they gather and explore foundational evidence to get a better understanding of why things happen and why they are significant. Court cases can be essential to this. Students might know that Americans entrust their courts to weigh the constitutional validity of statutes, but they might not understand the origins of judicial review in the United States without reading Chief Justice John Marshall's opinion in *Marbury v. Madison*.<sup>3</sup> Likewise, judicial rulings can unveil the significance of historical developments. For example, instructors can lay *Lochner v. New York* and *Muller v. Oregon* side by side to explore the longstanding effects that Progressive-era thinking had on gender-based workplace divisions throughout the twentieth century.<sup>4</sup> Examining judicial rulings and taking useful notes on these cases can help students see the difference between fact and analysis, and show them how to apply their historical findings in meaningful, critical ways.

The study of legal resources can also push students to be better-informed citizens. American legal historians know that immersion in constitutional materials can foster

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<sup>2</sup>*Roe v. Wade*, 410 U.S. 113 (1973).

<sup>3</sup>*Marbury v. Madison*, 5 U.S. 137 (1803).

<sup>4</sup>*Lochner v. New York*, 198 U.S. 45 (1905); *Muller v. Oregon*, 208 U.S. 412 (1908).



students' appreciation for belonging to a free republic and the legacies of its evolving liberties.<sup>5</sup> Legal studies can also prepare our students for "leadership in an interconnected world," learning how the law directly responds to and shapes social and political developments.<sup>6</sup> Furthermore, exploring specific cases can lead students to a firmer understanding of the fundamental building blocks of social relations, identities, and interests. Many of our students know of *Brown v. Board of Education*, but they might not know the legal foundations for challenging race-based discriminatory policies in the United States.<sup>7</sup> They might have heard of *Kelo v. City of New London*, but they might not know how important private land ownership is to American identity and how controversial eminent domain can be.<sup>8</sup> Our many expectations as professors go beyond just teaching history. We need to give students the tools to be well-rounded citizens who will serve as good neighbors, good employees, and good family members. Judicial opinions can be among the many resources we use to lead them down their productive paths.

Knowing the value of judicial opinions, however, does not necessarily make them less daunting to our students. Before we teach them how to manage cases, we must convince them that they are capable of doing so. Because legal writing's esoteric clunkiness can alienate readers, students can be quick to reject the law as inaccessible. In doing so, they deny their own natural and developed talents as history readers. The challenge is to persuade students to set aside their concerns so they can embrace both the glory and ugliness of the law. If their own self-doubts are their greatest obstacles, here are some tips for lifting them over these hurdles.

Above everything, tell your students that they are allowed to be wrong. They are not expected to know everything (or anything, in some cases), especially as undergraduates. I tell students that my classroom is one of the last places where they are allowed to risk floating incorrect answers. I am reminded of an evidence professor who thought the most effective way to teach was to ask convoluted questions and trick his students into offering incorrect responses, creating scenarios to show how comparatively clever he was. Even worse, he insisted that the students he called on remain standing for his entire line of questioning, an exhausting spell that could last half

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<sup>5</sup>See James Coburn, "Professor: Constitutional Heritage Can Bring Sense of Belonging to U.S. Citizens," *Edmond Sun*, June 17, 2013, <http://www.edmondsun.com/local/x479814082/Professor-Constitutional-heritage-can-bring-sense-of-belonging-to-U-S-citizens> (accessed January 23, 2014).

<sup>6</sup>American Academy of Arts and Sciences, "The Heart of the Matter: The Humanities and Social Sciences for a Vibrant, Competitive, and Secure Nation" (Cambridge, MA, 2013), 12, [http://www.humanitiescommission.org/\\_pdf/hss\\_report.pdf](http://www.humanitiescommission.org/_pdf/hss_report.pdf) (accessed January 23, 2014).

<sup>7</sup>*Brown v. Board of Education of Topeka*, 347 U.S. 284 (1954).

<sup>8</sup>*Kelo v. City of New London*, 545 U.S. 469 (2005).

an hour. While his approach promoted attentiveness and endurance, the discomfort, distrust, and fear did not promote healthy study. For many, it fostered resentment and self-doubt. I do not want my own students second-guessing their abilities or their knowledge, especially while they are developing their academic skills. Instead, I nurture calmness and confidence by telling them that they are allowed to make mistakes, as long as they ground their answers in good preparation. Once we close the classroom door, all should be safe in the laboratory of ideas.

When I assure them that it is safe to be wrong, I marvel at the change in tenor—shoulders drop and nervous smiles sneak in as the class lets out a collective sigh. Empowering students with the permission to be wrong has significant effects on class discussions as well. Students lift their heads from their notes; some even purposely make eye contact with me. Most importantly, amnesty encourages them to take risks in class. They are more willing to express their thoughts freely without having to worry about offering the perfect answer—something that rarely exists in historical and legal studies.

There is a caveat to this amnesty. Students must be willing to hear that they are wrong in front of their peers. The underappreciated element of “learning from mistakes” is learning how to accept critical comments. Think of this as a seasoning process: Learning how to hear that you are wrong in the safety of the undergraduate classroom makes it much easier to manage mistakes in less-forgiving environments, such as the law-school lecture hall, the graduate seminar, the boardroom, or even the Thanksgiving dinner table. While most students bristle at this caveat, I assure them that my corrections and redirections are not proof of my disappointment. I regularly dispel the myth that professors carry wrong answers home with them, as if every “stupid” student response drives us closer to retirement. Just as all of their answers must remain in the classroom, so too must our responses. When class ends, students need to leave their molted skins and bloodied noses behind and take their newfound knowledge and skills with them.

Another way to empower students is to validate their chief complaint about the law: Many legal opinions are difficult to read because they *are* written poorly. Despite more than forty years of law school efforts to teach new lawyers to write in “Plain English,” such a style rarely inspires “Colorful English.”<sup>9</sup> The law can be terse, precise, redundant, and inflexible. Law students are taught to write faithfully to the already-

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<sup>9</sup>The consistency of legal writing’s terseness has bucked recent literary trends and expectations. In the 1970s, on President Jimmy Carter’s plea for increased legal accessibility, many law schools and firms reluctantly embraced the Plain English movement that floated in twentieth-century literary circles. For more on the stylistic turn, see the classic text by Richard C. Wydick, *Plain English for Lawyers* (Durham, NC: Carolina Academic Press, 1979), now available in its fifth edition. See also Rudolf Franz Flesch, *How to Write Plain English: A Book for Lawyers and Consumers* (New York: Harper & Row, 1979). For a more recent example, see Bryan A. Garner, *Legal Writing in Plain English: A Text with Exercises*, second edition (Chicago: University of Chicago Press, 2013).

printed legal word found in statutes, orders, and judicial opinions. Stripped of their literary tricks, students graduate seamlessly into a legal profession fed on lifelessly efficient briefs and memoranda. As a matter of course, many lawyers willingly embrace the abstrusity of stuffy legal forms as a way to reinforce inaccessibility and insulate their specialized field.<sup>10</sup> A final explanation for why some opinions are poorly constructed is the writer's lofty objective to impress the "author." Since the mid-twentieth century, many high court decisions have been written not by judges alone, but with the assistance of their clerks. These neophytes strive to impress their mentors by writing drafts that they hope will represent, replicate, or mirror judges' styles and interests. In the process, clerks can mask their limited experience with overly erudite, elitist, and alienating language, leaving general audiences out of consideration.

I do not raise these legal writing foibles to be catty or snide. I am not a perfect writer, nor do I expect my students to be. I address these issues in class to humanize the writing experience, to make it more approachable. Students become frustrated when they read the works of polished professionals who do not write clearly. Such imperfection, however, should comfort our students. Anyone can have difficulty with tautological and impenetrable legal forms—even judges and their well-trained clerks. If so many learned legal professionals struggle to manage legal writing effectively, why should undergraduate students expect more of themselves?

Having bolstered their confidence, our empowered students need to know how to read judicial opinions. At the undergraduate level, the key to reading effectively is to teach them to sift out all of the opinion's "rubbish," the unnecessary clutter that can confuse inexperienced readers. To simplify, tell them that the majority opinion begins with the judge's or justice's name. Have them look for key initiating phrases such as "OPINION BY J. SMITH" or "MR. JUSTICE SMITH delivered the opinion of the court." Anything preceding this opening disclaimer holds little legal weight. This often bewilders students because the prefatory materials—such as case summaries, procedural posturing, core terms, headnotes, syllabi, and counselors—can stretch for several pages. But these notes have no precedential value. Editors and court reporters offer them as a courtesy to lawyers who rarely have time to read whole cases. Although these prefatory materials have no legal bearing, you still might encourage students to skim them. They typically are written more clearly than the opinions themselves, so they can serve as a nice primer for the opinion below. These summaries and headnotes reduce the opinion's highlights to easily digestible snippets. Be sure, though, to warn students that the prefatory notes are not fair game for citable historical research. They still must read the published opinion because they will only find "The Law" in the text *following* the judge's opening line.

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<sup>10</sup>I realize that my choice of the word "abstrusity" is a sad testament to the alienating power of elitist jargon.



Like good historical researchers, our students are served best by reading judicial opinions straight from the bound court reporters in the library. These published opinions appear with little fanfare, fewer prefatory materials, and less textual clutter—in other words, with less debris for the reader to sift. But as a teacher reared in the technologically driven classroom, I am not so naive as to believe typical students would use their legs to walk to the library, even if legal reporters were available. If the cases do not come from assigned textbooks or materials, most students will get them from online academic sources such as LexisNexis and WestLaw, or from popular and accessible online public sources like Justia, FindLaw, and Cornell University Law School's Legal Information Institute.<sup>11</sup> The chief problem with these online sources is that their formats are rarely as reader-friendly as published reporters are. The text is hampered visually by the welter of page markings from a variety of court reporters that enjoy the subtle marketing that comes with those citations. Some opinions might be tied to five different reporters; citations for each litter the draft with non-substantive distractions. Many online sources survive on the contributions of commercial advertisements that further clutter the legal presentation. Finally, students might draw their cases from less-reputable webpages or databases that offer mere summaries or incomplete cases in "un-citable" formats. If you require students to find their own case materials for class discussion or course projects, take time to discuss the merits and dangers of available online sources.

We must also discuss with our student historians the matter of reading footnotes and endnotes. In law school, professors expect students to digest everything in the majority opinion, including footnotes. I earned the disappointment of my mild-mannered torts professor who caught me off-guard with a question, which I could have answered had I read the footnotes closely. While I stammered for an answer, a foolhardy classmate rescued me by asking, "Do we really need to read footnotes?" The professor's disappointment turned to indignation. She reminded us that everything written has presumed value and it was not our place as inexperienced scholars to measure that value. As an undergraduate history teacher, however, I am more forgiving when students do not read legal footnotes and endnotes. I am sadly aware that many students see notes as "skippable." They avoid notes because they see them as "extra" work. Further, tired students welcome the psychological boost that comes with a page anchored by long footnotes they intend to ignore.

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<sup>11</sup>As of late, my students have been getting much of their online-derived cases from Findlaw.com, which Thomson Reuters operates. It is worth noting that West Group (which oversees WestLaw) is a business unit of the Thomson Corporation. Part of FindLaw's appeal comes from its "searchability." Unlike the often-clumsy search engines available on legal databases such as LexisNexis and WestLaw (which work to drive up billable hours and costs), FindLaw's opinions are readily searchable through Google. Further marketing Justia's, FindLaw's, LII's accessibility, many Wikipedia entries offer direct links to case transcripts. Of course, by the time this essay makes it to print, the culture of technological obsolescence could render this note embarrassingly outdated.



As instructors, we need to decide whether we want students to read legal footnotes. Students can gain a great deal by reading them. Like historians who bolster their principal narratives with supporting arguments in their endnotes, judges and clerks often preserve (or bury) their astute comments or related observations in their annotations. Beyond judicial comments, notes can offer additional gifts to the disciplined reader: related cases and statutes, recommended alternative readings, source origins, judges' biases, cues that enterprising attorneys might adopt as their own arguments, or dicta that other judges might turn into precedent.

With so much to gain from annotations, I require my students to treat notes as an essential part of their readings. Nevertheless, notes can be quite burdensome. Many are composed of lengthy strings of legal citations, offering little substantive value or analysis. To streamline their reading, I give them two tips on how to scan notes productively. First, they should gloss over case names and citations because they usually offer little help in immediately understanding the case. If these cases later prove useful, they can always return to the note for their citations. Secondly, they should skim notes for lengthy textual treasures that shine in the sea of citations, looking for comments that offer some substantive value to the opinion itself. We need to be clear with our students from the course's outset—tell them if you expect them to read notes. Even if you do not require students to read them, be sure to explain what they can get out of them. Lastly, we should warn any of our future law and graduate students that they must practice reading notes now, because they will be required to do so in the near future.<sup>12</sup>

For history instructors assigning judicial opinions, I recommend teaching our note-taking students how to brief cases. The briefing model I use in undergraduate classes is based loosely on the traditional law school "IRAC" (pronounced "EYE-rack") format that identifies the core components of most opinions: Issue, Rule, Application, and Conclusion. For law students, these briefs reduce cases to tight one-to-two-page manageable tracts. They serve as shorthand memoranda for class recitation and exam study. The art of good briefing also hones beginning lawyers' skills in reading and analyzing quickly. It prepares them for the day when they have to process legal materials while hurrying into a courtroom, or if public attorneys, while practicing on the fly before the bench itself.

As briefers, law students are supposed to peel all the layers of the legal onion down to its supposed core, hoping to find singular rules and applications from each case. While structurally similar, the historian's brief serves a different purpose. Instead of stripping the onion bare, the brief helps students find the contexts in which these rules and applications were set. Historians do not discard the onion's layers; they peel them to analyze each layer's significance. Attorneys, rushed by court-imposed

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<sup>12</sup>If you are reading this note, you are most likely the kind of instructor who finds value in such notes. Encourage your students to read them as well.

deadlines, might have to disregard tangential cases that are not relevant to their immediate needs. But historians have the luxury of carefully considering those additional legal sources without the same institutional strictures.

To change the metaphor, my history advisor in law school described lawyers' and historians' different approaches in terms of "tunneling."<sup>13</sup> Lawyers are trained to tunnel down into the legal and factual mantle, looking for the narrowest rules and applications that serve their clients' cases best. While digging, lawyers wear blinders to shield them from distracting or irrelevant nuggets. In contrast, historians tunnel out from a core event or rule, without blinders, examining all possible evidence to frame their subjects in broader, more meaningful contexts. Tunneling out can help create the necessary temporal links that historians seek. As my advisor noted, such an approach allows historians "to understand how things happen *as* they do, *when* they do." In practical terms, lawyers necessarily minimize their research aims for the sake of efficiency and client advantage, while historians bulk up for the sake of comprehensive objectivity.

