

Title: Truman Declines to Comply

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Course: US History

Time Frame: 1 class period

Subjects:

Truman, Harry S., 1884-1972

Grade Levels:

9, 10, 11, 12

Classroom/Homework Activity to be performed:

This lesson uses primary documents to support an examination of the use of subpoenas by legislative bodies to demand testimony and the power of presidents when refusing to cooperate. The lesson can be done as individual or pair work initially and finishes with group and class discussion.

Rationale:

- To provide understanding of legal concept of subpoena;
- To provide understanding of presidential immunity/presidential prerogative;
- To provide understanding of the interconnections among government agencies.

Lesson objectives - the student will:

- Define the concept and explain the legal ramifications of subpoenas;
- Explain the idea of and note differences between the concepts of presidential immunity and presidential prerogative;
- Describe the zeitgeist of post WWII/early Cold War thinking regarding the Soviet Union.
- Explain the functions of the FBI, the President, and the House Committee on Un-American Activities (HCUAA) in relationship to Soviet espionage.

District, state, or national performance and knowledge standards/goals/skills met:

- [CCSS.ELA-Literacy.RH.11-12.1](#)
Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
- [CCSS.ELA-Literacy.RH.11-12.2](#)
Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
- [CCSS.ELA-Literacy.RH.11-12.8](#)
Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.
- [CCSS.ELA-Literacy.RH.11-12.9](#)
Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

Secondary materials (book, article, video documentary, etc.) needed:

- Background essay from Truman Library and the Independence School District - Truman's Loyalty Program

Background Essay - Truman's Loyalty Program

The Cold War emphasis on containment is often framed in terms of Truman's foreign policy decisions: the Marshall Plan and Truman Doctrine in Europe, the Korean War in Asia. Yet containment took on a life of its own in the United States as many Americans grew more and more concerned about Communism on U.S. soil, and even more alarmingly, in government agencies. The rise of McCarthyism in the wake of this fear is well-known. Less discussed, perhaps, is the emergence of a Loyalty Program within the federal government.

Truman's Loyalty Program has its origins in World War II, particularly in the Hatch Act (1939), which forbade anyone who "advocated the overthrow of our constitutional form of government in the United States" to work in government agencies. After the war, tensions between the U.S. and the Soviet Union grew, as did suspicion of workers in every government department. Several advisors, including Attorney General Tom Clark, urged Truman to form a loyalty program to safeguard against communist infiltration in the government. Initially, Truman was reluctant to form such a program, fearing it could threaten civil liberties of government workers. However, several

factors shaped his decision to institute such a policy. Fear of communism was growing rapidly at home, and in the 1946 midterm election, Republicans gained control of Congress for the first time since 1931. To examine the issue, in November 1946 Truman created the Temporary Commission on Employee Loyalty, which stated, “there are many conditions called to the Committee’s attention that cannot be remedied by mere changes in techniques... Adequate protective measures must be adopted to see that persons of questioned loyalty are not permitted to enter into the federal service.” In March 1947, Truman signed Executive Order 9835, “prescribing procedures for the administration of an employees loyalty program in the executive branch of the government.”

The Loyalty Program has been criticized as a weapon of hysteria attacking law-abiding citizens. The Attorney General’s office compiled lists of “subversive” organizations, and prior involvement in protests or labor strikes could be grounds for investigation. As the Cold War intensified, investigations grew more frequent and far-reaching. As noted in *Civil Liberties and the Legacy of Harry S. Truman*, edited by Richard S. Kirkendall, “During the loyalty-security program’s peak years from 1947 to 1956, over five million federal workers underwent screening, resulting in an estimated 2,700 dismissals and 12,000 resignations... the program exerted its chilling effect on a far larger number of employees than those who were dismissed.”

While Truman feared the Program could become a “witch hunt,” he defended it as necessary to preserve American security during a time of great tension. Many Americans agreed with him and applauded his stand against communism and subversion. The historical context of this event is important, for every investigation, every loyalty oath and every questionnaire took place under a backdrop of fear in an uncertain post-war world.

