

Is it worth it for Congress to investigate problems?

The 13th, 14th, and 15th Amendments – Congress Investigates the KKK



Supporting Questions

1. Why were the 13th, 14th, and 15th (the Reconstruction) Amendments adopted?
2. How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it?
3. Were the Force Acts passed by Congress effective?

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Is it worth it for Congress to investigate problems?

Content Standards

MI USHG – F1.1 Identify the core ideals of American society as reflected in the documents below, and analyze the ways that American society moved toward and/or away from its core ideals:

- the Declaration of Independence.
- the original United States Constitution (including the Preamble).
- the Bill of Rights.
- the Gettysburg Address.
- the Thirteenth, Fourteenth, and Fifteenth Amendments.

Staging the Question

In pairs, students will read an excerpt from “Secretary of War Report of 1868” and give their reactions to the information.

Supporting Question 1

Why were the 13th, 14th, and 15th (the Reconstruction) Amendments adopted?

Supporting Question 2

How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it?

Supporting Question 3

Were the Force Acts passed by Congress effective?

Formative Performance Task

Students complete comprehension questions.

Formative Performance Task

Students complete a Claim-Evidence-Reasoning handout.

Formative Performance Task

Students use the findings of the majority report and match the parts of the Force Acts that align with those findings.
Students look at a timeline and listen to an excerpt of a Fresh Air interview to answer the question.

Featured Sources

Source 1A: Text of the 13th, 14th, and 15th Amendments (1865, 1868, 1870)
Source 1B: Selection of Black Codes (1865)

Featured Sources

Source 2A: [Portraits in Oversight: The KKK and Reconstruction](#) video
Source 2B: One Vote Less (1868)
Source 2C: Excerpts from the congressional investigation (1872)
Source 2D: [Lynchings and Racial Violence during Reconstruction 1865-1876](#) video

Featured Sources

Source 3A: Majority Report adapted excerpts (1872)
Source 3B:

- Force Act of 1870 (adapted excerpts)
- First Force Act of 1871 (adapted excerpts)
- Second Force Act of 1871 (adapted excerpts)
- Third Force Act of 1871 (adapted excerpts)

Source 3C: Timeline of KKK activity
Source 3D: [Excerpt of NPR interview between Terry Gross and historian Eric Foner, 2006](#)

Assessment

Option 1: Students complete a CER where they answer the compelling question.

	Option 2: Students engage in a structured CER discussion activity where they discuss the compelling question.
Extension/Taking Informed Action	<p>EXTENSION: Create the text of any laws you feel should be passed to deal with the threat of the KKK that you have not already encountered in this inquiry.</p> <p>UNDERSTAND: What motivated KKK members (beyond racism) to behave the way they did? Could something be done to address those concerns?</p>

Required Supplies/Materials (*note: all handouts are one per student unless otherwise noted*):

- Secretary of War Report of 1868 staging the question
- Source handout packet
- Sources 1A, 1B, 2B, 2C, 3A, 3C, and 3D
 - Each of these is one per student EXCEPT sources 2B and 2C which should be one per group
- Envelopes-these should be prepared by the teacher with Source 3B cut along the dotted lines into strips. Label the envelopes “Force Acts of 1870 and 1871 (adapted excerpts).” You will need one envelope per group of four students.
- Supporting question 1 exit ticket
- Supporting questions 2 and 3 packet
- Assessment handout (either writing or discussion option)

Suggested Pacing: Three 60-minute periods

Lesson Sequence

Period 1

1. To begin, put students in pairs and pass out the Secretary of War Report of 1868. After reading the report, students should turn and talk with one another and discuss the discussion questions written below the source. Take two to three share-outs. **(10 min)**
2. Tell students that other reports like the one they just saw were being received by Congress immediately after the end of the Civil War. Explain to students that this inquiry will allow students to further explore the problems they just read about, questions they just asked, and allow students to answer for themselves whether it’s worth it for Congress to investigate problems like these.
3. Pass out the source handout packet. Tell students they will be using this packet for the remainder of the inquiry and will turn it in when the inquiry is completed.
4. Keep the students in pairs but run the next activity as whole-class instruction. Pass out the 13th, 14th, and 15th Amendments (Source 1A) and walk the class through each amendment. Pause as you go to give students time to answer Source 1A comprehension questions in their source handout packets with their partners. **(25 min)**
5. Have students find another pair to make a quartet. This will be their group for the rest of the inquiry. Pass out the selection of Black Codes (Source 1B, one copy per student) and give students time to fill out the Source 1B chart in their source packets. **(15 min)**
6. As each group finishes Source 1B, pass out the supporting question 1 exit ticket. Have students complete it and collect exit tickets when students are finished. **(10 minutes)**

Period 2

1. To begin the next day, play the Levin Center video “The KKK and Reconstruction” (Source 2A) from the beginning to 03:09. After showing the video, hand out one copy per group of One Vote Less (Source 2B) and excerpts from the congressional investigation (Source 2C).
2. Pass out the supporting questions packet. Tell students they will be using this packet (in addition to their source packet) for the remainder of the inquiry and will turn it in when the inquiry is completed. Give students the remainder of the period to work on completing the first three lines of the chart on page 1 of their supporting questions packet. **(30 min)**
3. Play “Lynchings and Racial Violence during Reconstruction” (Source 2D). Have students finish the chart on page 1 of their supporting questions packet and formulate a group response to supporting question 2. **(10 minutes)**
4. Pass out one envelope of Force Acts (Source 3B) to each group. They should match the sources in the envelope with the congressional findings and record their answers in their source packet. **(20 min)**

Period 3

1. Get students back into the same groups from the end of Period 2. Hand out the timeline of KKK activity (Source 3C) to each student. Give groups time to discuss and answer the source 3C comprehension questions in their source packet. **(10 min)**
2. Hand out the excerpt of an NPR interview (Source 3D) and play from 22:57-26:27 while students follow along. After the audio is finished, give students 5 minutes to individually finish both their source and supporting question packets. **(10 min)**

Assessment Options

Option 1: Written Assessment

1. Pass out the writing assignment rubric and read through the expectations of the rubric. Students will need all the inquiry activities to use as evidence. Give them the rest of the time to start writing. Students should complete the assignment for homework.