With these reading differences in mind, I teach students to use an adapted version of the IRAC brief (see Appendix A). This model encourages students to embrace all of the onion's peeled layers and tunnel out from their historical starting points with greater confidence. If done well, these briefs empower students to come to class prepared to discuss the historical significance of judicial opinions, and minimize the need for subsequent research on essays or exams. In the following pages, I explain the elements of a model legal brief for historians. Keep in mind that there is no singular way to take notes on a case. Students should brief cases in ways that reflect their own intellectual understandings and interests. They should also know that each element does not appear in every judicial opinion. Just as judges write without templates, students have to be flexible in briefing each case differently. For example, many benches rule on cases unanimously, thus no concurring or dissenting opinions appear. Even more challenging for students, early nineteenth-century American opinions might be simple one-paragraph assertions of a judge's determination, offering few of the model brief's components. Regardless of the opinion's form and content, this modified case brief should not handcuff students or restrict their intellectual creativity. It is a simple and malleable blueprint for taking useful notes on their legal readings.

**Keyword:** One objective in briefing cases is assuring students they should not have to read the case deeply again. Thus, we should encourage them to pin keywords to their briefs that succinctly describe their cases. They need nothing fancy here—just short labels that identify the nature of the case's content or the purpose for studying the

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<sup>13</sup>For this tunneling analogy, I am indebted to Sandra VanBurkleo, Associate Professor of History and Adjunct Professor of Law at Wayne State University, my academic mother who saved me from a sterile (and financially rewarding) life in legal practice. She often opened her legal history courses with this model.

case. For example, if briefing *Plessy v. Ferguson* the key words might simply read “Race, Segregation, Civil Rights” (see Appendix B).<sup>14</sup> Keywords serve two purposes. First, they should jog students’ memories when returning to the case days or months after they first read it. Secondly, keywords help students easily organize their cases when preparing for papers or exams. If you ask an exam question about the legal history of racial desegregation or civil rights, effective keywords will raise helpful flags for the students, even if they cannot initially recall each case from memory.

**Parties:** Students need to know all of the key parties involved in a case. Encourage them to adopt the law school abbreviations of “π” for “Plaintiff” and “Δ” for “Defendant.” They should also identify all interested or related third parties relevant to the case, such as crime victims or estate beneficiaries. Simply listing them is not enough, however. They should also pen a shorthand description of each party, no more than a sentence. These blurbs should identify briefly who the parties were, and if possible, their relationship to each other. Students might also note the parties’ relevant vital information, such as residence, age, race, or ethnicity. For example, it matters that Homer Plessy’s racial makeup was mixed and that he often passed for a white man.

**Facts:** A good brief includes a succinct summary of the case’s relevant facts. Because the fact pattern is often the easiest portion of the case for students to understand, it tends to be the longest, most detailed section of the brief. After all, students want to show that they understood *something*. Remind them, though, that briefing is an exercise in efficiency. They should write terse bullet points only on facts relevant to the case’s outcome. Such pithy line-item notes will challenge students who like to cut and paste lazily from online sources, saving them precious seconds. We need to insist that they write these facts themselves. Actual writing will help them internalize the facts, whether they transcribe the text or preferably paraphrase it. Otherwise, they might falter if they hope to understand their pasted notes later. Briefing cases with purpose will help them remember the case’s intricacies when they return to their notes. Compare the following examples of briefed fact patterns from *Plessy*:

1) Cut-and-Paste: “Plessy, being a passenger between two stations within the State of Louisiana, was assigned by officers of the company to the coach used for the race to which he belonged, but he insisted upon going into a coach used by the race to which he did not belong. Neither in the information nor plea was his particular race or color averred. The petition for the writ of prohibition averred that petitioner was seven-eighths Caucasian and one-eighth African blood; that the mixture of colored blood was not discernible in him, and that he was entitled to every right, privilege, and immunity secured to citizens of the United States of the white race; and that, upon such theory, he took possession of a vacant seat in a coach where passengers of the white race were accommodated, and was ordered by the conductor to vacate said coach and take a seat

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<sup>14</sup>*Plessy v. Ferguson*, 163 U.S. 537 (1896).



in another assigned to persons of the colored race, and, having refused to comply with such demand, he was forcibly ejected with the aid of a police officer, and imprisoned in the parish jail to answer a charge of having violated the above act.”<sup>15</sup>

2) Inefficient Facts: Homer Plessy, man of 1/8 black descent, was arrested after challenging the Louisiana Separate Car Act of 1890 by deliberately sitting in a “Whites Only” railcar in an effort to overturn law as violative of Thirteenth and Fourteenth Amendments.

3) Succinct Facts: “Octoroon” violated 1890 LA Sep Car Act to challenge its constitutionality under 13th/14th Ams.

The final “succinct” example is not lengthy, but it relays the minimal facts necessary to understand the legal rules and importance of *Plessy’s* opinions. If students read the case closely, the succinct note will still refresh their memories of Homer Plessy’s courageous challenge to Louisiana’s Jim Crow law.

**Issue:** Very simply, students must ask “What question(s) must the court address in this case?” Plessy called on the Supreme Court to determine whether the Separate Car Act violated the Thirteenth Amendment’s prohibition of slavery and the Fourteenth Amendment’s equal protection and due process provisions. Sometimes the court is kind enough to lay out the question with a disclaimer such as “The issue for us to determine in this case is ....” Most often, it will not be flagged this clearly, in part because some judges do not want to limit themselves to the narrowly defined question before them. Another way to locate the issue is to ask “Why is this case before the court?” If students can identify the issue at hand, they can appreciate more fully the case’s importance to historical and legal developments.

**Rule:** Students should list the relevant sources of law that judges use in writing their opinions. On its face, the task seems simple: Write down all statutes, judicial precedents, constitutional provisions, procedural rules, and executive orders that are germane to the ruling. However, this element is quite often the most difficult for undergraduates to brief. Students’ cries that they will not understand “legal stuff” can become self-fulfilling. If they are unsure, tell them to look for citation markings that typically accompany legal rules, such as statute numbers and case names. As students become more comfortable with identifying legal rules, challenge them to list only those that are central to the case’s final judgment. While all legal rules bear some

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<sup>15</sup>*Plessy*, 163 U.S. at 541-542 (1896). The fact that you skimmed this block quote is proof that briefs require greater efficiency. Whenever students hide behind the text and simply read cut-and-pasted portions verbatim in class, it takes great professional energy not to roll my eyes and sigh. With tongue in cheek, I ask them to explain what it means *to them*, in English. Most often, they cannot—underscoring how important paraphrasing is to internalizing legal meanings.



importance, not all play significant roles in judges' rationales. For *Plessy*, the students might only identify the relevant provisions of the Louisiana statute and the Thirteenth and Fourteenth Amendments. In locating "central" or controlling rules, the students should ask themselves two related questions: 1) "Why are we reading this case?" and 2) "What rules should we take away from this case?" Every assigned case serves some purpose for the course. This purpose usually is grounded in the legal rule that the majority's author identifies, interprets, creates, or ignores.

**Application:** The most important step in briefing is the historical and legal analysis that is done in the "A" component of "TRAC" model—Application. This step is fundamental to shaping our students' critical thinking skills. They should ask themselves the following: "If the court applies a germane legal rule to the relevant facts, what conclusion should it reach?" In *Plessy*, Justice Henry Brown laid the facts alongside the U.S. Constitution and ruled that separating blacks and whites on a train did not work to enslave *Plessy*, and thus did not violate the Thirteenth Amendment. Unfortunately, answers like that rarely come so easily. The "application" portion of the brief often forces students to wade through stilted jargon, extraneous observations, and confusing paths of logic. They must do their best to distill judicial rationale into digestible bites. Where did the judges directly apply the rules to the facts? Where did the judges concretely specify their reasoning? Sometimes, this section need not be limited to the direct application of rule to fact. It also is a space to identify the reasons judges used to justify their conclusions. Perhaps, then, we could best rename this section "Application/Reasons." Flexibility is important here. For example, Justice Brown abandoned both fact and rule when he declared that segregation did not foster any racialized sense of inferiority; instead, subordination was merely a matter of black perception and choice. While his assertion hardly constitutes a strict sense of "application," students would surely be remiss to leave this out of their briefs. Therefore, this section should be a catchall, a place to record important gems for discussion and analysis—but only if they are relevant to legal or historical outcomes.

**Policy:** Savvy students should be able to identify any policy objectives that judges seek to accomplish with their opinions. Of course, that would make students more perceptive than some judges. Of all the brief's elements, policy considerations appear least often—partly because some judges neglect or ignore the usefulness of placing their rulings in broader social, political, and economic contexts. Astute history students, however, should be aware of each case's greater context. To clarify, readers might consider what judges aim to achieve with their rulings. Justice Brown reinforced state police powers for promoting public safety by separating whites and blacks, limiting the natural tensions inherent between them. Warn students, though, that they do not have to make up policy considerations for the sake of their briefs. Only record them if the majority opinion seems to indicate such.

**Concur:** Most appellate cases, especially those coming from the U.S. Supreme Court, bear multiple opinions. Like herding cats, it is often difficult to get judges to come together on *how* to agree with each other, even when they *do* agree with each

other. The students' task here is not too difficult: Identify the grounds on which the concurring judge differs with the majority opinion. Sometimes differences are flagged clearly, especially when the judge writes something to the effect that "I concur in the results, but not in the rationale." In *Prigg v. Pennsylvania*, Chief Justice Roger Taney called attention to the loophole in Justice Joseph Story's ruling that the federal government had exclusive authority over fugitive slaves. Taney agreed with Story that the federal government had such authority, but wrote a separate opinion insisting that state officials also had an obligation to uphold federal fugitive laws and not sidestep them. Other times concurring justices are not so clear in their differences. For example, Justice Frank Murphy upheld discriminatory curfews for residents of Japanese descent during World War II in *Hirabayashi v. United States*, but he used his concurring opinion to warn the military and federal government that the policy went "to the very brink of constitutional power," noting the "melancholy resemblance to the treatment accorded to members of the Jewish race in Germany and in other parts of Europe." Whether judges use concurring opinions as vehicles for clarifying legal differences or as lofty soapboxes, student-briefers' roles are the same—explain how judges have set themselves apart from majority holdings. It usually takes no more than a line or two to distill the differences.<sup>16</sup>

**Dissent:** It took me roughly three semesters of law school to learn that some professors did not care if I read dissenting opinions. As non-binding opinions, dissents hold no controlling precedential value. However, we must teach our students that dissenting opinions often become argumentative fodder for later appeals and related lawsuits. Committed to reading all sides of an argument for objective analyses, thorough historians might find that dissents offer the best lenses for studying viable or fleeting alternatives to majority opinions. As *Plessy's* lone dissenter, John Marshall Harlan wrote his opinion to remind the Court and country that the Reconstruction Amendments had made the Constitution color-blind. He admonished the majority for drafting an opinion that would be just as inflammatory as the *Dred Scott* ruling, especially in dividing the nation and denying African descendants the blessings of citizenship. The legacy of Harlan's powerful opinion is undeniable. Students familiar with his dissent would recognize how clearly his dissenting spirit resonated in Chief Justice Earl Warren's unanimous 1954 opinion in *Brown v. Board of Education*, which effectively overturned the *Plessy* ruling.

The length of many dissents can discourage tired students, but we should push them to read entire cases. Although dissenting judges can be long-winded and self-righteous, there is little work for the students to do. Following the same rules as briefing concurring opinions, they need only record highlights from the dissent. Again,

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<sup>16</sup>*Prigg v. Pennsylvania*, 41 U.S. 539 (1842). *Hirabayashi v. United States*, 321 U.S. 81, 111 (1943). I used these cases as illustrations, in part, because there was no concurring opinion for *Plessy v. Ferguson*.

why and how have judges set themselves apart from the majority? Students might need only a few lines of dissent if briefing a case for class discussion. However, if they are researching cases for writing assignments, they might need richer notes to capture the full weight of potential counterarguments.

As historians, we have a variety of resources from which to draw as we plan our courses. Judicial opinions should be included in these assigned readings and research materials. Not only do they offer useful snapshots of contemporary understandings of historical developments as they unfolded, but they can sharpen students' critical thinking skills and their understandings of citizenship. We have a responsibility as teachers to boost the confidence of our student readers. Legal writing can be arcane and alienating, but students should approach it with open minds. First, show them that learned judges and clerks are human too, prone to similar literary and textual hang-ups. After we humanize legal writing, we can teach students to read comfortably and efficiently. To do this, we must show them how to strip cases down to their essentials and record them in historical briefs. Distilling their notes can free them to read with more discipline and empower them for more dynamic class discussion and essay writing. If we push students to embrace judicial opinions as primary sources, I am hopeful we can mold them into well-rounded and objective citizen-scholars.

## APPENDIX A: BRIEF MODEL

### Plaintiff v. Defendant, xxx Cite xxx (Date)

**Keywords:** Subjects or topics addressed in opinion

**Parties:** π: Plaintiff (Civil Cases)/Complainant (Criminal Cases)  
 Δ: Defendant  
 3d: Any relevant third party

**Facts:** Brief summary of relevant facts  
 –If helpful, describe case's procedural history: How did it get to *this* court?

**Issue:** Significant question(s) for court to address

**Rule:** Rule(s) of law used in/created by judicial opinion

**Application/Reason:** Judicial applications, reasons, or holdings related to cited rule(s) and relevant case facts (Limited to Majority Opinion)

**Policy:** Any policy considerations underlying the decision-making process  
 –What did the judge hope to achieve with this ruling?



**Concur:** Any worthy or relevant distinctions from majority opinion

**Dissent:** Any worthy or relevant distinctions from majority opinion

### APPENDIX B: SAMPLE BRIEF

#### Plessy v. Ferguson, 163 U.S. 537 (1896)

**Keywords:** Race, Segregation, Civil Rights

**Parties:** π: Homer Plessy, 1/8 black petitioner  
 Δ: John H. Ferguson, NO Parish Dist Judge

**Facts:** “Octoroon” violated 1890 LA Sep Car Act to challenge its constitutionality under 13<sup>th</sup>/14<sup>th</sup> Ams

**Issue:** 1) Does t/Sep Car Act violate 13<sup>th</sup> Am’s prohibition of slavery?  
 2) Does t/Sep Car Act violate 14<sup>th</sup> Am’s Due Process + Equal Protection Clauses?