It is common today to look at events like McCarthyism, HUAC and the Loyalty Program as products of hysteria. Yet this hardly was the first time the federal government restricted civil liberties in the name of national security. In 1798, Congress passed the Alien and Sedition Acts as concerns grew over a looming war with France. During both the Civil War and World War I, individuals suspected of disloyalty faced prison. The liberty vs. security debate is a continuity in American history, and even though we live in a post-Cold War world, some of these issues are still part of the discussion in an age of global terrorism. Truman’s Loyalty Program must be viewed and debated with this understanding, and the understanding that historical context drives presidential decision making.

Primary materials (book, article, video documentary, etc.) needed:

Primary Sources and Guide Questions:

This activity consists of four primary documents.

Document 1: Summons to Harry S. Truman
November 9, 1953 [View \(2 pages\)](#) | [\(PDF\)](#)

Questions for Document 1:

1. What is a subpoena?
2. Is refusing a Congressional subpoenas a response optional?
3. From whom is the subpoena issued?
3. For whom is the subpoena issued?

Document 2: Harry S. Truman to Harold H. Velde
November 11, 1953 [View \(3 pages\)](#) | [\(PDF\)](#)

Questions for Document 2:

1. For what reason does Truman assume the subpoena was issued?
2. Why does Truman decline to comply with the subpoena?
3. Whom does Trumman cite as precedent in refusing to comply with the subpoena?
4. What "clearly established and universally recognized Constitutional doctrine" does Truman cite in refusing to comply with the subpoena (paraphrase, please)?

Document 3: Press Release
November 16, 1953 [View \(4 pages\)](#) | [\(PDF\)](#)

Questions for Document 3:

1. Who is the target audience of the press release?
2. What is the substance of the press release (paraphrase, please)?
3. What reasons does Truman list for declining to comply with the subpoena?
4. What was Truman's response to the charges made by Attorney General Brownell (summarize, please)?
5. How does Truman feel about AG Brownell (be specific, please)?
6. According to the press release, what is Truman's greatest disappointment and concern about this affair?

Document 4: Longhand Note, Harry S. Truman
November 17, 1953 [View \(4 pages\)](#) | [\(PDF\)](#)

Questions for Document 4:

1. In the initial comment regarding the note, Truman states that "the American people have always been for fair play." How does the hand-written note expound on those sentiments?
2. How does Truman explain Harry Dexter White's role with the US government?
3. How does Truman describe Mrs. Beatley and Whitaker Chambers?
4. In the note, what does Truman imply about the Eisenhower administration regarding integrity?

Full description of activity or assignment:

Framing Question: Does a U.S. President have an obligation to comply with a Senate subpoena?

Note- This module is organized around four basic steps essential to an inquiry. Please tailor these steps to the needs of your students.

Step 1: Frame the inquiry.

1. Students should restate the inquiry question in their own words, establishing exactly what it is asking. Students might work with a neighbor to predict what possible perspectives might be available on the question.

2. An essential component to discussion of this topic is the historical context. Ideally, this lesson would follow discussion of the end of World War II (including Yalta and Potsdam), the changing relationship between the USA and the Soviet Union, and the impact of McCarthyism during the Cold War. Regardless of where the lesson falls in the scope and sequence of the course, it is important that students understand the larger context. In addition to the framing question, students should generate a list of questions that they need to know regarding Cold War politics, American loyalty, and McCarthyism in order to proceed. These questions should include background knowledge they anticipate needing or related questions that they find interesting. Students will use these questions to help guide how they examine the sources and what additional resources they might request.

Examples of questions for this lesson might include:

*Why was Truman committed to containment?

*Why did Truman find it necessary to establish the Loyalty Program?

*Why was Truman uneasy about the Loyalty Program?

*How did the public react to the Loyalty Program?