Option 2: Structured CER Discussion Activity (adapted from the Bill of Rights Institute

<https://billofrightsinstitute.org/resources/discussion-protocols>; this would take one additional class period)

2. Part 1: Homework
 - For homework, students will complete the chart at the top of the compelling question handout. Students will use the material from supporting questions 1-3 to write a claim, identify three pieces of evidence, and support their claim with reasoning. Then, students will rank their evidence from most persuasive to least persuasive.
3. Part 2: Discussion
 - Students create NEW groups of four.
 - Each student shares their claim in their new group and their reasoning behind the evidence they chose, and why they weighted the evidence the way they did.
 - Encourage students to actively listen and ask clarifying questions of each other. **(25-30 minutes)**

- Students should briefly discuss if necessary, and once everyone agrees, students should record their group answer on the compelling question handout. Others listen attentively without immediately responding. All students should record their group's response in the second chart on the handout. After the discussion one student in each group is selected to "save the last word," or sum up and share the most persuasive piece of evidence to emerge from their discussion.
- Each group representative now shares the point that their group saved as the last word with the entire class. **(10 min)**

4. Part 3: Reflection & Wrap-Up

- Students return to their seats and reflect in writing on the discussion by answering the question found at the bottom of the summative discussion handout. **(15 min)**



Compelling question	Is it worth it for Congress to investigate problems?
Staging the question	Adapted Secretary of War Report of 1868
Washington: Govt. Print. Off. (1872a, January 1). Report of the Joint Select Committee to inquire into the condition of affairs in the late insurrectionary states, made to the two houses of Congress February 19, 1872: United States. Congress. Joint Select Committee on the condition of affairs in the late insurrectionary states: Free download, Borrow, and streaming. Internet Archive. https://archive.org/details/reportofjointsel02unit/page/86/mode/2up	

In this adapted 1868 report, General Oliver O. Howard speaks as commissioner of the Freedmen’s Bureau, the federal agency charged with rebuilding the South after the Civil War. Here Gen. Howard describes KKK activity in Louisiana:

In some sections the treatment of the colored people has been **deplorable**. Outrage and crimes of every description have been **perpetrated** upon them with **impunity**. In these areas, the character of the local public officials is not as high as could be desired. Many of them have helped violent men escape punishment, while some have even participated in the violence. In other areas lawless ruffians have overwhelmed the civil authorities. “Vigilance committees” and “Ku Klux Klans,” disguised by night, have burned the dwellings and shed the blood of innocent freedmen.

Deplorable: terrible

Perpetrated: carry out or commit

Impunity: exemption from punishment

Discussion Questions

Directions: In pairs, discuss the following questions after reading the source above. Be prepared to share out.

1. What is your reaction to this report?
2. What do you want to do next?

Supporting question 1	Why were the 13th, 14th, and 15th (the Reconstruction) Amendments adopted?
Source 1A	Text of the 13 th , 14 th , and 15 th Amendments
U.S. Const. amend. XIII, U.S. Const. amend. XIV, U.S. Const. amend. XV	

13th Amendment (ratified December 6, 1865)

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

14th Amendment (ratified July 28, 1868)

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United

States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

15th Amendment (ratified February 3, 1870)

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Supporting question 1	Why were the 13 th , 14 th , and 15 th (the Reconstruction) Amendments adopted?
Source 1B	Black Codes
<p>U. S. Congress, <i>Senate Executive Document No. 2, 39th Congress, 1st Session</i>, (Washington, D. C.: G.P.O., 1865), 93-94.</p> <p>"Excerpt from Mississippi Black Codes (1865)." <i>Facing History and Ourselves</i>, Facing History and Ourselves, 14 Mar. 2016, www.facinghistory.org/resource-library/excerpt-mississippi-black-codes-1865#citation-information-986.</p> <p><i>Acts and Resolutions Adopted by the General Assembly of Florida at Its Fourteenth Session, Begun and Held at the Capitol, in the City of Tallahassee, on Monday, December 18, 1865</i> (Tallahassee, FL: Dyke & Sparhawk, 1866), 25-27. Chapter 1,460 [No. 3.]—An Act Prescribing Additional Penalties for the Commission of Offences against the State, and for Other Purposes, §§ 12-15. Passed the House of Representatives January 4, 1866. Passed the Senate January 8, 1866. Approved by the Governor January 15, 1866.</p>	

Louisiana (1865)

"Every negro is required to be in the regular service [employment] of some white person, or former owner, who shall be held responsible for the conduct of said negro. But said employer or former owner may permit said negro to hire his own time [get additional work] by special permission in writing, which permission shall not extend over seven days at any one time."

"No negro shall be permitted to rent or keep a house within said parish [community]. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent, or give the use of any house to any negro, in violation of this section, shall pay a fine of five dollars for each offence."

Mississippi (1865)

"All contracts for labor made with freedmen, free negroes, and mulattoes for a longer period than one month shall be in writing... and if the laborer shall quit the service of the employer before the expiration of his term of service, without good cause, he shall forfeit [surrender] his wages for that year up to the time of quitting."

"...It shall not be lawful for any freedman, free negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free negro, or mulatto; and any person who shall so intermarry, shall be deemed guilty...[and] confined in the State penitentiary for life."


Florida (1865)

"No person shall be a Representative [elected to office] unless he be a white man, a citizen of the United States, and shall have been an inhabitant of the State two years next preceding his election..."