**Rule:** -1890 LA Sep Car Act: Assigned sep but equal cars for whites/blacks, not to be violated  
 -13<sup>th</sup> Am: Prohibits slavery, invol servitude in all American lands  
 -14<sup>th</sup> Am: a) Defines all ppl born in US as US citizens  
 b) Protects Privileges + Immunities of all US citizens by Due Proc  
 c) Assures EP of all citizens under law

#### **Application/Reason (Brown):**

-Re 13<sup>th</sup> Am:

-Not every racial distinction has tendency to re-establish slavery  
 -If law creates racial inequality, remedy must be found in 14<sup>th</sup> Am

-Re 14<sup>th</sup> Am:

-While 14<sup>th</sup> Am intended to uphold law’s equality, not designed to eradicate all distinctions based on race

-Laws requiring racial separation don’t imply racial inferiority  
 -If they apply equally, separation laws do not deny blacks right to prop

-Separation laws limited to reasonable use of state’s police power for good faith promotion of public’s general welfare

- Separating blacks + whites on RR cars is just as reasonable as already accepted segregation policies, like schools
- Law is powerless to remove racial distinctions + instincts
  - If blacks feel sense of inferiority under LA law, it's their choice/perception
- Conclusion: Separate but equal policies don't violate 14<sup>th</sup> Am

**Policy:** Preserving state authority to regulate racial + commercial matters w/in state bounds, in particular, for maintaining peace + safety

**Dissent (Harlan):**

- Sep Car Act violates 14<sup>th</sup> Am by allowing pub services (such as trains) to discriminate based solely on race
  - Denies American citizens blessings of liberty, previously denied b/c of slavery
- Reconstruction Ams (13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>) designed to make Constitution color-blind
- Common sense: law designed to protect dominant whites from socially-inferior blacks
- Opinion will have same strangling effect as *Dred Scott* had on race relations + sectional diffs
  - Creates legal partition not suffered by other non-dominant groups, such as t/Chinese (who aren't even allowed to be citizens)
  - Will rouse racial hatred + distrust

## A COGNITIVE RATIONALE FOR A PROBLEM-BASED U.S. HISTORY SURVEY

Charles T. Wynn  
Kennesaw State University

In recent years, calls for reform of the coverage-based history survey course have been numerous,<sup>1</sup> as have suggestions for new instructional approaches designed to promote more active, meaningful, and applicable learning among students. Much of the “Scholarship on the Teaching and Learning” of history (often called SoTL) within a survey course context comes through a focused disciplinary lens. Illustrative of the discussion is David Pace’s call for a cognitive frame of reference within this focus through two broad questions: “What do students bring to the history classroom that might have a major impact on their learning?” and “What mental operations and procedures must [students] master in order to think historically?”<sup>2</sup> Questions of this type, as well as the fundamental belief that historical thinking is crucial in the teaching and learning of history in a survey course context, have guided SoTL scholars such as David Pace, Sam Wineburg, Lendol Calder, and Robert Bain to apply cognitive learning dynamics to help explain how students may acquire “habits of mind” of the historian.<sup>3</sup> Historical thinking is broadly defined as the reading, analysis, and writing that is necessary to develop an understanding of the past.<sup>4</sup> Developing these skills among survey students calls for domain-specific scaffolds within the context of historical inquiry,<sup>5</sup> under the assumption that the knowledge and analytical skills gained from such practice will be useful in a broader general education context as students

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<sup>1</sup>Stephen D. Andrews, “Structuring the Past: Thinking About the History Curriculum,” *The Journal of American History*, 95 (March 2009), 1094-1101; Lendol Calder, “Uncoverage: Toward a Signature Pedagogy for the History Survey,” *The Journal of American History*, 93 (March 2006), 1358-1370; Julie R. Jeffrey, “The Survey, Again,” *OAH Magazine of History*, 17 (April 2003), 52-54; Joel M. Sipress and David J. Voelker, “The End of the History Survey Course: The Rise and Fall of the Coverage Model,” *The Journal of American History*, 97 (March 2011), 1050-1066; Peter Stearns, *Meaning Over Memory: Recasting the Teaching and Culture of History* (Chapel Hill: University of North Carolina Press, 1994).

<sup>2</sup>David Pace, “The Amateur in the Operating Room: History and the Scholarship of Teaching and Learning,” *The American Historical Review*, 109 (October 2004), 4.

<sup>3</sup>Pace, “The Amateur in the Operating Room;” Sam Wineburg, *Historical Thinking and Other Unnatural Acts: Charting the Future of Teaching the Past* (Philadelphia: Temple University Press, 2001); Lendol Calder, “Uncoverage;” Robert Bain, “Into the Breach: Using Research and Theory to Shape History Instruction,” *Journal of Education*, 189 (September 2008), 159-167.

<sup>4</sup>National History Education Clearing House, “What Is Historical Thinking?” <http://teachinghistory.org/historical-thinking-intro> (accessed Dec. 14, 2012).

<sup>5</sup>Bain, “Into the Breach.”



continue their educational careers, and as they take their place as adult participatory citizens. Peter Stearns framed this connection between the interpretive and analytical skills gained through the practice of historical thinking and effective citizenship when he addressed the question—“Why study history?” Stearns wrote:

Historical study, in sum, is crucial to the promotion of that elusive creature, the well-informed citizen. It provides basic factual information about the background of our political institutions and about the values and problems that affect our social well-being. It also contributes to our capacity to use evidence, assess interpretations, and analyze change and continuities. No one can ever quite deal with the present as the historian deals with the past—we lack the perspective for this feat; but we can move in this direction by applying historical habits of mind, and we will function as better citizens in the process.<sup>6</sup>

Given the above assertion, the development of historical thinking skills becomes critical in a general education context, considering a majority of students who populate survey history courses are not, nor will be, history majors. Assuming these students develop historical thinking skills to some competent degree over a semester or two, the question arises to what extent will they be able to maintain and apply domain-specific knowledge and reasoning skills beyond the context of the survey course? Robert Bain posed a similar question:

While I have been arguing that an environment rich in historically grounded scaffolds enables deeper thinking, I have no idea what happens when students move into other settings. Does any of this have staying power, or is it merely contextualized to “that is how we studied history in our freshman year?”<sup>7</sup>

Christian Laville summarized this challenge in regards to the application of historical thinking to the broader real-world problem-solving inherent in participatory citizenship when he stated:

First, our students as adults will rarely be called upon to bring these faculties to bear upon versions of prefabricated history, but more often upon the great variety of issues, most of them unforeseeable, that will

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<sup>6</sup>Peter Stearns, “Why Study History?” American Historical Association, August 24, 2012, <http://www.historians.org/pubs/free/WhyStudyHistory.htm> (accessed August 24, 2012), paragraph 20.

<sup>7</sup>Bain, “Into the Breach,” 166.

constitute their social reality. And second the conceptual and methodological tools they acquire or develop in our schools must be as durable as possible, preferably for lifelong use. In short we must not forget that these pupils we are preparing in class will be less likely, as adults, to deal with history texts than to use their skills as citizens in the identification of social problems, the analysis of areas of conflict, the rational calculation of risk and rewards, and the weighing of competing interests, and in their personal decisions on the issues of the day.<sup>8</sup>

Jan Inglis and Margaret Steele posited that the majority of our population is in transition from Piaget's formal operational thought to postformal operations and that a large gap exists between the societal challenges we face and our collective capacity (reasoning ability, emotional maturity, and inter-societal deliberative capacity) to respond to these challenges.<sup>9</sup> They supported their position by citing Shawn Rosenberg's argument that most citizens do not have the capacity to engage in deliberative democracy,<sup>10</sup> and then they called for pedagogical approaches and support systems to help individuals navigate the gap between formal thinking and the postformal cognitive operations that are needed to deal effectively with current and future problems and issues.<sup>11</sup>

How then can we structure the survey history course to help fill this cognitive gap, as well as the gap that might exist between the guided practice of historical habits of mind among students and the purposeful application of historical thinking and other advanced cognitive skills to the broader context of participatory citizenship and related personal decisions on issues? This article addresses this question as follows: First, by examining cognitive skills that are common among students entering a U.S. history survey course that might impact problem-solving and decision-making (What are students coming in with?); second, by describing specific targets of advanced cognition inherent in adult problem-solving and decision-making (Where do we want to take them?); and third, by offering a problem-based instructional model and sample activity

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<sup>8</sup>Christian Lavoie, "Historical Consciousness and Historical Education: What to Expect from the First for the Second," in *Theorizing Historical Consciousness*, ed. Peter Seixas (Toronto: University of Toronto Press, 2004), 166-167.

<sup>9</sup>Jan Inglis and Margaret Steele, "Complexity Intelligence and Cultural Coaching: Navigating the Gap Between Our Societal Challenges and Our Capacities," *Integral Review*, 1 (2005), 36-46.

<sup>10</sup>Shawn Rosenberg, "Reconstructing the Concept of Deliberative Democracy," *Center for the Study of Democracy Working Papers* (January 2004), <http://escholarship.org/uc/item/2rd8m486> (accessed January 21, 2013).

<sup>11</sup>Inglis and Steele, "Complexity Intelligence and Cultural Coaching."

(using Woodrow Wilson and the Paris Peace Conference) designed to advance these cognitive skills (How do we get them there?).

### What Are Students Coming in With? What Cognitive Skills Do Students Possess as They Enter Their U.S. History Survey?

The thinking dynamics outlined in Jean Piaget's Periods of Cognitive Development provide a useful framework to understand student thinking limitations that might be common in a history survey course. Students who are primarily concrete thinkers (the third of Piaget's periods) can apply logical operations to problem-solving in concrete situations, but they are limited in applying logical operations to abstractions, hypothetical situations, or past events.<sup>12</sup> Such operations still require physical manipulation of concrete objects or visible situations.<sup>13</sup> Simply put, many survey history students require multiple concrete examples of abstract concepts, ideas, and events, in order to construct a useful/applicable understanding.

In contrast, formal thinking (Piaget's fourth and final period) allows students to manipulate logical relationships among abstract propositions, think logically about possible states of affairs, and use the experimental method to test hypotheses,<sup>14</sup> skills that are absolutely necessary in most survey history courses, and in abstract problem-solving in general. However, abstract reasoning is not automatically acquired by everyone. Piaget posited that even adults might think like concrete operation children without "cognitive nourishment and intellectual stimulation."<sup>15</sup> If students have not had significant abstract problem-solving experiences prior to entering their survey course, they might lack formal operational skills.

Students who have gained formal reasoning skills often fail to use them and fall back on intuitive thinking (if it feels right, it's right)<sup>16</sup> when confronting a complex problem or issue in a survey course due to the intellectual discipline and practice

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<sup>12</sup>Charles Wynn, "Promoting Cognitive Growth through Problem-based Instruction in a First-year Learning Community," *Journal of Learning Communities Research*, 5 (November 2010), 5-16.

<sup>13</sup>David Mosely, *Frameworks for Thinking: A Handbook for Teaching and Learning* (Cambridge: Cambridge University Press, 2005).

<sup>14</sup>Barbel Inhelder and Jean Piaget, *The Growth of Logical Thinking from Childhood to Adolescence: An Essay on the Construction of Formal Operational Structures* (New York: Basic Books, 1958).

<sup>15</sup>Jean Piaget, "Intellectual Evolution from Adolescence to Adulthood," *Human Development*, 15 (1972), 1-12.

<sup>16</sup>Kathleen Berger, *The Developing Person Through the Life Span* (New York: Worth, 2008).



required to apply analytical reasoning successfully.<sup>17</sup> Even experienced formal thinkers might have difficulty with complex problems and issues in a survey history course. Jan Sinnott described the limitations of formal thinking in dealing with multidimensional problems as a "lack of fit between formal operations and reality,"<sup>18</sup> with formal thinkers recognizing the discrepancy but continuing to force a solution within a closed system. Complex problem-solving requires a high level of intellectual discipline to break away from a "closed systems" perspective. Students must come to recognize the inadequacy of the formal thinking system in order to prompt a search for a "best fit" system of complex problem-solving.<sup>19</sup> The problem-based model and sample activity provided in this article are designed to guide students to discover and practice new systems of thinking that, if acquired, will serve them well in systematically addressing the problems and issues they will confront in a problem or issue-based survey history course and in dealing with the complex problems they will face as citizens.

### Where Do We Want to Take Them?

#### What Specific Targets of Advanced Cognition Are Involved in Complex Problem-Solving and Adult Decision-Making?

These advanced thinking operations occur in a proposed "postformal" stage of reasoning in which adults develop more advanced cognitive structures in order to solve complex problems successfully.<sup>20</sup> Sebby and Papini described the transition between

<sup>17</sup>Laurence Steinberg, "Risk Taking in Adolescence: New Perspectives from Brain and Behavioral Sciences," *Current Directions in Psychological Sciences*, 16 (April 2007), 55-59.

<sup>18</sup>Jan Sinnott, *The Development of Logic in Adulthood: Postformal Thought and Its Applications* (New York: Plenum Press, 1998), 36.

<sup>19</sup>Ibid.

<sup>20</sup>Patricia K. Arlin, "Cognitive Development in Adulthood: A Fifth Stage?," *Developmental Psychology*, 11 (September 1975), 602-606; Patricia K. Arlin, "Adolescent and Adult Thought: A Structural Interpretation," in *Beyond Formal Operations: Late Adolescent and Adult Cognitive Development*, ed. Michael L. Commons, Jan D. Sinnott, Francis A. Richards, and Cheryl Armon (New York: Praeger, 1984), 256-271; Michael M. Basseches, *Dialectical Thinking and Adult Development* (Norwood, NJ: Ablex, 1984); Michael Basseches, "Dialectical Thinking as an Organized Whole: Comments on Irwin and Kramer," in *Adult Development Volume 1: Comparisons and Applications of Developmental Models*, ed. M.L. Commons, Jan D. Sinnott, Francis A. Richards, and Cheryl Armon (New York: Praeger, 1989), 161-178; Michael L. Commons and Sara N. Ross, "What Postformal Thought Is, and Why It Matters," *World Futures*, 64 (2008), 321-329; Gisela Labouvie-Vief, "Intelligence and Cognition," in *Handbook of the Psychology of Aging*, 2<sup>nd</sup> ed., ed. James E. Birren and Klaus W. Schaie (New York: Van Nostrand Reinhold, 1985); William G. Perry, Jr., *Forms of Intellectual and Ethical Development in the College Years: A Scheme* (New York: Holt, Rinehart and Winston, 1970); Klaus F.