- *How did foreign policy developments between 1945 and 1950 shape Cold War fears at home?
- *In what ways does the Loyalty Program reflect the Cold War fears at home?
- *How did the Loyalty Program impact government workers?
- *How is the Loyalty Program, which was practiced in the Executive Branch of the federal government, relate to the rise of Senator Joseph McCarthy in the Legislative Branch?
- *Who were Harry Dexter White, Mrs. Beatley, and Whitaker Chambers?
- *What is the legacy of the Employee Loyalty Program?
- *How might the Loyalty Program relate to current issues?

3. Discuss the above questions as possible historical context points. Students should keep in mind the overall tenor of the Cold War as they examine the documents and the essential question. Perhaps have students create a short time-line of some of the foreign policy developments from 1945-1950 so they can place the documents in context of those other issues.

4. The background essay focuses primarily on the Loyalty Program and McCarthyism as it relates to the larger context. Teachers may wish to present this essay (and other sources if desired) to give students context for the inquiry. Consider the following strategies to make this effective:

- a. The students or teacher might read the essay aloud, establishing the main point of the reading.
- b. The teacher may choose to lecture the material in the background essay or assign it to be read individually.
- c. Revisit the question. How does this information change or expand our understanding of what the question is asking? How does it affect our initial understanding?
- d. Student should re-read the essay individually, looking for information that might provide answers or clues to their original questions. Students might be asked to record their questions and answers in a class notebook.
- e. Other activities might involve:
 - i. Opening up the document by researching topics that are new or confusing.
 - ii. Using context to infer meaning of new words/phrases
 - iii. Compare the essay to other sources (textbook, articles) on the same topic.
- f. Create a graphic organizer that might help organize evidence collected from the sources. Students may wish to add information from the essay to the foreign policy time line.

Step 2: Go to the sources.

Note- each source should be looked at separately for information that will help reveal perspectives on the question. Consider the following steps with each source, understanding that students will need less assistance as they repeat the process.

1. All sources have a story. They were produced by a person at a time and place in history. The instructor should model how to analyze these circumstances in order to predict their influence on the content of the source. These include:

- a. Examining the creator, predicting what this person might create based on who they are.
- b. Considering the intended audience of the source, predicting how the content might be influenced its format and purpose.
- c. Brainstorm the context of the source, paying particular attention to the events, attitudes, and forces at work at that time and place.

2. Use all of this information to predict the reliability and utility of the source. History students should recognize that all sources are worth investigating even if they represent a viewpoint not recognized by themselves or other sources.

3. Students should view sources like a detective looks at a crime scene. Each source should add information towards the questions established in step 1. To support student success consider the following steps:

- a. Students look over the source to get a general idea of the content.
- b. Determine whether or not predictions were accurate.
- c. Ask questions, researching or working with other students to clarify confusion.
- d. Examine the format of the source. If necessary, model the kinds of questions to ask or details to pay attention to that are specific to that format.
- e. Categorize the source based on its perspective. Which possible answer does this source support?
- f. Answer and elaborate on the discussion questions provided for each source.

Step 3: Review the evidence.

Note- By reviewing sources, students should have gathered many ideas that are relevant to the question. This step allows learners to look at this evidence and decide what it actually reveals. What is the best interpretation based on the evidence?

1. Go back to Step 1 and review the possible interpretations of the answer predicted by the class. How many of

those panned out? What additional interpretations were exposed through the rest of the learning?

2. In groups of four to eight, students should use evidence collected to identify multiple or competing interpretations to the question. Each student or pair of students should analyze one of the four attached documents.

3. Direct students to answer the guide questions which accompany each of the documents. They should elaborate on the answers and include key details from the documents.

4. Small group discussion of the evidence:

a. After students have categorized the documents, facilitate small-group discussions of their categorization. Students should discuss why they categorized a document as they did on their graphic organizers, using specific details from the documents to support their categorization.

b. Following discussion of categorization, students may begin to grapple with the essential question in their groups. What does the evidence show in terms of a response to the framing question?