"...It shall not be lawful for any negro, mulatto, or other person of color, to own, use or keep in his possession or under his control, any Bowie-knife, dirk, sword, fire-arms or ammunition of any kind, unless he first obtain a license to do so from the Judge...and any negro, mulatto, or other person of color, so offending...shall be sentenced to stand in the pillory [wooden post] for one hour, or be whipped, not exceeding thirty-nine stripes, or both..."


Supporting question 2	How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it?
Source 2A	Portraits in Oversight: The KKK and Reconstruction
Levin Center for Oversight and Democracy. (2024, September 23). Portraits in Oversight- The KKK and Reconstruction. YouTube. https://youtu.be/AQeyioBUa5k	

Note to teacher-stop the video at 03:09.






Portraits in Oversight: The KKK and Reconstruction (Learning by Hearings)

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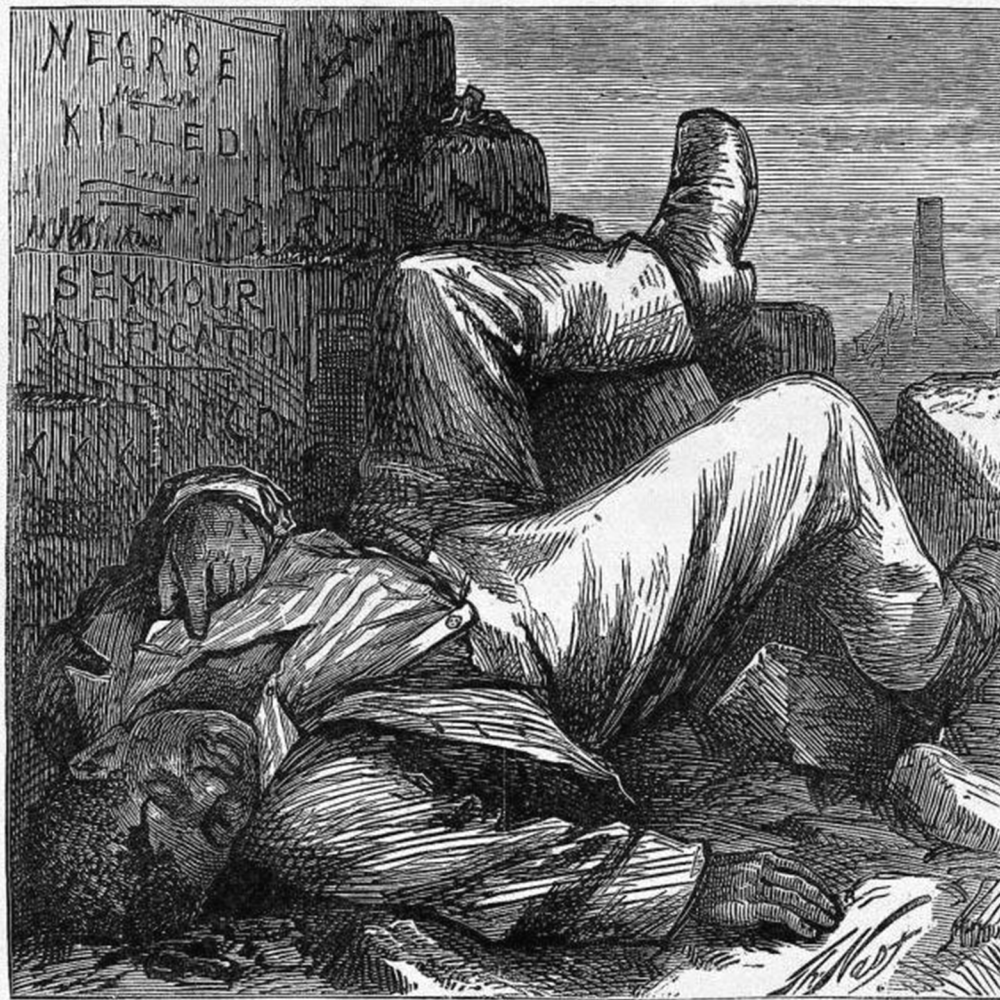
Supporting question 2

How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it?

Source 2B

One Vote Less

Nast, T. (1868, April 8). *One Less Vote*. HarpWeek. <https://elections.harpweek.com/1868/cartoon-1868-large.asp?UniqueID=27&Year=1868>



"ONE VOTE LESS."—*Richmond Whig*.

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Supporting question 2	How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it?
Source 2C	Excerpts from the congressional investigation
Washington: Govt. Print. Off. (1872, January 1). <i>Report of the Joint Select Committee to inquire into the condition of affairs in the late insurrectionary states, made to the two houses of Congress February 19, 1872: United States. Congress. Joint Select Committee on the condition of affairs in the late insurrectionary states: Free download, Borrow, and streaming.</i> Internet Archive. https://archive.org/details/reportofjointsel12unit	

Excerpt 1

In this testimony on November 11, 1871, the Joint Standing Committee examines a white teacher from Illinois, Sarah A. Allen, who has recently been teaching in a Black school in Columbus, Mississippi. Allen tells the Committee the KKK told her to stop teaching.

Question. Were you teaching in a white or colored school?

Answer. A colored school.

Question. You may state to the committee whether you were interrupted by any persons in your business.

Answer. I taught six weeks, until I think the 18th of March, when I was told to leave; warned to leave, between 1 and 2 o'clock at night, by about fifty men, I think; they were disguised; there were but two that came into my room.

Question. Do you say they came into your room?

Answer. Between 1 and 2 o'clock at night I was wakened by a great noise around on the outside of the house. They told me to get up. I went to the window and asked what they wanted. They said they wanted me to get a light and dress... I admitted them... The lieutenant came with a pistol in his hand. He sat down opposite the fireplace. The captain sat in the center of the room. There were eight or ten men stood inside the door, and the porch was full...