(continued...)

formal and postformal thinking as “a progression in thinking from dualistic or absolutist thought (truth vs. falsehood) to more subjectively determined modes of thinking in which the relativistic and/or dialectical nature of knowledge is more thoroughly understood.”<sup>21</sup> Postformal thinking involves a relativistic approach to problem solving through which individuals recognize that real-world, complex problems often have multiple conflicting ideas about what is true and relevant, and consider the context and unique circumstances of a problem as they construct solution alternatives, and select the “truth” within a particular circumstance.<sup>22</sup> These complex or ill-structured problems also require a dialectical inquiry system, the most advanced cognitive processes associated with postformal thinking.<sup>23</sup> Several cognitive researchers have proposed such a system that, in part, emanates as individuals seek to resolve contradictions.<sup>24</sup> Dialectical thinkers thrive on inconsistencies and contradictions as they recognize and apply multiple cognitive systems to seek resolutions that lead to higher levels of understanding and a broader, more complex, organizational structure of cognition.<sup>25</sup> Dialectical thinkers not only consider diverse even opposing positions as they solve problems and make decisions, but they recognize that many problems do not have correct answers and understand that change is fundamental in the dialectical analysis of complex problems and issues. Change in this context refers to changes in thinking systems, as described above, and recognition that change affects the dynamics of the problem or issue at hand.<sup>26</sup> Michael Basseches posited that exposure to diverse perspectives inherent in complex problems and issues along with opportunities for

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<sup>20</sup>(...continued)

Riegel, “Toward a Dialectical Theory of Development,” *Human Development*, 18 (1975), 50-64; Jan D. Sinnott, “A Model for Solution of Ill-Structured Problems: Implications for Everyday and Abstract Problem Solving,” in *Everyday Problem Solving: Theory and Applications*, ed. Jan D. Sinnott (New York: Praeger, 1989); Sinnott, *The Development of Logic in Adulthood*.

<sup>21</sup>Richard A. Sebby and Dennis R. Papinni, “Postformal Reasoning During Adolescence and Young Adulthood: The Influence of Problem Relevancy,” *Adolescence*, 29 (Summer 1994), 389.

<sup>22</sup>Sinnott, *The Development of Logic in Adulthood*.

<sup>23</sup>Ibid.

<sup>24</sup>Riegel, “Toward a Dialectical Theory of Development;” Basseches, *Dialectical Thinking and Adult Development*; Basseches, “Dialectical Thinking as an Organized Whole.”

<sup>25</sup>David Y.F. Ho, “Dialectical Thinking: Neither Eastern nor Western,” *American Psychologist*, 55:9 (September 2000), 1064-1065.

<sup>26</sup>Michael Basseches, “The Development of Dialectical Thinking as an Approach to Integration,” *Integral Review*, 1 (2005), 47-63.

careful, critical reflections as part of a modeling process might facilitate a reorganization of formal operations within the more adequate organization of thinking.<sup>27</sup> Therefore, ill-structured, real world problems must have a primary focus in any course in which the promotion of dialectical reasoning is a primary goal. Here lies the rationale for a problem-based survey history course.

Social learning theory provides a framework for the type of modeling called for by Basseches. Lev Vygotsky described the social learning process as one in which the environment should stimulate the person to perform at a level slightly in advance of his/her current developmental level or zone of proximal development (ZPD).<sup>28</sup> He defined ZPD as "the distance between the actual developmental level as determined by independent problem solving and the level of potential development as determined through problem solving under adult guidance or in collaboration with more capable peers."<sup>29</sup> The importance of the instructor as not only a guide, but as a model, is central to the cognitive scaffolding necessary to promote advanced problem-solving among students in a survey history course context. Instructors must model how they recognize, select, and apply domain specific cognitive skills (historical thinking and others) and broader thinking systems (intuitive, formal, relativistic, dialectical) based on the characteristics of the problem at hand, then must guide students through a reflective process in which they judge which systems were most useful or successful, and why.

### How Do We Get Them There?

#### A Problem-Based Instructional Model for the U.S. History Survey Course

Problem-based learning (PBL) is an instructional approach well suited to helping survey history students develop and apply postformal thinking skills, and is defined as "focused, experiential learning (minds-on, hands-on) organized around the investigation of and resolution of messy, real world problems. PBL—which incorporates two complementary processes, curriculum organization and instructional strategy—includes three main characteristics: engages students as stakeholders in a problem situation; organizes curriculum around a given holistic problem, enabling student learning in relevant and connected ways; creates a learning environment in which teachers coach student thinking and guide student inquiry, facilitating deeper levels of

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<sup>27</sup>Ibid.

<sup>28</sup>Lev S. Vygotsky, *Mind in Society: The Development of Higher Psychological Processes* (Cambridge: Harvard University Press, 1978).

<sup>29</sup>Ibid., 86.



understanding.”<sup>30</sup> The following is a three-phased PBL instructional model, designed to promote advanced cognitive skills among U.S. history survey students.<sup>31</sup>

### **Phase 1: Problem Development**

The problem-based learning cycle begins when students confront an authentic ill-structured problem from U.S. history presented through a scenario or situation that directly involves students as stakeholders.

### **Phase 2: Initiation of PBL Events, Inquiry, and Investigation**

Problem-based learning begins when students can define the problem, identify its multidimensional or multi-truth characteristics, identify the need for domain specific processes (historical inquiry and others ) and broad thinking systems (intuitive, formal, relativistic, and dialectical), build hypotheses that launch an investigation, and identify what they already know and what they need to know in order to develop solution alternatives.

### **Phase 3: Problem Solution**

Students generate possible solutions or decisions and examine their “fit,” propose the most appropriate one, and evaluate its historical or potential consequences. A final performance assessment and debriefing occur during this phase to help students construct their understanding of concepts and skills encountered and practiced during the problem-solving cycle and to reflect on the types of thinking strategies they used, and the successes or failures of each.

A sample-based U.S. history survey course on America since 1890 includes ten primary instructional topics/units, six of which include culminating PBL activities. Each activity takes approximately three 75-minute class periods to complete. The course concludes with a PBL-based current issue student presentation.

- Unit 3: “The U.S. as an Empire: Global Power Structure (1890-1905),” PBL Activity—“The Question of U.S. Expansion: Expansionists versus Anti-Expansionists.”
- Unit 5: “The Nation at War,” PBL Activity—Wilson and the Paris Peace Conference: Constructing the Treaty of Versailles.”
- Unit 6: “Economic Expansion of the 1920s, The Depression, Franklin D. Roosevelt and the New Deal,” PBL Activity—Solving the Problems of Depression: Constructing the New Deal.”

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<sup>30</sup>Linda Torp and Sarah Sage, *Problems as Possibilities: Problem-Based Learning for K-16 Education*, 2<sup>nd</sup> ed. (Alexandria, VA: ASCD, 2002), 15.

<sup>31</sup>Adapted from Wynr, “Promoting Postformal Thought.”

- Unit 7: “America and the World (1921-1945),” PBL Activity—The Atomic Bomb: Truman’s Decision and Its Impact.”
- Unit 9: “Civil Rights in the U.S.: Tracing Social, Economic, and Political Dynamics in the Last Half of the 20<sup>th</sup> Century,” PBL Activity—“The Issue of Affirmative Action: The Atlanta Case.”
- Unit 10: “Challenges of the New Century,” PBL Activity—“Student Current Issue Presentation.”<sup>32</sup> (Students follow a presentation format based on a relativistic/dialectical problem-solving model.)

The following is a description of the PBL activity for Unit 5 on “Wilson and the Paris Peace Conference: Constructing the Treaty of Versailles.”<sup>33</sup> An expanded description of each of the three PBL phases follows (*italicized*), including a description of how specific procedures from the activity fit within each phase. The other five PBL activities above follow this three-phase model.

**Phase 1** – *The problem-based learning cycle begins when students confront an authentic ill-structured problem from U.S. history presented through a scenario or situation that directly involves students as stakeholders. **Introduction of Problem or Issue**—Instructors should create a “need to know” as the problem is introduced through a case study, a story, data, video clips, etc., to help students gain a conceptual understanding of the problem, and to personalize the problem or issue. Creating an intrinsic motivation or student ownership of the problem is the goal. The problem should be authentic and ill-structured. The activity should be designed to reflect the complexity of the problem and to provide an authentic setting for problem-solving and decision-making.*

### **Problem Introduction**

The problem is introduced by reading the following scenario to students: “It is January, 1919. President Woodrow Wilson is in France to join the 26 other victorious nations at the Paris Peace Conference to help construct a final settlement of the war that ended in November 1918. Two million people lined the Champs-Elysees to welcome, cheer, and greet Wilson. A year earlier Wilson had outlined key principles (Fourteen

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<sup>32</sup>Groups of students are assigned current issue presentation topics after participating in a brief overview of social, political, economic, and foreign policy challenges facing the U.S. from 2000 to the present, i.e. health care reform; debt reduction, federal spending, entitlements, and taxes; immigration reform; energy policy; post-September 11, 2001, foreign policy challenges, etc. This activity explicitly connects students’ individual and collective postformal problem-solving capacity to the types of problems and issues they might encounter as citizens. Readers interested in attaining the presentation guide and grading rubric may do so by contacting the author at cwynn6@kennesaw.edu.

<sup>33</sup>The full activity, including detailed procedures, materials, assessments, rubrics, and Power Point slides, may be accessed at <http://tinyurl.com/wyynnpl2>.password: PBL2.

Points) on which a lasting peace could be based in a speech to the U.S. Congress. His reception in Paris convinced him that the people of Europe and its leaders shared the goals outlined in his Fourteen Points. However, there was a great deal of tension and disagreement between the major Allied powers (France, Britain, and U.S.) as the Conference opened.”

This “problem introduction” is followed by a five-minute clip from *The American Experience* outlining these tensions.<sup>34</sup> The instructor then states the following: “With these tensions and disagreements in mind, you are going to participate in a simulation of the 1919 Paris Peace Conference and construct your own treaty. You will be assigned a role within one of four groups: French Delegation, British Delegation, U.S. Delegation, and the German Group (not present at the Conference in 1919 but included in the activity). You will ultimately compare your treaty provisions with those of the Treaty of Versailles.”

**Phase 2 – Initiation of PBL Events, Inquiry, and Investigation:** *Problem-based learning begins when students can define the problem and identify its multidimensional, or multi-truth characteristics, build hypotheses that launch an investigation, and identify what they already know and what they need to know in order to develop solution alternatives. Evaluation of Problem or Issue—Instructors guide students in recognizing the multidimensional nature of the problem or issue, including: (a) that multiple perspectives or opinions are in play, (b) that there are multiple, and possibly opposing solution alternatives to the problem or issue, (c) that various values, opinions, and beliefs back multiple positions and solution alternatives. Students then gather and apply relevant information as they construct solution alternatives and supporting explanations.*

### Evaluation of Problem or Issue

Following the introduction, the instructor uses PowerPoint slides to guide students to construct a contextual overview of the opening of the Paris Peace Conference following the outline below.

- A. Wilson’s Plan for a Lasting Peace
  1. January 1918 Speech to U.S. Congress (primary document)<sup>35</sup>
  2. Wilson’s Perception of the Peace Conference and His Role, January 1919
- B. The French Perspective of the Paris Peace Conference

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<sup>34</sup>*The American Experience*, “Woodrow Wilson” (WGBH/Boston, 2003). Available from <http://www.youtube.com/watch?v=RQXBGLrtqx8> (accessed December 27, 2012). The five-minute clip is from 45:20 to 50:23.

<sup>35</sup>*Firstworldwar.com, Primary Documents 1918*, “Woodrow Wilson’s Fourteen Points’ Speech, 8 January 1918,” <http://www.firstworldwar.com/source/fourteenpoints.htm> (accessed December 27, 2012).



1. The Costs of the War
  2. Remembering the Franco-Prussian War and the Versailles Conference, 1871
- C. Tension as the Conference Opens
1. Sisley Huddleston's Account of the Opening of the Paris Peace Conference, January 18, 1919 (primary document)<sup>36</sup>
  2. Student Summary of the Context at the Opening of the Paris Peace Conference

After the contextual overview, the instructor divides the class into four groups: Group 1 (French Delegation), Group 2 (British Delegation), Group 3 (U.S. Delegation), Group 4 (German Group), and distributes each group's handout: Goals of Clemenceau and the French Delegation, Goals of Lloyd George and the British Delegation, Goals of Wilson and the U.S. Delegation, and the German Perspective at Versailles. The instructor guides students through each handout and contrasts the German expectation going into the Conference that Wilson's key principle of peace among equals would be followed with the attitude and goals of the French and British. The instructor states that the primary task of the U.S., French, and British Groups is to construct a ten-minute presentation outlining what they believe should be the fundamental provisions of the treaty and why these provisions should be included. The instructor also encourages each group to be as persuasive as possible in its attempt to convince the other groups to agree to its key goals/provisions. The remainder of class time is used to plan the presentations that will be shared during the next class session. The instructor provides the German group Count von Brockdorff-Rantzau's letter to Paris Peace Conference President Georges Clemenceau on the subject of peace terms, May 1919,<sup>37</sup> adding a brief explanation that they should read the letter with specific attention to German Conference expectations and the German perspective on accepting blame for the war. The German group members then make a list of what they would consider to be the most objectionable potential treaty provisions. The instructor informs the German Group that they can only sit and listen—they cannot participate or respond to the Allies' presentations since there was no German delegation at the Conference. As the class session ends, the instructor asks the Allied groups to complete their presentations prior to the next class and to make sure that each group member participates, and lastly tells the class that there will be a five to ten-minute preparation period at the beginning of the next class.

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<sup>36</sup>*Firstworldwar.com, Primary Documents, 1919*, "Sisley Huddleston's Account of the Opening of the Paris Peace Conference, 18 January 1919," [http://www.firstworldwar.com/source/parispeaceconf\\_huddleston.htm](http://www.firstworldwar.com/source/parispeaceconf_huddleston.htm) (accessed December 27, 2012).

<sup>37</sup>*Firstworldwar.com, Primary Documents, 1919*, "German Delegates' Protest Against Proposed Peace Terms at the Paris Peace Conference, May 1919," [http://www.firstworldwar.com/source/parispeaceconf\\_germanprotest1.htm](http://www.firstworldwar.com/source/parispeaceconf_germanprotest1.htm) (accessed December 27, 2012).

