

POL 300: Constitution During Wartime  
Midterm assignment

*Answer three (3) of the following four questions in 8 – 12 pages (normal font, normal margins, normal spacing, etc.). Your final answers are due in class on **Monday, March 10**. Late papers will be penalized 1/3 of a grade for each late day.*

*You may discuss your answers with other members of the class, but your exam should be your own work. Please give precise references to the texts (i.e., page numbers). I encourage you to begin work on the exam as soon as possible; exams written over the weekend will probably be hurried, incomplete, and unsatisfying. Try to avoid repeating yourself as your exam will be graded as a whole.*

1) Consider the restrictions on *press freedom* under the Sedition Act of 1798, under Lincoln, and under the Espionage Acts of 1917 and 1918. What, precisely, were the main arguments in favor of restricting the press during these three crises? Do you believe that all, some, or none of the restrictions can be justified based on your understanding of the purposes of the First Amendment and the circumstances that government officials referred to during these crises? Give specific examples from the texts we have read.

2) What is the role of public opinion and popular resistance to restrictions on civil liberties during wartime? Michael Kent Curtis, the *New York Times* and Sanford Levinson all argue that popular resistance to restrictions on civil liberties is essential during wartime. Do you agree? How does your answer inform your understanding of the desirability of the Sedition Act of 1798 or the Espionage Acts of 1917 and 1918? When is organized public dissent justified? Always? Is the desirability of dissent a retroactive narrative of shame and redemption, or a legitimate call to action in the present?

3) Were Lincoln's actions suspending habeas corpus and providing for the limited emancipation of slaves constitutional? On what understanding of the Constitution do you base your answer? Make sure you specify the scope of the suspension of habeas corpus, discuss Congress's responses to the suspensions, and relevant Supreme Court cases.

4) When have *courts* been solicitous of civil liberties during wartime? According to your understanding of the material from this course, what factors influence the decisions of courts during wartime when they are confronted with restrictions of press freedom, of freedom of speech, and of the right to access the civil court system? Are courts a good place to look for protection during wartime? Give at least four specific examples from the readings of your favorite examples of courts that have, and/or courts that have not been solicitous of civil liberties during wartime.