Question. Did they say what their motive was for breaking up your school?

Answer. Yes. They did not want radicals [Republicans] there in the South; did not want northern people teaching there; they thought the colored people could educate themselves if they needed any education; they advised me to go home again...

Question. Can you give the committee a description of the disguises they wore?

Answer. They were long white robes, a loose mask covered the face, trimmed with scarlet stripes. The lieutenant and captain had long horns on their head, projecting over the forehead...

Excerpt 2

In this testimony on October 28, 1871, the Joint Standing Committee examines an African American woman from Georgia, Mary Elder, who is about 33 years old. Elder speaks to the Committee about KKK violence.

Question. What was your object in coming here [to testify to the Committee]?

Answer. Because I had been Ku-Kluxed. They came to my house on Saturday, [two days ago]. We had heard of the Ku-Klux, but it was a good while ago. They broke down the door. As [my husband] jumped up, they slung him back against

the fireplace. They had some sticks with notches in the end of them, and they beat him over the head. He hollered for some time, and they said if he hollered, they would blow his brains out. I hollered for some time, and they slapped me over the head, and told me they would blow my brains out.... They took me into the woods, where they had horses all dressed off in white clothes. They told [my husband] to pull his clothes off. And he stepped back as though he was going to pull his coat off, and then ran. They shot at him three times, and then tried to find him. They said to me, "Where is he?" I said, "I don't know; you had him last." They said, "[Y]ou can run back into the house." ...They said they would have us in hell before next night.... They were all disguised.

Question. Did you know any of them?

Answer. I know Jourdan Elder, Bill Marshall, John Marshall, Henry Anderson, and Louis Anderson. Those are all I knew.

Excerpt 3

In this testimony on October 17, 1871, the Joint Standing Committee examines a Black man, James H. Alston of Alabama. Alston tells the Committee that he was shot by a band of men because he was a Republican.

Question. Where do you live?

Answer. I have been living here [Montgomery, Alabama] about sixteen months, but my place of residence is Tuskegee. I have been forced to live here for sixteen months...I was representative [of the Union League of America in Macon County, Alabama], and I was caused to run away from there. I had to leave there to keep from being shot, and to keep my wife from being shot.

Question. Go on and tell the committee all the particulars of your beings shot...State what violence was offered to you, and under what circumstances, stating all the particulars.

Answer. I have been shot. I have now in me buck and ball that injures me a good deal, and I think it will be for life; and my wife has been injured a good deal....

Question. Who did it?

Answer. Well, sir, it was done by a band of men, who were against my politics, as a Republican...

Question. How many shots were fired?

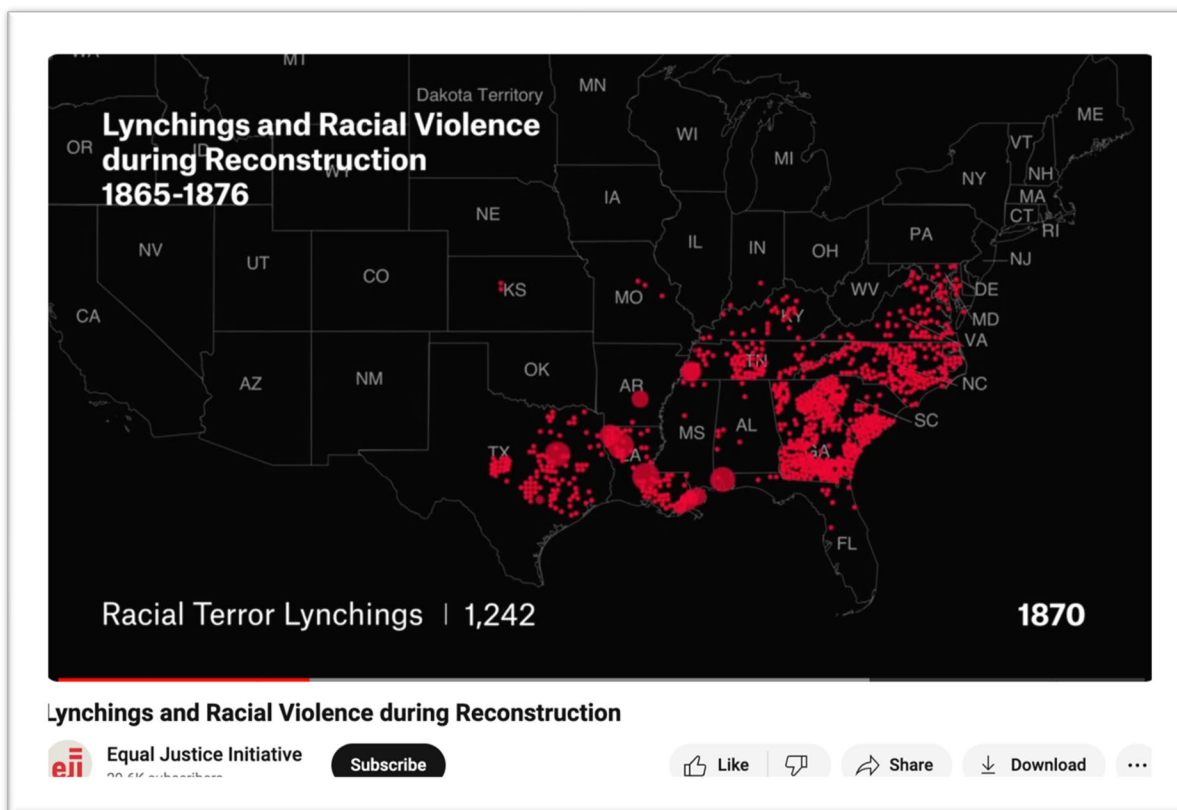
Answer. Two hundred and sixty-five shots were counted outside in the weatherboarding of my house the next day, and sixty, as near as we could count, passed through the window, and five through the head-board of the bed I was sitting on, and two through the pillow that my head would have laid on, and four in the foot-roll of my bed, and two in my body.

