*Florida Civic Literacy Support Lesson*

**To suspend or not to suspend...**

Does the U.S. Constitution grant to the president the authority to suspend *habeas corpus*?

*An Activity for High School Civic Literacy Competency #4*

*Competency #4: Understanding of landmark Supreme Court cases, landmark legislation, and landmark executive actions and their impact on law and society*

***Benchmark and Benchmark Clarification Correlations***

***SS.912.CG.2.4:*** *Evaluate, take and defend objective, evidence-based positions on issues that cause the government to balance the interests of individuals with the public good.*

***SS.912.CG.3.4:*** *Analyze the structures, functions and processes of the executive branch as described in Article II of the U.S. Constitution.*

***Activity Vocabulary***

| ***Habeas corpus*** - “produce the body”; a fundamental right that protects against unlawful and indefinite imprisonment  **Martial law** - involves the temporary substitution of military authority for civilian rule in times of war, rebellion, or natural disaster  **Rebellion** - an act of violent or open resistance to an established government or ruler  **Suspension** - the temporary prevention of something from continuing or being in force or effect  **Writ** – a written court order |
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***Lesson Steps***

1. Introduction to content – Short video briefly explaining *habeas corpus*.

([Habeas Corpus Explained in One Minute](https://www.youtube.com/watch?v=UQmnxiN57C4))

1. Preparation for debate – Students will read President Lincoln's proclamation to prepare for their debates. ([A proclamation on the suspension of habeas corpus, 1862 GILDER LEHRMAN)](https://www.gilderlehrman.org/history-resources/spotlight-primary-source/proclamation-suspension-habeas-corpus-1862)
2. Debate – Students will take a side on the constitutionality of the suspension of *habeas corpus*. (debate instructions in “Teacher Background Information” below)
3. Conclusion – Students will then read and analyze the U.S. Supreme Court’s decision on the constitutionality of the suspension of habeas corpus during the Civil War. ([Lincoln and Taney’s Great Writ Showdown National Constitution Center](https://constitutioncenter.org/blog/lincoln-and-taneys-great-writ-showdown#:~:text=On%20May%2028%2C%201861%2C%20Supreme,in%20a%20national%20constitutional%20showdown.))

**Enrichment Suggestion** **#1** –Civil War overview (includes 1.75 minute video) ( [President Lincoln suspends the writ of Habeas Corpus during the Civil War)](https://www.history.com/this-day-in-history/president-lincoln-suspends-the-writ-of-habeas-corpus-during-the-civil-war)

**Teacher Background Information**

[Lincoln's Suspension of the Writ of Habeas Corpus UMICH](https://quod.lib.umich.edu/j/jala/2629860.0029.205/--lincoln-s-suspension-of-the-writ-of-habeas-corpus?rgn=main;view=fulltext)

[Debate Formats THOUGHTCO](https://www.thoughtco.com/fast-debate-formats-for-the-classroom-8044)

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Questions for Primary Source Document**

*Read the document introduction, examine the document, and apply your knowledge of American history to answer the following questions.*

1. **Why did the Founders make certain to incorporate the right of *habeas corpus* as the sole liberty included in the original text of the U.S. Constitution?**
2. **Make a chart with two columns. In one column list the stipulations in the Constitution under which *habeas corpus* may be suspended. In the second column, list President Lincoln’s reasons for ordering the suspension of *habeas corpus*.**
3. **To what extent do Lincoln’s reasons satisfy the constitutional provisions under which *habeas corpus* may be suspended?**
4. **Why is this historical event of particular interest to Americans today?**

**Guiding questions for Debate**

**In your debate make sure to address the following questions:**

1. **Does the Constitution allow for the suspension of *habeas corpus*?**
2. **Do you think President Lincoln was justified in suspending *habeas corpus*? Why or why not?**
3. **In which situations do you think the suspension of *habeas corpus* can be justified?**

**Follow up for Lincoln and Taney’s Great Writ Showdown:**

1. **Summarize the specific events leading to the Supreme Court challenge to President Lincoln’s suspension of *habeas corpus* in *Ex Parte Merryman.***
2. **Explain why the Supreme Court ruled against President Lincoln in *Ex Parte Merryman*.**