**Phase 3 – Problem Solution:** *Students generate possible solutions and examine their “fit,” and propose the most appropriate one. A final performance assessment and debriefing also occur during this phase to help students construct their understanding of concepts and skills encountered and practiced during the problem solving cycle and to reflect on the types of thinking strategies they used, and the success or failure of each. Decision-making and Debriefing—Students construct solution alternatives based on information gathered and presented, and select the best solution. If a group decision is made, students should be given the opportunity to make and support a personal decision. An individual presentation or essay assignment provides students an opportunity to share their perspective, and provides a valid assessment opportunity. Instructors should debrief the activity to help students connect their problem-solving experience to specific content knowledge and skills gained and applied during the activity, and to help students reflect on the cognitive operations they used.*

### **Problem Solution**

After a brief preparation period, the instructor directs the French, British, and U.S. Delegations to present their proposals based on the guidelines provided in their respective handouts and explains that each group will present uninterrupted. After each group has presented and listed its provision proposals, the instructor facilitates negotiations among the three groups as they identify terms and provisions to include in the treaty to be presented to the German Group. After considering the terms of the allied treaty, the German Group constructs a written counter-proposal (based in part on the Count von Brockdorff-Rantzau’s letter). The Allies read Georges Clemenceau’s letter of reply to the objections of the German Peace Delegation, May 1919,<sup>38</sup> while the German Group deliberates and constructs a counter-proposal. Once the German counter-proposal is received, the instructor prompts the members of each Allied group to explain their rejection of any German counter-proposals and to provide a rationale for specific punitive provisions (usually offered by French and British Delegations), or more lenient or unilateral provisions (usually offered by the U.S. Delegation) as they hash out a final treaty to present to the German Group.

Once the final treaty is presented to the Germans, the instructor explains that Germany was given a three-week deadline to sign the Treaty in 1919. Therefore, only three minutes is allotted for German consideration. The German Group may ask “What happens if we do not sign?” The instructor should turn to the Allies for a response, suggest that they refer to the last page of Clemenceau’s letter of reply, and read aloud his final statement: “The said armistice will then terminate, and the Allied and

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<sup>38</sup>*Firstworldwar.com, Primary Documents 1919*, “Allied Reply to German Delegates’ Protest Against Proposed Peace Terms at the Paris Peace Conference, May 1919,” [http://www.firstworldwar.com/source/parispeaceconf\\_germanprotest2.htm](http://www.firstworldwar.com/source/parispeaceconf_germanprotest2.htm) (accessed December 27, 2012).

Associated Powers will take such steps as they think needful to enforce their terms.”<sup>39</sup> After the German Group signs, or refuses to sign, the treaty, the instructor shows the primary provisions of the Treaty of Versailles from the PowerPoint Slides, and then asks students to compare the provisions of their treaty with the provisions of the actual Treaty of Versailles. The instructor guides students to compare a 1914 map of Europe with a 1919 post-Versailles map of Europe (using PowerPoint slides or a good historical atlas), with attention to lands taken from Germany and the newly constituted nations in which ethnic mixtures could lead to future conflicts, and then distributes the following essay question as a take-home assignment, which is due the next class session: “If you had been a delegate at the Paris Peace Conference in 1919, would you have supported a harsh or lenient treatment of Germany? Compare your perspective on this issue with the French, British, and U.S. perspective at Versailles. Lastly, in hindsight, was Wilson right? Why or why not? Your essay should include primary source citations and endnotes to support your argument.”

The instructor uses the remainder of the class to debrief and summarize the activity by asking members of the German Group how they view the provisions of the actual Treaty and to describe their attitude toward the Allies. Then the instructor asks the class the following questions: Do you believe the European Allies felt vindicated by the Treaty? Why? Do you believe the European Allies felt safer as they looked toward the 1920s? Why? Which provisions of the Treaty would be most objectionable to the U.S.? Do you believe most Europeans thought the Treaty would bring peace and stability to Europe? After students have responded, the instructor shares excerpts from a June 1919 *Algemeen Handelsblad* editorial against the terms of the Paris Peace Conference,<sup>40</sup> asks students to speculate on how a French nationalist might have responded to the editorial, and then explains that the class will explore how the punitive provisions of the Treaty affected the political and economic conditions in Germany during the 1920s and the rise of radical groups on both the right (Nazis) and left (Communists), which will be a focus of Unit 7: America and the World (1921-1945). The instructor dismisses the class after a brief preview of the next session which will include an examination of why and how the Treaty of Versailles was rejected by the U.S. Senate and a review of the thinking dynamics students utilized during the Paris Peace Conference activity.

**Reflection:** *Students reflect on the types of thinking strategies they used and the successes or failures of each.*

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<sup>39</sup>Ibid., last paragraph.

<sup>40</sup>*Firstworldwar.com, Primary Documents 1919*, “Dutch Newspaper Editorial Against the Terms of the Paris Peace Conference, May 1919,” [http://www.firstworldwar.com/source/parispeaceconf\\_dutcheditorial.htm](http://www.firstworldwar.com/source/parispeaceconf_dutcheditorial.htm) (accessed December 27, 2012).



The instructor continues the debriefing during this phase to help students recognize their understanding of content, concepts, and skills utilized during the Paris Peace Conference activity and to reflect on the thinking strategies they used. The instructor guides students to identify specifically the thinking operations they utilized during the activity (intuitive, formal, relativistic, dialectical, discipline specific) and estimate how useful these processes were in helping them recognize the multidimensional nature of the issue, along with multiple truths or perspectives that were considered during the construction and selection of solution/decision alternatives. The instructor explains the cognitive dynamics associated with each thinking system early in the semester as a means of scaffolding or modeling cognitive reflectivity, which in turn prompts students to recognize and reflect on the thinking strategies they used. Students are able to complete this process independently as the semester progresses as they gain experience in cognitive reflection and in the application of diverse cognitive operations associated with problem-based learning.<sup>41</sup>

### Implications

Instructors should be aware of several factors when considering the use of problem-based activities in a U.S. history survey course. The social learning dynamics of problem-based activities require a large enough class (at least ten to twelve students) to ensure a diversity of opinions and perspectives. However, the class must be small enough (perhaps forty students or fewer) to support successful group dynamics. A chronological coverage approach must be adapted to accommodate a workable number of problem-based activities. A "less is more" instructional mindset helps in this regard, based on the rationale that problem-based learning creates an environment in which students construct deeper understandings and gain applicable domain specific and broader advanced cognitive skills. Instructors must be open and tolerant of multiple viewpoints and opinions on problems and issues, and must avoid guiding students toward a "preferred" position or opinion. Any bias must be suspended as faculty model and guide students in the practice of relativistic and dialectical reasoning. Failure to do so might deny students the opportunity to gain experience in dialectical thinking.<sup>42</sup>

Significant research needs to be conducted to determine the impact of problem-based learning activities on the cognitive development of survey history students. These studies should examine specifically whether or not participation in multiple problem-based learning activities with guided reflection significantly enhances postformal thinking.

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<sup>41</sup>Readers interested in attaining a cognitive reflection questionnaire that guides the reflective process may do so by contacting the author at [cwynn6@kennesaw.edu](mailto:cwynn6@kennesaw.edu).

<sup>42</sup>Wynn, "Promoting Cognitive Growth."

### Conclusion

Building from learning theory and the challenges that learning theory poses for survey courses in history, the instructional framework presented in this article is one option that U.S. survey instructors might utilize in guiding students to analyze primary sources purposefully and develop and apply postformal cognitive operations within a broader problem-solving/issue-based context. These PBL experiences are designed to help bridge the individual and collective gaps described by Inglis and Steele and might serve to promote a social action outcome as posited by Carole Hahn: "When students themselves engage in the process by which public issues are resolved in a democracy, they seem to develop the will to participate in civic life in ways that do not occur when they passively hear about the history of democratic ideals and institutions."<sup>43</sup> These PBL experiences also serve to guide students toward the development of thinking systems that might help them deal with the personal contradictions, inconsistencies, and changes they will face in their lives far beyond the confines of their survey history course.

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<sup>43</sup>Carole L. Hahn, "Controversial Issues in History Instruction," in *Cognitive and Instructional Processes in History and the Social Sciences*, ed. Mario E. Carretero and James F. Voss (Hillsdale, NJ: Lawrence Erlbaum Associates, Inc., 1994), 204.

## THE EDUCATIONAL VALUE OF A TRAVELING MUSEUM

Cathy Mowrer  
Marietta College

Some people call it a traveling museum. Others refer to it as a living or open-air museum. Built in Brazil in time to celebrate the quincentennial of Columbus' first voyage to the New World, the *Nina*, a Columbus era replica ship, provides visitors with a true visual of the size and sailing implements of Columbus' favorite ship from over 500 years ago. Indeed, builders erected this fully functioning sailing caravel using only tools that were available to shipwrights in Columbus' time. Thus, visitors on this ship will feel more like they have stepped back in time rather than into a museum exhibit.

I joined the crew of the *Nina* in Gulf Shores, Alabama, at the beginning of February 2013. As part of a sabbatical project, my goal was to document my days aboard the ship in a blog. I soon found that my shipboard duties took up most of my day and blogging was relegated to whenever I had a spare moment. Keeping up with my blog quickly became less of a concern as I became more involved in conducting tours. I quickly realized that I gained the most valuable insights as an educator when I observed or gave tours to school-age children. I was pleased to see the students become active participants in their learning process. This helped substantiate the belief that I have always held that students stay interested, ask better questions, and engage in higher order thinking tasks when they are actively engaged in the learning process.

At the beginning of each tour, I told students that they were going to take a journey back in time and immediately tried to sign them on as part of Columbus' crew in 1492. It would not be an easy voyage. A sailor's existence in the middle of the sea in the late fifteenth century was physically exhausting and often lonely. We discussed

- saying goodbye to their parents.
- the meager amount of pay they would earn, if any.
- working long hours in all kinds of weather.
- sleeping and eating on deck in four-hour shifts.
- being the only crew allowed below deck, and then only to take care of the animals.
- having only one set of clothes that were torn, dirty, and sticky from the black pine tar that was used as a wood preservative.
- not having bathroom facilities and having to use the railing of the bow of the ship for that necessity.
- moving the levers on the windlass to lift the heaviest anchors, using old sea-faring technology.

A life at sea lost some of its glamour at this point, but the students and teachers were fascinated to hear about the voyages of Columbus and the role that the *Nina* played in this important moment in history.



This field-trip tour of the *Nina* is hands-on learning at its best. In this setting, students could touch the line, pass around a ballast stone, and move the extremely large tiller that steered the ships in Columbus' day. (The steering wheel did not appear until the early 1700s.) The windlass was a necessary tool on board the ships Columbus sailed and students soon came to understand the labor involved in using it to raise and lower anchors, animals, and the shoreboat. Since most crewmembers in the early days of exploration were illiterate, a short lesson was given on how to use a traverse board to record speeds and distances. Students were also allowed to examine the quadrant to see how early explorers determined their latitude. Walking around the deck of the ship, students were quick to point out the barrels that were filled with nuts and other non-perishable food. Discussions then took place in regard to what food and drink were available and how it was cooked on board a ship. This led to further questions about the purpose of the animals that were brought on board. What types of animals were kept in the hold? Who was responsible for their care? When someone raised the question of how they were brought up, students were once again led to the windlass and another group would begin the process of moving the windlass with the idea that a large animal was being hoisted in or out of the hold.

I continued the tour of the ship by pointing out the different parts of the ship and the appropriate name that the students should call it by. Students often erupted into laughter at the first mention of the "poop deck." I then would explain the superstitious nature of many of the crewmembers and that the carved dolls they attached to the top deck were meant to ward off evil. A further explanation of the origination of the term *pupa* as the Latin word meaning doll brought nods and aha's to their smiling faces. By the end of the tour, students were having conversations in which they discussed the masts, hold, tiller, and other navigational equipment. Experiencing this traveling museum as a crewmember opened up the world of Christopher Columbus to the students. It made the factoids meaningful and aided in making sense of the events that we want our students to understand.

The voyages of Christopher Columbus are among the most studied events in American and world history, and students cover this subject matter at almost every grade level. The very youngest of students learned that Columbus sailed on the *Nina Pinta*, and *Santa Maria* and "discovered" a New World in 1492. Those in middle school are taught that there were other explorers who made their way to the Americas before Columbus, while older students begin to delve critically into the motivations behind many of the decisions that Columbus and his financial backers made, as well as the consequences of settling this uncharted land. Even looking at the controversial issues that surround Columbus and the colonization of the Americas, one cannot dismiss his place in history and the importance of those voyages. Nowhere can one get a better feel for what life was like for a young sailor on those early journeys than to step aboard a replica ship. This is the value of visiting and experiencing these traveling museums.

The replica ship that I sailed on is by no means the only example of a traveling museum available to the public. There are also replica ships that provide students with life-size examples of service on board a ship during other historical periods. A visit to Jamestown Settlement allows visitors to board three re-creations of the ships that brought the first settlers from England to Virginia in the early 1600s. Historical interpreters, dressed in period garb, give tours of the *Susan Constant*, *Godspeed*, and *Discovery*. These interpreters often portray a character that would have lived and worked during that time period. Students touring these ships are encouraged to interact with the interpreters in order to grasp a better understanding of the daily life of the people who worked and traveled on these ships. Participating in hands-on activities while aboard the ships enhances the educational experiences as well as to entertain the visitors.

While the replica ships that the Columbus Foundation owns are well described as traveling museums, there are many other replicas that are docked in other cities as permanent exhibits. However, the costs of maintaining these ships has become problematic in keeping the ships open for tours. Replicas of the *Pinta* and *Santa Maria* are docked outside the Corpus Christi Museum of Science and History. Sadly, due to high maintenance costs, these ships soon will be demolished and the scraps will be used to maintain the replica ship, *Nina*, also docked at the museum. The city of Columbus, Ohio, has a Santa Maria Museum that was built in 1991 to celebrate the quincentennial of Columbus' first voyage in 1492. This floating museum is currently closed while supporters raise funds to continue its mission of providing educational tours and programs.

Educational experiences on floating museums are not relegated to replica ships only. The *USS Constitution* is an original military frigate built in 1797. This ship served with distinction in several wars, earning the name "Old Ironsides." Going through a major restoration in the 1920s, funded mostly by young students in a "pennies campaign," the *USS Constitution* traveled more than 22,000 miles throughout the 1930s. It is now docked in the Charleston Navy Yard at the end of the Boston Freedom Trail. Noted for being the world's oldest commissioned warship afloat, the *USS Constitution* is preserved as a floating museum. Visitors are given free tours conducted by active duty military personnel. Educator packets are available for teachers that include a thematic unit, DVD, and posters. Schools can sign up for planned tours that allow students to take part in interactive programs in which they assume roles, don costumes, and interact with navigational equipment. These programs are in addition to the normal visitor tour and therefore have a fee attached.