Question. Was your wife hit?

Answer. Yes, sir, and one of my children. She was hit in her right heel, and it is lying in her foot now.

Supporting question 2	How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it?
Source 2D	Lynchings and Racial Violence during Reconstruction 1865-1876
Equal Justice Initiative. (2020, June 16). <i>Lynchings and Racial Violence during Reconstruction</i> . YouTube. https://www.youtube.com/watch?v=GU_9x3upz90	

Note to the teacher: As you show the video, highlight for students the fact that prior to 1872 the number of lynchings increases at a frightening rate. After 1872, once the Force Acts have been passed and the Congressional investigation is complete, the increase in lynchings is less dramatic.



Supporting question 3	Were the Force Acts passed by Congress effective?
Source 3B	Force Acts of 1870 and 1871 (adapted excerpts)
<p>Sage, J. (2007, December 4). The Force Acts of 1870-1871. Force Acts of 1870 & 1871, excerpts. https://web.archive.org/web/20071204153904/http://www.sagehistory.net/reconstruction/docs/ForceActsEx.htm</p> <p>Ku Klux Klan act of 1871, “an Act to enforce the provisions of the Fourteenth Amendment to the constitution of the United States, and for other purposes.” National Constitution Center – constitutioncenter.org. (1871, April 20). https://constitutioncenter.org/the-constitution/historic-document-library/detail/ku-klux-klan-act-of-1871-april-20-1871-an-act-to-enforce-the-provisions-of-the-fourteenth-amendment-to-the-constitution-of-the-united-states-and-for-other-purposes</p>	

Vocabulary

Hinder: to stand in the way of

Conspire: to work together to do something against the rules

Scrutinized: closely examined

Diligence: attention to detail

A. Excerpt of Enforcement Act of 1870

If any person, by force, bribery, threats, intimidation, or other unlawful means, shall **hinder**, delay, prevent, or obstruct someone from voting such person shall pay the sum of five hundred dollars to the person aggrieved or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.



B. Excerpt of Enforcement Act of 1870

If two or more persons shall band or **conspire** together ... to injure, oppress, threaten, or intimidate any citizen such persons shall be held guilty of felony, the fine not to exceed five thousand dollars, and the imprisonment not to exceed ten years.



C. Excerpt of Enforcement Act of 1870

It shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to aid in the execution of judicial process (*the functions of the court and legal process*) issued under this act.



D. Excerpt of Second Force Act of February 1871

Whenever in any city or town having upward of twenty thousand inhabitants, there shall be two citizens who shall make known, in writing, to the judge of the circuit court their desire to have voter registration, or an election, or both, guarded and **scrutinized**, it shall be the duty of the judge of the circuit court, to appoint and commission two citizens, residents of the city or town, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of the election.



E. Excerpt of Second Force Act of February 1871

If two or more persons shall conspire together to overthrow, or to put down, or to destroy by force the government of the United States, or to oppose by force the authority of the government, or by force, intimidation, or threat to prevent, hinder, or delay the execution of any law of the United States, or by force seize, take, or possess any property of the United States or by force, intimidation, or threat to prevent any person from accepting or holding any office under the United States, or shall conspire together, or go in disguise upon the public highway or upon the premises of another for the purpose of depriving any person or any class of persons of the equal protection of the laws, each and every person so offending shall be deemed guilty of a high crime, punished by a fine not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, as the court may determine, for a period of not less than six months nor more than six years, as the court may determine, or by both such time and imprisonment as the court shall determine.



F. Excerpt of Second Force Act of February 1871

If the authorities of a State shall either be unable to protect, or shall, from any cause, fail in protection of the people in such rights, it shall be the duty of the President, to take such measures, by the employment of the military or by other means, as he may deem necessary to enforce this Act.



G. Excerpt of Third Force Act of April 1871

That any person who, shall deprive anyone under the protection of the United States of any rights, privileges, or immunities secured by the Constitution of the United States, shall be liable (*legally responsible*) to the party injured.



H. Excerpt of Third Force Act of April 1871

That if two or more persons within any State or Territory of the United States conspire together to prevent any citizen of the United States lawfully entitled to vote from giving his support towards or in favor of any qualified person as an elector of President or Vice-President of the United States, or as a member of the Congress of the United States, or to injure any citizen on account of such support, each and every person so offending shall be deemed guilty of a high crime.



I. Excerpt of Third Force Act of April 1871

That in all cases where insurrection, domestic violence, unlawful combinations, or conspiracies in any State shall obstruct or hinder the execution of the laws of the United States and the authorities of the State shall either be unable to or fail to or refuse to protect citizen's rights, such facts shall be deemed a denial by the State of the equal protection of the laws and in all such case it shall be the duty of the President to take such measures, by the employment of the military or by other means, as he may deem necessary for the suppressions of such insurrection, domestic violence, or combinations.