5. Socratic Seminar: Pose the framing question as a class discussion prompt. As a facilitator, teacher may wish to remind students of importance of context to this discussion. Remind students that the transition from World War II to Cold War was so quick that Truman and his advisors were acting quickly on many decisions. Also discuss the political rivalries of the Democrats vs. the Republicans at the time and the animosity Truman held for his republican rivals. How does that shape student opinion on the framing question?

Step 4: Answer the prompt.

Note- By communicating an answer to the framing question students are accomplishing several thinking tasks at once. The teacher does not have to assess everything a student does but should be aware of the importance to model and/or provide quality examples so that this format doesn't get in the way of students sharing what they have learned from the documents. If you have been working specific types of writing or speaking, consider working this step around those goals.

Full explanation of the assessment method and/or scoring guide:

1. In determining the product of learning for this lesson consider the following criteria.

a. What is the skill level of my students?

b. What literacy goals can I support with this product?

c. Does the format of the product allow students to communicate a claim and use evidence from the sources to support it?

d. Can students have a say in what they produce to show their learning?

e. Do all students need to have the same product?

2. Provide students time to create their initial product in class allowing collaboration as needed. Consider having students get feedback from peers at multiple points in this process. When soliciting feedback from a peer a student should first identify what he/she would like help with, then be prepared to ask for help and input.

3. Before collecting student work, have students self-assess their work using the following rubric. This is an important step that will help them have more insight into their final grade.

0 - Off Topic/Blank 1- Below Basic 2- Basic 3- Proficient 4- Advanced

P= Your main idea

0 - Is not able to demonstrate any part of this task.

1 - Can create a claim only with guidance from the instructor.

2 - Creates an appropriate claim on a topic but is not able to introduce or give further explanation to the idea.

3 - Clearly introduces and stakes out a position on the topic.

4 - Clearly introduces the range of possible answers on a topic while staking out a clear position that can be supported with evidence.

E= Evidence you have to support your main idea.

0 - Is not able to demonstrate any part of this task.

1 - Includes generalizations or other ideas not aligned to the prompt

2 - Generally alludes to evidence but does not cite it, or draws from only one account;

3 - Refers to relevant and accurate evidence from more than one source and links it directly to specific accounts, mentioning the accounts by name.

4 - Seamlessly integrates evidence from multiple sources by accurately summarizing details and using source information to establish its relevance.

E= Evaluation and Explanation of your evidence

0 - Is not able to demonstrate any part of this task.

1 - Distinguishes or sorts between evidence that is/ is not relevant to answering a question or explaining a point of view.

2 - With minor errors explains how evidence is relevant to the question or point of view of the paragraph.

3 - Accurately explains the significance of the evidence used to answer the question.

4 - Accurately explains the significance of evidence used and evaluates the reliability or utility of the available sources.

L= Link to context/content

0 - Is not able to demonstrate any part of this task.

1 - Provides a conclusion that is confused or is not relevant to the evidence.

2 - Provides a general conclusion sentence that summarizes the main point of with no specific link to the point.

3 - Links the back to the original point by summarizing how the evidence supports the main idea.

4 - Links back to the original point by both placing the evidence within historical context and by summarizing how the evidence supports the main idea.

Because document-based activities begin with a question, the most natural way to assess students' learning is to have them answer the question. Typically this involves structuring and organizing evidence in order to complete a formal essay writing. While the informational essay is certainly an important skill in a social studies classroom there are also many other valid ways to have students create well-reasoned explanations based on available evidence. Consider the following options for students to answer the guiding question.

1. Allow students to use the RAFT format, guiding them to select some or all of the following variables for student writing: Role, Audience, Format, Topic. Examples:

a. Role: Truman, Audience: Press, Format: Speech/Press Release, Topic: Justifying Loyalty Program (an excerpt from one of Truman's speeches defending the program is provided in supplemental documents)

b. Role: Reporter, Audience: American readers, Format: News story, Topic: Truman announced loyalty program

2. Direct students to write an argumentative essay based on the guiding question.

3. Ask students to evaluate the documents provided in the activity, ranking the usefulness of each in answering the guiding question.

4. Assess the activity using the rubric above.