Sadly, I have found that most public schools cannot schedule such tours for students. Budget cuts have forced many school districts to eliminate field trips from the school curriculum, especially those with an admission fee. Private schools and homeschooling organizations might take advantage of programs like the ones the *Nina* and *USS Constitution* offer, but most children attending public schools are not privy to such valuable educational experiences anymore. Fortunately, some museums are

applying for grants that provide special curriculum funding for schools in lower socio-economic areas. Other alternatives include taking virtual tours, where available, or contacting the museum for educator packets that include DVDs, activity ideas, photos, maps, and more.

Virtual tours have become a popular means of sharing information about replica ships. These tours, via the Internet, allow students to visit replica ships within the confines of the classroom. An example of this can be seen at the website for the replica ship of the *HMS Endeavor*, the vessel that Lieutenant James Cook commanded on voyages to New Zealand and Australia during the mid-1700s. Introduced as a virtual excursion, this tour is led by a cartoon character named Midshipman Jonathan Munkhouse. An audio component provides students with narration about different parts of the ship as well as an explanation of life on board a sailing bark during this time period. This tour is designed to educate and entertain by mixing real photos of the replica ship with animated portions. Activities are provided but they tend to be more like worksheets rather than engaging and thought provoking. There are limited instructional resources, but teaching notes are available on the site. Virtual tours, like that for the *HMS Endeavor* replica ship, provide opportunities for students to view museums that they would not, otherwise, have an opportunity to visit. What is not available with this type of tour is the face-to-face interaction with a tour guide who can answer questions and the hands-on component of being able to manipulate the nautical equipment. Also, many Internet sites are not easy to maneuver and technical difficulties arise when links fail to work properly. It is imperative that teachers preview the sites for content and ease of use before allowing students to view a virtual tour.

While serving on board the *Nina* I was known as a crewmember, but I feel as if I was an educator at my very best. The journey that I took the students on during that brief time on the deck of the replica ship opened up their minds to whatever relevant content their teachers already had covered or wanted to cover once they were back in the classroom. Those educators that prepared students for the ship's tour by providing background knowledge on Columbus and his voyages had equipped students to make connections to the new information they learned on board. Thus, questions about the difference between first and subsequent voyages were common. How did life change on board when additional crew were added? Did the crew begin using hammocks after observing them being used by the "Indians"? How did celestial navigation guide the voyages? What was it about the size and construction of the *Nina* that allowed it to be the only ship in a large fleet to survive a 1495 hurricane? These questions and others like them provoked discussions that promoted higher order thinking skills that educators strive for in the classroom. These discussions further encouraged critical thinking by being able to demonstrate the use of navigational equipment, show where hammocks would have been set up, and compare the four-masted *Nina* with other larger ships of that time.

Museums are becoming increasingly more interactive. Passive learning is giving way to the more active learner who makes personal connections with the exhibits and



wants to touch, move, climb, taste, and explore the surroundings of the museum. My time as a crewmember on a traveling museum confirmed my belief that engaging, hands-on experiences can provide a solid foundation for subsequent learning. I believe that many students went home after their tour on the *Nina* to explain to their parents not only what life was like in Columbus' day but also to question whether there are still New Worlds out there to be explored, where they might be and how we might get there, and whether they should be explored. I believe the students who boarded the *Nina* came as passive learners. They left as bold explorers.

## BOOK REVIEWS

**Jeremy Black.** *Introduction to Global Military History*. Second edition. New York and London: Routledge, 2013. Paper, \$32.93; ISBN 0-415-62920-9.

Jeremy Black's impactful work, *Introduction to Global Military History*, is a richly informative and comprehensive narrative of how warfare has evolved across the world landscape since 1775. Arriving in its much enhanced second edition in 2013, the book offers a marked departure from most Western-centric military histories now used in both academic and popular study with a concerted effort, according to the author, to "re-examine earlier struggles" in a "context of plurality" in favor of including Asian, African, and Latin American affairs. Thus while the author, who is also a noted professor at the University of Exeter in England, both chronologically and regionally incorporates seismic confrontations that typically have defined military history projects, like the Napoleonic wars and World Wars I and II, he studiously maintains balance by "moving away from the idea that there is a clear hierarchy of importance in military history and an obvious pattern of development."

With such a dynamic approach, *Global Military History* provides an excellent primer and introductory textbook for secondary and undergraduate students, in addition to enthusiasts outside the classroom, seeking to gain a general understanding of how armed conflict evolved across the Americas, Asia, and Africa between 1775 and the 2010s. Black begins with the American Revolution and Napoleonic era as "the origins of modern war" and then concludes with careful presentation of the West's current focus on "terrorism and rogue states" in Southwest Asia and Africa. Black employs engaging writing across thirteen condensed chapters that are replete with maps and pictures to capture and retain the reader's attention. While this format, as well as the work's necessary dearth of analytical depth and detail in any single period or event, will not serve for graduate studies, it nevertheless achieves its aim of priming newcomers to military history with comprehensive descriptions of how humanity has waged war in diverse settings over the previous two centuries.

First published in 2005, and now substantially improved with updated chapter introductions and conclusions, primary source perspectives, case studies, color maps, and an annotated bibliography, *Global Military History* finds its greatest import in Black's explicit imperative to "include more discussion of Asian developments" than in previous works. Recognizing that the majority of the world's population lived in East and South Asia during the period covered, the author discards "the notion that they were somehow passive victims of the inexorable rise of Western military dominance." This includes not just discussion of familiar confrontations between American and European powers and Asian, African, and Latin American peoples during the World Wars and decolonization, but also lesser studied events between and within less industrialized societies such as Chinese and Indian civil instability, the Arab-Israeli wars, and the Indian-Pakistani conflicts. The picture on the book's cover, a photo of Chinese soldiers from the Sino-Japanese War instead of traditional images of

combatants from places like Gettysburg or Normandy Beach, symbolizes this shift, or broadening, of emphasis.

Taken as a work that carefully weaves the often sporadic and haphazard development of armed conflict into an eminently digestible narrative, *Global Military History* should be considered for all secondary or undergraduate courses on the history of warfare. Black eschews definitively committing to either traditional “war and society” approaches or the more recent “cultural turn,” but rather seeks broader and more nuanced engagement with evolving “social, cultural, political and economic” influences, in addition to technological factors, as he balances “context” and “the military dimension.” While the resulting focus moves rapidly between events and regions, a necessary limitation due to the book’s introductory purpose and the ambitious span of history it explores, it nevertheless allows maximum exposure to the rich, if unfortunate, diversity of conflicts that have plagued humanity during the modern and post-modern eras. Moving beyond the “Eurocentricity” of studies still used in most military academies and universities, Black’s innovative work, and its emphasis on incorporating Asian, Latin American, and African conflicts as developments worthy of equal attention to Western affairs, delivers a much needed, and newly revised, complement to the current assemblage of military histories.

United States Military Academy

Nathan Jennings

**Samuel Moyn and Andrew Sartori, eds. *Global Intellectual History*. New York: Columbia University Press, 2013. Pp. 352. Cloth, \$35.00; ISBN 978-0-231-16048-3.**

Samuel Moyn and Andrew Sartori edited *Global Intellectual History*, wrote the introductory essay, and recruited thirteen contributors to write the remaining twelve essays, one essay being coauthored. Moyn and some of the contributors are affiliated with Columbia University. Sartori is affiliated with New York University. The book has three sections: A Framework for Debate, Alternative Options, and Concluding Reflections. These are of unequal dimensions. Part one contains a single essay that serves as the introduction. Part two, the bulk of the book, has ten essays. Part three, being the conclusion, has two essays.

In the introduction, Moyn and Sartori emphasize the newness of global intellectual history. They mention briefly that science is part of this nascent field, but science is not a focus of inquiry. Perhaps intellectual historians no longer are interested in the rise and fall of scientific theories. Whatever the truth, it seems clear that Moyn and Sartori, after paying lip service to science, thereafter have little to do with it.

As a book that emphasizes global history, the West receives comparatively little treatment. There is almost no information on the United States. In this book, W.E.B. DuBois emerges as the only American intellectual to merit discussion. In Europe,



Herodotus, Georg W.F. Hegel, and Karl Marx are the only thinkers of the first rank to get inclusion. Perhaps the editors and contributors have agreed that the West has received its fair share. The time has come to explore the rest of the world. Consequently, the spread of Islam and developments in Asia and Africa receive careful consideration. Already we can see in this context the contours of the nascent field of global intellectual history. The emphasis on Islam accords with the rise in interest in Islamic studies throughout the world. The focus on Africa reflects the concomitant interest in African studies and the same can be said of Asian studies. The book is thus well-positioned for reception in the curriculum of today's universities, and in this context one expects *Global Intellectual History* to sell well.

Because of its adaptation to current trends in scholarship and pedagogy, the book is likely to be used widely in the classroom. Proponents of Islamic, African, and Asian studies might all use this book. To the extent that global history represents the future of historical studies, this book might be a guidepost to this future. One senses that it might not be ideal for an introductory course in any historical field because of its mismatch with what incoming college students know about history from their brush with it in high school. Upper-division courses and graduate courses will focus on this book. The essays will serve to enlarge historical inquiry and to that end should be a source of open-ended questions about history. Must intellectual history be grounded in a history of ideas, or are there other ways to package it? What counts as truly global history, and is it enough to make comparisons across space and time that might suggest trans-regional connections rather than connections among all parts of the world? What are the areas of overlap between global history and intellectual history? These questions might stimulate discussion or form the basis for student writings about history.

Independent Scholar

Christopher Cumo

**Paul Finkelman.** *Slavery and the Founders: Race and Liberty in the Age of Jefferson*. 3<sup>rd</sup> ed. Armonk, NY: M.E. Sharpe, 2014. Pp. xii, 308. Paper, \$44.95; ISBN 978-0-7656-4146-5.

*Slavery and the Founders* is a tedious book, but now in its third edition, it has become a minor classic. The author, Paul Finkelman, is a law professor, and the book reads like a brief for the centrality of slavery in the early American republic and for the racism and hypocrisy of Thomas Jefferson.

Finkelman begins with the Constitutional Convention of 1787. He agrees with abolitionist William Lloyd Garrison, who denounced the Constitution as a "covenant with death" and "an agreement with Hell" for its tolerance of slavery. Finkelman can point to the obvious: The provision, for example, enhancing the power of the slave states by counting a slave as three-fifths of a free person for purposes of allocating seats

in the House of Representatives. Yet Finkelman sees the influence of slavery almost everywhere. He lists Article I, Section 8, Paragraph 17, giving Congress jurisdiction over the federal capital district, among those provisions that “illustrate the way the Constitution set a proslavery tone.” The founders’ crime here? Congress did not use its authority to ban slavery in the District of Columbia. It is typical of his methods.

Finkelman provides a detailed treatment of the Philadelphia convention, while saying little about the ratification debates. He relegates to an endnote James Wilson’s statement in the Pennsylvania ratifying convention that the Constitution empowered Congress to end slavery as, essentially, a lie. In fact, many people believed the Constitution, either by giving Congress the power to outlaw the foreign slave trade in twenty years, or through other provisions, had dealt slavery a mortal wound. Students would be better served by reading David Waldstreicher’s more measured *Slavery’s Constitution: From Revolution to Ratification* (2009) or *A Necessary Evil? Slavery and the Debate over the Constitution* (1995), a collection of primary sources edited by John P. Kaminski that allows readers to draw their own conclusions.

Finkelman is better explaining more obscure topics. He includes chapters on the Northwest Ordinance of 1787, purporting to ban slavery in the Northwest Territory; on the persistence of slavery in Indiana and Illinois well into the nineteenth century; on the passage of an ineffective fugitive slave law in 1793; and, new for the third edition, on efforts to end the African slave trade. Here again, he stretches the evidence, saying “2,000 to 3,000 blacks ... remained enslaved in the Northwest between 1787 and 1848,” while conceding in an endnote that the “exact number of slaves living in Indiana and Illinois is impossible to determine” and providing census numbers that do not come close to 2,000 slaves. Another chapter lauds the anti-slavery credentials of the Federalists and castigates Jefferson’s Democratic-Republicans. “A careful analysis of all roll call votes,” Finkelman suggests, would show Federalist members of Congress more likely to support anti-slavery legislation, but he offers no such analysis.

Finkelman spends his last two chapters excoriating, with considerable redundancy, Jefferson’s admittedly miserable record on questions of racial justice. He suggests Jefferson could have used his considerable influence to turn white opinion against slavery as he had used the Declaration of Independence to mobilize support for the break with Great Britain, an absurd argument since Congress did not take up the Declaration until after it had passed a resolution declaring independence. Finkelman works from the premise that Jefferson’s unique status justifies historians in holding him to a higher standard than we might hold his contemporaries, and that some of them did free their slaves. His first assumption is highly subjective, and, while the second is factually correct, Finkelman ignores founders such as James Madison, George Mason, and others whose record on slavery tracks Jefferson: They condemned slavery while doing nothing to abolish the institution.

Finkelman seems understandably agitated by older scholars, chiefly Dumas Malone and Merrill Peterson, and by more recent popular biographers, who, feeling an almost patriotic obligation to make Jefferson a national icon, minimized his career as

a slave owner and exaggerated his hostility to slavery. Yet Finkelman has fallen into a similar trap; he wants to make moral judgments best left to philosophers and theologians.

How does such a book endure? Because slavery was an evil institution mishandled by the founders, modern historians achieve catharsis by condemning anything they can conceivably associate with it. On a more rational level, *Slavery and the Founders* is a perhaps inevitable if overheated corrective to a scholarship and pseudo-scholarship that sanitized Jefferson's and the nation's role in the sin of slavery.

Barton College

Jeff Broadwater

**Karen Pastorello. *The Progressives: Activism and Reform in American Society, 1893-1917*. Malden, MA: Wiley Blackwell, 2014. Pp. x, 259. Paper, \$23.70; ISBN 978-1118651070.**

Karen Pastorello, Professor of History and Women and Gender Studies at Tompkins Cortland Community College (SUNY), has produced an engaging and ambitious survey of the Progressive era that eschews some of the traditional ways of viewing that tumultuous period. The focus is not exclusively on the three Progressive presidents, or wide-ranging state progressivism, or the energetic efforts of individual reformers such as Jane Addams, Florence Kelley, and Upton Sinclair, although all of these get their due in the book. Rather the author begins with the 1893 Chicago World's Columbian Exposition, then examines farm and city life at the turn of the century, the terrible depression of the 1890s, and the roles of laboring people and big business leaders. Pastorello emphasizes "the multifaceted effort of reformers to first identify and then to remedy the problems inherent in an industrializing and increasingly urban society." She chose American entry into World War I as the event that stalled or perhaps even killed off the Progressive initiative.