J. Excerpt of Third Force Act of April 1871

That any person or persons, having knowledge that any of the wrongs conspired to be done [in section I] are about to be committed, and having power to prevent or aid in preventing the same, shall neglect or refuse to do so, and such wrongful act shall be committed, such person or persons shall be liable to the person injured...for all damages caused by any such wrongful act which such first-named person or persons by reasonable **diligence**, could have prevented



Supporting question 3	Were the Force Acts passed by Congress effective?
Source 3C	KKK Timeline
Head, Tom. (2021, July 29). Timeline History of the Ku Klux Klan. Retrieved from https://www.thoughtco.com/the-ku-klux-klan-history-721444	

- 1866** The Ku Klux Klan is founded.
- 1867** The Klan murders several thousand people in the former Confederate states in an effort to suppress the political participation of Black Southerners and their allies.
- 1868** The Ku Klux Klan publishes its "Organization and Principles" (excerpts below):
- Are you opposed to **Negro** equality both social and political?
 - Are you in favor of a white man's government in this country?
 - Are you in favor of maintaining the constitutional rights of the South?
 - Are you in favor of the **re-enfranchisement** and **emancipation** of the white men of the South, and the **restitution** of the Southern people to all their rights, alike **proprietary**, civil, and political?
 - Do you believe in the **inalienable** right of self-preservation of the people against the exercise of arbitrary and unlicensed power?
- The "inalienable right to self-preservation" is a reference to the Klan's violent activities—and its emphasis, even at this early stage, is clearly white supremacy.
- 1871** Congress passes the Klan Act, allowing the federal government to arrest Klan members on a large scale. Over the next several years, the Klan largely disappears.
- 1905** Thomas Dixon Jr. adapts his second Ku Klux Klan novel, "The Clansman," into a play.
- 1915** D.W. Griffith's wildly popular film, "Birth of a Nation," an adaptation of Dixon's "The Clansman," revives national interest in the Klan. A KKK lynch mob in Georgia -- led by William J. Simmons and including prominent (but anonymous) members of the community, such as former Georgia Gov. Joe Brown—murders Jewish factory superintendent Leo Frank, then burns a cross on a hilltop and dubs itself the Knights of the Ku Klux Klan. KKK chapters spread nationwide.

Negro: formerly enslaved black Americans

Re-enfranchisement: restoring the right to vote (it should be noted: that right was never taken away)

Emancipation: freedom from slavery

Restitution: the restoration of something lost or stolen to its proper owner

Proprietary: private property

Supporting question 3	Were the Force Acts passed by Congress effective?
Source 3D	Excerpt of NPR interview between Terry Gross and historian Eric Foner, 2006-rebroadcast in 2020
Terry Gross & Eric Foner. (2006, January 9). Historian Eric Foner on the "Unresolved Legacy of Reconstruction" [Interview]. https://www.npr.org/transcripts/870459750	

The excerpted audio file is included in the lesson material downloads. Audio runtime is 5:10 min.

DAVID BIANCULLI, HOST:

This is FRESH AIR. I'm David Bianculli, editor of the website TV Worth Watching, sitting in for Terry Gross. Protests across the nation demanding justice and policing reforms after the death of George Floyd at the hands of police in Minneapolis are now in their second week. Today we listen back to an interview from our archives which examines some of the historical roots of institutionalized racism in our country.

Our guest, Eric Foner, is a professor of history at Columbia University who's been writing about America's complicated racial history for decades. His first book, in 1970, was about the Civil War and the Republican Party. In 2006, he wrote the book called "Forever Free." It was about the post-Civil War period and the political resistance, particularly from Southern states, to the newly adopted constitutional amendments abolishing slavery and guaranteeing racial equality and voting rights for all Americans.

What Eric Foner wrote then is sadly just as true today. Foner said, quote, "The unresolved legacy of Reconstruction remains a part of our lives. In movements for social justice that have built on the legal and political accomplishments of Reconstruction and in the racial tensions that still plague American society, the momentous events of Reconstruction reverberate in modern day America," unquote.

Terry Gross spoke with Eric Foner in 2006 when "Forever Free: The Story Of Emancipation and Reconstruction" was first published.

[...]

GROSS: Yeah, how does the Ku Klux Klan come into being, and how does that relate to this period?

FONER: Well, the Klan begins in early Reconstruction - 1866-67. It spreads throughout the South pretty quickly. This is another reason why Reconstruction is important for us to think about because, you know, to use a modern term which didn't really exist at that time, the Klan is the most striking example of home-grown American terrorism. This is our terrorist history - not from abroad, not Islamic fundamentalist. These were good Christian people, at least in their own self-image. But they murdered, they rode at night, they beat people, they whipped them, they destroyed property, they attacked innocent civilians. And their purpose was to deprive African Americans of their rights, both the right to vote, the right to access to land, the right to education. And they were very effective, unfortunately. These local governments were not able to put down this kind of violence.

On occasion, the federal government did intervene. President Grant in 1871 sent troops into the South and really dealt the Klan a very strong blow. But then later in the 1870s, violence again rears its head, and the federal government by then is not so willing to intervene. So unfortunately, the Klan is an example of how legitimate governments can actually

be overthrown by violent, you know, opposition even in American history. We often don't think of that happening in our own country, but it did happen during Reconstruction.

[...]

GROSS: Are there any specific issues that we face today that you think we can't really understand unless we understand Reconstruction and the period where the South passed the Jim Crow laws and other laws limiting civil rights after Reconstruction?

FONER: Well, I think we need to - you know, we still have a fairly serious racial divide in this country. Obviously, we're not living in the 19th century. First of all, the racial configuration is entirely different today. Hispanics outnumber blacks now for the first time. We can't any longer think of, you know, American society as just black or white; there are many other groups as well. But nonetheless, if you take the black population in any index that you want - whether it's life expectancy, health, housing, wealth, income, education - there is still a significant gap between blacks and whites. Now, of course, there's a significant black middle class today, but still blacks are much more predominately in poverty than white populations. They - and, you know, and on and on and on. And I think that's not just because of reconstruction and its failure. The - you know, the roots of this go back into slavery, and they also go back less far. They are the result of discriminatory policies in the 20th century, almost all the way up to the present. But nonetheless, Reconstruction is that moment at which the country, for the first time, tried to address this question of equality. It didn't succeed. And because it didn't succeed, it made necessary another struggle a hundred years later, the civil rights revolution, which was called at the time the Second Reconstruction. A hundred years later, the country then again had to try to face up to the agenda of the first Reconstruction. In a way, it shows you how radical the demands of the first Reconstruction were that it took a hundred years for the country to finally try to implement fully these basic demands for equal citizenship and the right to vote.



Name: _____

Source Handout Packet

Source 1A: Text of the 13th, 14th, and 15th Amendments

Directions: Answer the comprehension questions for each amendment.

13 th Amendment	
What is the point of this amendment? Why was it written?	
Is there any situation in which involuntary servitude is legal in the United States?	
Why is Section 2 essential?	
14 th Amendment	
What is the purpose of Section 1?	
Look at the date this amendment was passed. What is the original purpose of Section 2?	
What was the original purpose of Section 3?	
What was the original purpose of Section 4?	
Why is Section 5 vital?	
15 th Amendment	
What is the purpose of Section 1?	
Based on Section 1 of this amendment, what can you infer about the effectiveness of Section 2 of the 14 th Amendment?	

Source 1B: Selections of Black Codes

Directions: Use source 1B to fill out the table below.

Black Codes	Which natural rights (i.e. Life, Liberty, Pursuit of Happiness) seem to be violated?	Which Amendment aims to restore those rights?
Louisiana (1865)		<input type="checkbox"/> 13 th Amendment <input type="checkbox"/> 14 th Amendment <input type="checkbox"/> 15 th Amendment <input type="checkbox"/> None
Mississippi (1865)		<input type="checkbox"/> 13 th Amendment <input type="checkbox"/> 14 th Amendment <input type="checkbox"/> 15 th Amendment <input type="checkbox"/> None
Florida (1865)		<input type="checkbox"/> 13 th Amendment <input type="checkbox"/> 14 th Amendment <input type="checkbox"/> 15 th Amendment <input type="checkbox"/> None

Sources 3A&3B: Majority Report (adapted excerpts) and Force Acts (adapted excerpts)

Directions: Match quotes from the Congressional Majority Report to the related provisions in the Force Acts. Each Force Act provision is labeled with a letter at the top to make it easy to refer to. Pair the Force Act excerpt with the quote (or quotes) from the majority report with which you think it best fits. Excerpts may be used more than once, but all excerpts are used.

Congressional Majority Report Quotes (Source 3A) ¹	Force Act Provisions (Source 3B)
1. "...justice cannot be obtained against those who commit crimes in disguise and at night [as the Ku Klux Klan are known to do]."	
2. "...bad legislation, official incompetency, corruption, and other causes, have been identified as problems as well."	
3. "Governor Lindsay was elected in 1870, when it is complained Ku-Klux violence deterred people in various counties from voting."	
4. "...when identification is attempted, other members of the organization come in and either lie on the witness stand or in the jury-box, and the perpetrator goes free."	
5. "The terror inspired by their acts, as well as the public support in many areas paralyzes the arm of local government."	

¹ U.S. Congress, Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States. (1872). *Report of the Joint select committee appointed to inquire into the condition of affairs in the late insurrectionary states, so far as regards the execution of laws, and the safety of the lives and property of the citizens of the United States and Testimony taken*. University of Michigan Library Digital Collections. <https://name.umd.umich.edu/ACA4911.0001.001>

Source 3C: Timeline of KKK Activity

Directions: Use source 3C to complete the comprehension questions.

1. According to the timeline, how long did the KKK remain dead as an organization?
2. What seemed to lead to its revival?

Source 3D: Excerpt of NPR interview between Terry Gross and historian Eric Foner, 2006

Directions: Use source 3D to complete the comprehension questions.

1. Why was federal intervention in the South considered necessary in the years immediately following the Civil War?
2. How did states get around the protections guaranteed by the 15th Amendment?
3. Why does Eric Foner believe learning about Reconstruction today remains vitally important?

Name: _____

Source Handout Packet **ANSWER KEY**

Source 1A: Text of the 13th, 14th, and 15th Amendments

Directions: Answer the comprehension questions for each amendment.

13 th Amendment	
What is the point of this amendment? Why was it written?	<i>To make slavery illegal.</i>
Is there any situation in which involuntary servitude is legal in the United States?	<i>Yes. Punishment for a crime, but only if convicted by the justice system.</i>
Why is Section 2 essential?	<i>Without it, the amendment can't be consistently enforced.</i>
14 th Amendment	
What is the purpose of Section 1?	<i>To provide citizenship to formerly enslaved persons.</i>
Look at the date this amendment was passed. What is the original purpose of Section 2?	<i>To update the apportionment clause of the constitution to reflect the elimination of the institution of slavery.</i>
What was the original purpose of Section 3?	<i>To bar former Confederates from holding office.</i>
What was the original purpose of Section 4?	<i>To avoid paying the debts of Confederate states who borrowed money to fight the federal government.</i>
Why is Section 5 vital?	<i>Without it, the amendment can't be consistently enforced.</i>
15 th Amendment	
What is the purpose of Section 1?	<i>To guarantee the right to vote for formerly enslaved persons.</i>
Based on Section 1 of this amendment, what can you infer about the effectiveness of Section 2 of the 14 th Amendment?	<i>The last two amendments weren't good enough. They needed another one.</i>

Source 1B: Selections of Black Codes

Directions: Use source 1B to fill out the table below.