Pastorello commits a good deal of space to explaining and describing just who the Progressives were—a diverse group, indeed—muckrakers, social gospelers, social and settlement house workers, club women, labor leaders, and socialists, among others. Big business leaders come across as generally tepid supporters of the movement, a few instituting company-sponsored benefits for their workers.

Two meaty chapters then make a heroic attempt to describe the diverse facets of Progressivism—settlement houses, workplace health and safety, women and child labor reform, public education improvement (the old perennial), TR's Country Life Commission, the good government movement to try to counteract urban political machines, urban planning and city beautification, state level reforms, socialist and radical initiatives such as the International Workers of the World (IWW), and the limited legislative legacy of the Triangle Shirtwaist fire. Coverage of the Roosevelt,



Taft, and Wilson administrations and their legislative output is scattered throughout rather than presented in discrete sections.

The diversity of Progressivism means that Pastorello is grappling with an octopus here, and it shows, with occasional repetition and overlapping of subject matter. This is less a criticism of her than a commentary on the complexity of the movement itself (or movements—plural—as this reviewer always tells his students). The author concludes that the most important contribution of Progressivism was to nail down governmental responsibility for the welfare of all citizens, not just a favored few. Specialists will surely (and accurately) quibble that this or that subject got short shrift. But the author meets the demands of the publisher's American History Series—reasonably short monographs tailored to undergraduate use. And the 36-page bibliographical essay is a rich trove for those who want to dig more deeply. *The Progressives* would fit well as supplemental reading in a second-semester American survey or in an early twentieth-century U.S. course.

Austin Community College

William F. Mugleston

**Samuel Hopkins Adam [sic]. *The Great American Fraud: A Series of Articles on the Patent Medicine Evil, Reprinted from Collier's Weekly*. Revised by Jennifer Christine Gadarowski. Createspace Independent Publishing Platform Amazon.com, 2014. Paper, \$13.00; ISBN 1495212165.**

Teachers of the Gilded Age and Progressive Era in American history always look for new primary sources that might interest students or provide connections with contemporary issues. In this age of online publishing, books that have passed out of copyright can be revived and sold as revisions. This gives teachers and students the advantage of cheap access to texts that long ago went out of print. On the other hand, if the transcription is faulty or lacks editorial comments, students will misunderstand the key building blocks of historical interpretation: accurate sourcing and contextualization.

This book is familiar to many, providing the details for countless lectures on the late nineteenth and early twentieth centuries. It was part of an explosion of investigative reporting that revealed the changes in industry, politics, and culture during the era. In 1905, Samuel Hopkins Adams investigated the patent medicine industry for *Collier's Weekly*. Through a series of articles issued in 1905, Adams explained the way these drugs were created and delivered, with the primary goal of demonstrating their fraudulent character. Based on chemical analyses, he asserted that products such as Peruna, Liquozone, Duffy's Malt Whiskey, and Lydia Pinkham's Vegetable Compound could contain significant amounts of alcohol. He revealed that headache pills included cocaine and cough syrups soothed babies with opium. Adams demonstrated the advertising methods used to sell these products, explaining the ways companies

obtained phony testimonials. Another sales strategy was to offer free samples, which had the notorious effect of creating addicts who then became permanent customers. Finally, Adams showed how the patent medicine industry used economic pressure to stifle any regulations. The industry paid millions of dollars for newspaper advertising that many companies locked in with three-year contracts, contracts that could be voided if any laws impeded sales. When state legislatures considered labeling laws or restrictions aimed at patent medicines, the companies warned publishers that advertising revenues would be lost, which inspired editorial condemnation of proposed bills and caused lawmakers to fear for their re-election prospects. Ultimately, indignation over Adams's exposé inspired Congress to enact the Pure Food and Drug Act of 1906.

This incarnation of Adams's book has several positive attributes. It is inexpensive and easily obtained through Amazon. It is a faithful reproduction of the sections, illustrations, and overall content of the original. However, it is not an entirely accurate one. This version differs from the original with misspellings (most notably of the author's last name), incorrect punctuation, and the occasional missing sentence. Teachers can use it to obtain anecdotes about the content of medicines or details about political corruption, but it is not suitable as a book for primary source research or students exercises, because it lacks page numbers, the captions for illustrations are not clearly distinguished from the narrative, and paragraphs are difficult to distinguish.

While this version of the book is not recommended for student use, there is an alternative that is easy to access and free. The website Open Library has digitized many old texts, including the 1907 edition of this book, which is important because it provides rich opportunities for teaching. It can be paired with other documents from the period to illustrate the Progressive Era and the solutions people developed to handle new problems. The controversies about the 1905 patent medicines could be contrasted with current issues surrounding nutritional supplement vendors who want their products to be exempt from the requirements of the Food and Drug Administration. Teachers could have students look up online versions of 1905 newspapers to get an immediate impression of the number and quality of patent medicine advertisements. After reading Adams's critique of them, students could discuss why the companies were so successful at misleading people. They could write about the daily life and trials of people in 1905 based on the advertisements. Students also can practice critical evaluation of texts by comparing the old advertisements with contemporary ones that still use the same methods.

When shopping for primary sources, just like anything else, teachers must be critical of their origin. But they also need to remember that there are many new ways to obtain the gems that had once been inaccessible and that can help students connect with people who were different from them.

**Harvey J. Kaye.** *The Fight for the Four Freedoms: What Made FDR and the Greatest Generation Truly Great.* New York: Simon & Schuster, 2014. Pp. 292. Hardcover, \$11.71; ISBN 978-1451691436.

It is rare to find a book of history that enables teachers to engage students critically in understanding the era of the Great Depression, the New Deal of Franklin D. Roosevelt, and the enduring legacy of the “Four Freedoms” as espoused by FDR on January 1, 1941. Harvey J. Kaye has a long and active career of writing American history from a progressive viewpoint. His work is on the whole careful and well-researched but also remarkably balanced given his sympathetic concerns for an American populace whose voices often are not heard in traditional histories.

While American history textbooks today certainly give coverage to minorities, women, immigrants, and workers, they rarely raise critical questions. This is where Kaye’s book excellently fills a void. In a time when social media dominates much of the civil discourse and cable news networks have carved out niches that appeal to particular political tastes, it is refreshing to read Harvey J. Kaye asking hard questions and providing an historical narrative that is rich in analysis. Thus he poses that “that the Right and conservative rich continue as they always have to work at delaying, containing, and rolling back that generation’s greatest democratic achievements is not remarkable. But that liberals and leftists have lost their association with that generation is.”

It is often lost on students that Roosevelt’s Four Freedoms speech ranks as high as Abraham Lincoln’s Gettysburg Address. It was a re-reading of the Constitution and a re-envisioning of American values in such a way as to build real democracy and equality and make strides towards social justice. Moreover, it must be remembered that Franklin Delano Roosevelt was elected president four times by solid majorities. No other person in the nation’s history before or since has managed to do that. In those turbulent years, FDR and the American people rebuilt the nation and insured that the crisis of Depression and World War would be dealt with in a democratic fashion.

But Kaye sharply points out that there were contradictions in the American character. Kaye cites one political activist, Chip Berlet, who responded to the 1995 Oklahoma City domestic terrorist bombing of a federal building by recalling how his father, a World War II veteran, life-long Republican, and ardent anti-communist, rose above his many prejudices to fight for the Four Freedoms that Roosevelt laid down, Kaye quotes Berlet, the son, who states “My Dad fought fascism to defend these freedoms, not just for himself, but for people of different religions and races, people he disagreed with ... even people he was prejudiced against. Today, the four freedoms are under attack—in part because we forget why people fought World War II.” It is Kaye’s intention as an historian to remind us of how and why the Four Freedoms are critical and essential to who we are as Americans.

In eleven sharply focused, fast-paced chapters, Kaye shows the struggles that Americans endured making the Four Freedoms real. Within his historical narrative



readers will discover a strong critique of the outpouring of books, films, and television documentaries about the greatest generation, the veterans of war and even the war itself. He scornfully finds that none of these productions ever mentions the Four Freedoms. Kaye's book is also a rejoinder to Richard Pells' masterful history, *Radical Visions and American Dreams*. Pells lamented that the American people were overly passive about the Great Depression and not much moved to make any real changes in the way that the political economy and culture were structured. Reading Kaye's work makes it clear that this was certainly not the case. From the rise of politically aggressive and effective labor unions, the emergence of the civil rights movement, and the leftist Popular Front that pressured Roosevelt into many of the reforms of his second and third terms, Kaye clearly and cogently demonstrates that the American people were active in the struggle to change the American way of life.

In the end, Harvey J. Kaye's history is important for students and teachers to delve into. Kaye lays out the history and the arguments for why the Four Freedoms mark one of the high points of recent American history. Moreover, he truly shows why the "Greatest Generation" was truly great as well as why Roosevelt was, perhaps, our greatest president in recent times.

Colgate University

Charles Pete Banner-Haley

**Elizabeth R. Escobedo.** *From Coveralls to Zoot Suits: The Lives of Mexican American Women on the World War II Home Front.* Chapel Hill: The University of North Carolina Press, 2013. Pp. 256. Cloth, \$34.95 ; ISBN 978-1-4696-0205-9.

The popular image of "Rosie the Riveter" as a Euro-American woman who took up the call to support the United States during World War II is a stereotype that does not match the racial and ethnic diversity of women who worked in the wartime industries in Southern California. In *From Coveralls to Zoot Suits* Elizabeth Escobedo presents a far more complicated story that challenges popular notions about people who worked in the factories and how they understood their contribution to the war effort. Based on oral interviews and a wide variety of archival sources, Escobedo examines how the rise of the war industries in Southern California changed the lives of Mexican American women who left the safety of their insular ethno-racial communities to take jobs that transformed their families, their communities, and their place in society. Working in wartime factories provided Mexican American women with a level of financial and social freedom that enabled them to escape from the watchful eye of their patriarchal families and restrictive community and cultural expectations to express themselves in radically new ways.

Escobedo argues that the war allowed Mexican American women an opportunity to do their part for the nation, while at the same time pursuing their own desires. Often their desires were reflected in their distinctive clothing and broad-minded attitudes.

Their desires also found fulfillment in frequenting nightclubs, dance halls, and USO events to socialize in multiracial settings and date men regardless of differences in race and ethnicity. Examining the racial stereotypes promoted in the newspapers, Escobedo does not avoid the painful pressure that zoot suit culture, *Pachuca* identity, and crime placed on Mexican American families who desperately sought to control their children. However, Escobedo uses the countercultural reality of Hispanic youth culture as a way to analyze how many Mexican American women embraced the new type of life that the war permitted during the 1940s. Delving into this complicated cultural landscape reveals how ethno-racial stereotypes, discrimination, patriarchal families, and intergenerational disputes challenged the possibilities for female autonomy, while the need for factory workers created space for Mexican American women to gain independence that persisted beyond the war to redefine the Mexican American community in post-war years.

Escobedo's book is excellent for examining how Mexican American women in World War II improved their prospects for happiness, as well as transformed the expectations of their families and culture. This allows students to explore family tensions, whether between parents and children or between husbands and wives, alongside racial and cultural issues that the war brought to the forefront. For example, when Mexican American men attempted to protect Mexican American women from the perceived predatory sexuality of white men through violence or when Mexican American women refused to use the same restrooms as black women in their workplace, the intricacies of a multifaceted and racially-minded society are exposed for further scrutiny. Likewise, the united front of racial liberalism promoted by the U.S. government during the war years gave minorities in Southern California unprecedented access to new social and economic opportunities. Yet, Escobedo argues that at the same time the war fostered racial tolerance for a time, the war also marked a moment of significant social change in the Mexican American community, especially when considering the loss of control over the everyday lives of Mexican American women.

Although Escobedo does make mention of Roman Catholicism, here is one area where the book could have been improved in that she does not examine how religious faith affected attitudes and actions within the Mexican American community. Such an omission downplays a crucial part of Mexican American cultural identity and distorts what might have mattered most to families who attempted to curb female independence. Despite this oversight, *From Coveralls to Zoot Suits* highlights how the war industries did more than simply make planes, tanks, and bombs, but also reshaped American culture and sub-cultures during the war years.

The importance of this book for the history classroom is that Escobedo provides a more nuanced understanding of the United States home front during the war years that enables students to see that working in the factories was not a homogenous experience but one that varied widely according to race, gender, and region of the country where the workers lived. Escobedo's monograph is well suited to engage upper-division undergraduate students and should be required reading for graduate students and those



who research and teach twentieth-century American history. Escobedo makes an important contribution to the historiography of the period and to our understanding of the American home front during World War II.

Fresno Pacific University

Darin D. Lenz

**Rana Mitter.** *Forgotten Ally: China's World War II, 1937-1945.* New York: Houghton Mifflin Harcourt Publishing, 2013. Pp. 450. Cloth, \$30.00; ISBN 978-0-618-89425-3.

Rana Mitter's *Forgotten Ally* is a fresh and nuanced account of China's experiences during World War II. Mitter argues that China's contributions to the Second World War have been overshadowed by conventional American narratives, such as Barbara Tuchman's *Stilwell and American Experience in China*, which depict the hardworking "Vinegar Joe" Stilwell doing everything he can to coax a reluctant and corrupt Chiang Kai-shek to fight the Japanese Army. *Forgotten Ally* highlights the significant role China, and particularly Chiang's armies, played in standing up to Japanese aggression in Shanghai in 1937 and continuing to tie up thousands of imperial troops in Mainland China while Britain and the United States implemented a Europe-first policy. Mitter also points out the significant strides China made in overturning the unequal treaties and establishing an alliance with the two Western powers. Unfortunately for Chiang's government, these diplomatic gains came with a high price. The fielding of large armies in the face of economic dislocation, internal political competition, and a determined, technologically superior Japanese military ultimately undermined the Nationalist regime's popular support and contributed to the Chinese Communist Party's (CCP) rise to power. Widely publicized disputes with Stilwell further colored later interpretations of these events, leaving China a "forgotten ally" among the major powers of World War II.

Mitter's account also highlights other "forgotten" aspects of China's World War II. In addition to offering a more objective portrayal of the Nationalists, *Forgotten Ally* explains the reasons and outcomes of Wang Jingwei's decision to work with the Japanese to establish a separate Nationalist regime in occupied Nanjing. Mitter reminds readers that Wang was originally poised to succeed Sun Yat-sen as leader of the Nationalist Party in the 1920s and remained a fervent patriot throughout his life. *Forgotten Ally* also offers a far less romantic portrayal of the CCP's anti-Japanese resistance, noting that it was ultimately the Nationalists who bore the brunt of the major combat operations against Japan.

Finally, *Forgotten Ally* illustrates the immense impact of World War II on China and beyond. Mitter points out how China's wartime experiences accelerated its development into a modern nation-state. For instance, the experience of refugees and continuous aerial bombardment helped to forge a stronger national identity among the



Chinese people. This transformed the relationship between the Chinese government and its people, with the state demanding unprecedented sacrifice from its subjects in return for a new system of social welfare. China's wartime experience also foreshadowed the mass campaigns that would become commonplace in China during the Korean War, the Great Leap Forward, and the Cultural Revolution. Lastly, from an international context, Mitter notes how China's World War II contributed to a decline of two former imperial powers, Britain and Japan, and ushered in the rise of the United States and Soviet Union in their place.

As can be gleaned from this brief overview, *Forgotten Ally* has much to offer specialists in Chinese, diplomatic, or military history. Mitter draws from many of the most important recent developments in modern Chinese history as well as newly released primary materials to craft a narrative that is both highly readable and insightful. In addition to its breadth and accessibility, *Forbidden Ally* is a valuable resource for teachers because it includes a detailed bibliographical section on several topics pertaining to China's involvement in World War II. It also highlights important linkages between the eastern and western fronts of WW II and U.S. and Japanese foreign policies. Perhaps the only aspect where this work is lacking is in its relatively limited coverage of Russian and Soviet perspectives. However, this does little to detract from an otherwise superb history, one that no doubt will become the standard for years to come.

United States Military Academy

Jason Halub

**John Lewis, Andrew Aydin, and Nate Powell. *March (Book One)*. Marietta, GA: Top Shelf Productions, 2013. Pp. 128. Paper, \$14.95; ISBN 978-1-60309-300-2.**

In the late 1950s, the peace organization Fellowship of Reconciliation (FOR) published a sixteen-page comic book entitled *Martin Luther King and the Montgomery Story* to publicize the nonviolent civil disobedience at the heart of the bus boycott in Alabama. More than fifty years later, John Lewis, civil rights activist and current U.S. Congressman, recalls the impact of nonviolence on both his life and the larger civil rights movement in his memoir and graphic novel, *March (Book One)*. The first book in a richly illustrated trilogy, *March* chronicles Lewis's childhood in rural Alabama through his participation in sit-ins while a student in Nashville in 1960. The son of a sharecropper, Lewis places his childhood within a larger historical context that included the *Brown* decision, the murder of Emmitt Till, and the bus boycott in nearby Montgomery. Nevertheless, the value of the memoir lies in the importance of less dramatic experiences long before Lewis's prominent role in the Student Nonviolent Coordinating Committee (SNCC) and the March on Washington. For example, Lewis emphasizes a transformational experience that occurred when he was only eleven, three years before *Brown*. In 1951, Lewis accompanied an uncle on his first trip outside the

Jim Crow South, a lengthy car ride to spend the summer with relatives in Buffalo, New York. Lewis recalled the dangers of travel for blacks in the South and, upon entering the North, his first “otherworldly” encounter with racially integrated neighborhoods and public facilities. His recollection years later could apply to the larger transformations that would engulf his home state and the nation as he and the movement grew. “After that trip,” Lewis explained, “home never felt the same, and neither did I.”

While much of the narrative is similar to Lewis’s 1998 memoir, *Walking with the Wind*, the accessibility of the short graphic novel combined with Lewis’s experiences and insight holds great potential for teaching. In less than 125 pages, Lewis vividly describes a number of key issues that shaped the movement, such as ongoing tension between southern civil rights activists and the relative conservative stance of some middle class blacks, including many clergy. Elsewhere, Lewis, who was still a teenager in 1958, describes his first meeting with King. Inspired by King but frustrated with the pace of social change in the wake of the *Brown* decision, Lewis and other college students in Nashville embraced the idea of nonviolent social activism. Here the graphic novel is especially effective in illustrating how students participated in training workshops in nonviolent civil disobedience. Soon thereafter Lewis and his peers, despite opposition from both local authorities and school administrators, initiated direct-action sit-ins and economic boycotts that challenged Jim Crow in downtown Nashville.

The graphic novel’s promise for teaching also stems from the fact that, as a memoir, *March* underscores the relationship between the movement and the contemporary world of our students. As a result, Lewis begins the book not in rural Alabama after World War II but in his congressional office on the morning of President Barack Obama’s inauguration in 2009. The author’s career has always been a testimony to the legacy of the movement and his memoir will help students appreciate Lewis’s conclusion after his first arrest in 1960, “We wanted to change America—to make it something different, something better.”

Illinois State University

Richard L. Hughes

**Steve Coll. *Private Empire: ExxonMobil and American Power*. New York: Penguin Press, 2012. Pp. 685. Hardcover, \$23.44; ISBN 978-1594203350.**

Journalist Steve Coll traces the unsettling developments within the premier descendant of Standard Oil between the Exxon Valdez spill in 1989 and the Deepwater Horizon disaster in 2010. He argues that we should think of Exxon not as a “normal” company but as a private state, executing its own foreign policy in a search for increasingly coy oil and natural gas reserves. On the domestic front, Exxon shapes policy by funding suspect science, by contributing large sums to oil-friendly politicians, and by hiring the best attorneys to defend its dubious practices. In general, Coll’s

conclusions about the behemoth company are convincing, and *Private Empire* is a significant contribution to the study of contemporary problems in oil and world power.

The strengths of *Private Empire*—its enthralling style and global scope—are largely a reflection of its author's background. With earlier works on AT&T and Getty Oil, Coll is comfortable navigating the complexities of corporate politics. He does an admirable job of teasing out the tricky relationship between brusque Exxon chairman Lee Raymond, Raymond's employees, and the company's board of directors. His familiarity with Big Oil and Big Finance also enables him to make a fascinating connection: The annual SEC report of oil companies' proven reserves affected stock value, which often impelled desperate attempts by ExxonMobil to replace its reserves. In addition to his corporate insight, Coll has a strong sense of geography that bleeds through in *Private Empire*. Whether describing the ramshackle oil towns in the Niger delta or the mass graves in Aceh, Coll imparts the facts of ExxonMobil's involvement in these places in a way that resonates viscerally with the reader.

Despite Coll's skill as an investigative journalist, he misses a few opportunities to situate his ExxonMobil case study within a broader debate over corporatism, which seems to be the crux of his argument. Coll suggests that the relationship between U.S. and Exxon interests is an ambivalent one at best. The two policies could occasionally be complementary, such as when Vice President Dick Cheney mediated in the UAE at the behest of Chairman Raymond in 2005. At other times, the relationship between U.S. and Exxon policies could be downright antagonistic. For instance, Raymond urged China not to adopt the Kyoto protocols in direct opposition to President Bill Clinton's policy in 1997. By comparing these examples to previous divergences between private and public policies, Coll could have helped the reader understand their significance. How did these examples stack up against U.S. corporatist policy in the Middle East during the Arab-Israeli wars, for example?

Coll concludes his work with several tantalizing examples of "corporate ascendancy" and state decline in America: the *Citizens United* case and record-breaking ExxonMobil profits contrasted with U.S. credit downgrade and spiraling debt. The implications of such "corporate ascendancy" are disturbing but in need of more historical context. Nevertheless, *Private Empire* would undoubtedly benefit teachers and students alike as we grapple with the consequences of petroleum and the increasing power of corporate rather than state actors. It would be a fine addition to any survey of environmental, global, or business history.



**Piero Gleijeses.** *Visions of Freedom: Havana, Washington, Pretoria, and the Struggle for Southern Africa, 1976-1991.* Chapel Hill: The University of North Carolina Press, 2013. Pp. 655. Cloth, \$40.00; ISBN 978-1-4696-0968-3.

The Cold War has been examined extensively by multiple disciplines of scholarship. Since the end of the conflict in the early nineties, historians have attempted to tell the story of American foreign relations from the perspective of other nations by exploiting access to archives opened after the Cold War. Piero Gleijeses has been a Professor of American Foreign Relations at Johns Hopkins University's School of Advanced International Studies since 1972. His research focus is Latin America, but his greatest success is a result of his work specifically in Cuban foreign relations history of the Cold War. *Visions of Freedom: Havana, Washington, Pretoria, and the Struggle for Southern Africa, 1976-1991* analyzes the relationships between the United States, South Africa, Angola, Cuba, and other southern African players during the last fifteen years of the Cold War. In *Visions of Freedom*, Gleijeses continues where he left off in his book from 2002, *Conflicting Missions: Havana, Washington, and Africa, 1959-1976*.

In *Visions of Freedom*, Gleijeses places Cuba at the center of the dramatic story of Cold War Africa. A few themes from *Conflicting Missions* continue. First, Cuba was not a Soviet proxy; its foreign policy was its own and not based on Soviet direction. Second is the theme of Cuba's role as the benevolent older sibling to fledgling revolutionary movements in the Third World. In *Conflicting Missions*, Cuba limited its aid to countries across Africa because of internal constraints as it solidified its own revolution at home and abroad. In *Visions of Freedom*, Cuba's international position is more secure and they are able to pay for the deployment of more than thirty thousand Cuban troops to protect Marxist Angola from South African invasion.

In *Visions of Freedom*, Gleijeses places Cuba at the center of decolonization in Angola and Namibia as well as the struggle to end Apartheid in South Africa. Perhaps Cuba's key role is due to its maturing international position in the 1970s or the U.S. distraction with its withdrawal from Vietnam. No matter what the causes are of large scale Cuban deployment of combat power to Africa, Gleijeses's main argument in *Visions of Freedom* credits Cuba for the end of South African occupation of Namibia, the end of the war in Angola, and even the end of Apartheid in South Africa.

The story told and arguments made by Gleijeses in *Visions of Freedom* are similar in subject matter and tone as those in *Conflicting Missions*. Unfortunately, so are the issues with his sources. He relates that he is still the only foreign scholar with access to the Cuban archives. For both books, he explains he never used a Cuban source that he did not possess in photocopy format. Gleijeses's research in international archives is extensive and provides both depth and breadth to his arguments. However, his Cuban sources are a bit problematic because they are used to support pro-Cuban assertions. To ensure credibility of his arguments in *Visions of Freedom*, Gleijeses explains that his photocopies will be placed on a public website sponsored by the Cold War International

History Project. Gleijeses reports he collected approximately 15,000 pages of Cuban documents for *Visions of Freedom*; however, as of October 15, 2014, only 164 documents in the Cuba and Southern Africa collection appear on the website.<sup>1</sup>

The potential issues with his sources aside, Gleijeses delivers another installment of Cuban foreign relations history in Africa with remarkable success. Gleijeses is an excellent writer and researcher and it shows in his work. Any undergrad or graduate student would be well served to read *Visions of Freedom* to gain a broader understanding of the role of Cuba in the Cold War. There is no disputing Cuba's deployment of tens of thousands of its troops to another continent; its involvement in the Angolan war gained Cuba membership in a very small number of countries that have projected military power onto another continent. Effective study of the Cold War must include the role of such influential Third World nations as Cuba.

United States Military Academy

Erik M. Davis

**Richard H. Immerman.** *The Hidden Hand: A Brief History of the CIA.* Malden, MA: John Wiley & Sons, 2014. Notes. Bibliography. Index. Pp. xv, 248. Paper, \$34.95; ISBN 978-1-4443-5137-8.

The author of a well-regarded study of the 1954 CIA-orchestrated coup in Guatemala, as well as several books on U.S. foreign policy, Richard Immerman also took an eighteen-month break from teaching at Temple University to serve as assistant deputy director of intelligence for analytic integrity and standards and analytic ombudsman for the Office of the Director of National Intelligence. This unique opportunity undoubtedly yielded substantial insight into the CIA's workings as he crafted this book.

Interest in the CIA, fueled by media coverage and several recent television shows and movies, has probably never been higher. As Immerman notes, most people "perceive the CIA as a nest of spies and clandestine operators," but it was "established for the express purpose of intelligence analysis and dissemination." Immerman argues this mission was "sacrificed to a misguided emphasis on covert and paramilitary projects." Much of the CIA's history revolves around this tension between intelligence gathering and analysis and covert and paramilitary operations. Emphasis on the latter pair, Immerman suggests, continually hindered the agency's primary mission.

Immerman provides an even-handed analysis, praising the CIA for its intelligence and operational successes, while analyzing its failures in detail. He criticizes the often

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<sup>1</sup>Wilson Center Digital Archive, International History Declassified, "Cuba and Southern Africa," Cold War International History Project, <http://digitalarchive.wilsoncenter.org/collection/173/cuba-and-southern-africa/> (accessed October 15, 2014).

comical efforts to undermine Fidel Castro's regime and the Bay of Pigs fiasco, but notes the CIA's detection of nuclear missiles in Cuba provided the Kennedy administration "a critical window to frame its response" and helped prevent "an impetuous employment of U.S. force." Similarly, he believes the CIA produced the most accurate reports of the situation in Vietnam, performing better "than any other arm of the U.S. government." Yet, the CIA's Phoenix Program probably killed more innocents than enemy operatives.

Congress passed laws subjecting the CIA to more scrutiny following the Watergate scandal, Salvador Allende's ouster in Chile, and revelations of the CIA's domestic spying. This established a pattern in which CIA excesses or intelligence failures were met with new laws and increased oversight. Following prolonged investigations of the 9/11 attacks, this culminated in 2005 with the appointment of a Director of National Intelligence to oversee the CIA and other U.S. intelligence agencies.

While the CIA successfully pioneered the U-2 program and satellite reconnaissance, its leaders emphasized covert and paramilitary operations. The growing use of drones in targeted killings, Immerman argues, is emblematic of the increasing militarization of the CIA. Equally problematic is the increasing politicization of the CIA, which encouraged the production of the flawed National Intelligence Estimate on Iraq's WMD program that "conflated 'fact' with assumptions and failed to identify gaps in intelligence." Colin Powell's testimony to the UN, largely based on that document, was so convincing that "he all but set the CIA up to take the fall when the truth came out."

Short, readable, and tightly focused on key events and issues, Immerman's book would make a good course text. His analysis is thorough, apt, and sprinkled with interesting insights. While it is marred by some CIA-mandated redactions, these are relatively minor and might themselves make interesting class discussion topics.

University of Memphis

Stephen K. Stein

### **REST IN PEACE**

#### **PHILIP REED RULON (1934-2014)**

Professor of History (Emeritus), Northern Arizona University

Service to NAU and many professional organizations

Co-Founder of *Teaching History: A Journal of Methods*

Mentor and advisor to many students and friends

A good friend and colleague whom we will miss greatly



# **TEACHING HISTORY: A JOURNAL OF METHODS**

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