Black Codes	Which natural rights (i.e. Life, Liberty, Pursuit of Happiness) seem to be violated?	Which Amendment aims to restore those rights?
Louisiana (1865)	<i>Answers may vary</i>	<input checked="" type="checkbox"/> 13 th Amendment <input checked="" type="checkbox"/> 14 th Amendment <input type="checkbox"/> 15 th Amendment <input type="checkbox"/> None
Mississippi (1865)	<i>Answers may vary</i>	<input type="checkbox"/> 13 th Amendment <input checked="" type="checkbox"/> 14 th Amendment <input type="checkbox"/> 15 th Amendment <input type="checkbox"/> None
Florida (1865)	<i>Answers may vary</i>	<input type="checkbox"/> 13 th Amendment <input checked="" type="checkbox"/> 14 th Amendment <input checked="" type="checkbox"/> 15 th Amendment <input type="checkbox"/> None

Sources 3A&3B: Majority Report (adapted excerpts) and Force Acts (adapted excerpts)

Directions: Match quotes from the Congressional Majority Report to the related provisions in the Force Acts. Each Force Act provision is labeled with a letter at the top to make it easy to refer to. Pair the Force Act excerpt with the quote (or quotes) from the majority report with which you think it best fits. Excerpts may be used more than once, but all excerpts are used.

Congressional Majority Report Quotes (Source 3A) ¹	Force Act Provisions (Source 3B)
1. "...justice cannot be obtained against those who commit crimes in disguise and at night [as the Ku Klux Klan are known to do]."	E
2. "...bad legislation, official incompetency, corruption, and other causes, have been identified as problems as well."	C, D, F, I
3. "Governor Lindsay was elected in 1870, when it is complained Ku-Klux violence deterred people in various counties from voting."	A, H
4. "...when identification is attempted, other members of the organization come in and either lie on the witness stand or in the jury-box, and the perpetrator goes free."	B, G, J
5. "The terror inspired by their acts, as well as the public support in many areas paralyzes the arm of local government."	A, C, D, F, I

¹ U.S. Congress, Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States. (1872). *Report of the Joint select committee appointed to inquire into the condition of affairs in the late insurrectionary states, so far as regards the execution of laws, and the safety of the lives and property of the citizens of the United States and Testimony taken*. University of Michigan Library Digital Collections. <https://name.umd.umich.edu/ACA4911.0001.001>

Source 3C: Timeline of KKK Activity

Directions: Use source 3C to complete the comprehension questions.

1. According to the timeline, how long did the KKK disappear as an organization?

The timeline seems to indicate that from 1871-1905, the Klan disappeared.

2. What seemed to lead to its revival?

A novel called "The Clansman" seems to have revived interest, along with the movie "Birth of a Nation."

Source 3D: Excerpt of NPR interview between Terry Gross and historian Eric Foner, 2006

Directions: Use source 3D to complete the comprehension questions.

1. Why was federal intervention in the South considered necessary in the years immediately following the Civil War?

The widespread violence by organizations such as the KKK against Black citizens by home-grown terrorist organizations could not be dealt with effectively by local governments.

2. How did states get around the protections guaranteed by the 15th Amendment?

States implemented strategies such as poll-taxes and knowledge requirements and then gave discretion to poll workers to waive those requirements whenever they felt like it. So the outcome was that white citizens were usually exempted, and black citizens were often declared ineligible.

3. Why does Eric Foner believe learning about Reconstruction today remains vitally important?

A lot of the racial problems of the twentieth century have their roots in the failure of Reconstruction.

Name: _____

Supporting question 1: Exit Ticket



Why were the 13th, 14th, and 15th Amendments adopted? Make sure you pay attention to the dates on the Black Codes and the dates of passage of the Amendments.

Name: _____

Supporting question 1: Exit Ticket



Why were the 13th, 14th, and 15th Amendments adopted? Make sure you pay attention to the dates on the Black Codes and the dates of passage of the Amendments.

Name: _____



Supporting question 1: Exit Ticket **ANSWER KEY**

Why were the 13th, 14th, and 15th Amendments adopted? Make sure you pay attention to the dates on the Black Codes and the dates of passage of the Amendments.

The amendments were adopted to outlaw slavery, grant citizenship to those formerly enslaved, and address the natural rights violations that were seen in the former Confederate States prior to their passage.

Name: _____

Supporting Questions Handout Packet

Supporting Question 2: How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it?

Directions: When Congress heard reports about violence in the former Confederate States, they created a committee with both Republicans and Democrats, heard from 600 witnesses, held multiple hearings, and issued a report with 13 volumes of evidence. You are going to be an investigator and look at multiple sources, some of them taken from the testimony Congress received. For each source, write down the key takeaway and two pieces of evidence that support it. This will help you answer the supporting question on the back.

Source	Key Takeaway from Source	Evidence 1	Evidence 2
2A: "Portraits in Oversight" video			
2B: "One Less Vote" political cartoon			
2C: Excerpts from the Congressional investigation			
2D: "Lynchings and Racial Violence during Reconstruction 1865-1876" video			

Supporting Question 2

How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it? Cite a minimum of two pieces of evidence from your chart and explain your reasoning.

Name: _____

Supporting Question 3: Were the Force Acts passed by Congress effective?

Use the timeline, as well as all the knowledge you have gained from the rest of the inquiry, to answer supporting question 3. Cite at least one quote from source 3C and one quote from Source 3D as evidence for your answer.

Were the Force Acts passed by Congress effective?

Name: _____

Supporting Questions Handout Packet **ANSWER KEY**

Supporting Question 2: How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it?

Directions: When Congress heard reports about violence in the former Confederate States, they created a committee with both Republicans and Democrats, heard from 600 witnesses, held multiple hearings, and issued a report with 13 volumes of evidence. You are going to be an investigator and look at multiple sources, some of them taken from the testimony Congress received. For each source, write down the key takeaway and two pieces of evidence that support it. This will help you answer the supporting question on the back.

Source	Key Takeaway from Source	Evidence 1	Evidence 2
2A: "Portraits in Oversight" video	<i>The 13th, 14th and 15th Amendments were intended to ensure that the United States provided political equality for formerly enslaved people</i>	<i>Host says that the Amendments were passed to provide formerly enslaved people the right to vote</i>	<i>Expert says that people were engaging in extra-legal political violence, even after the Civil War</i>
2B: "One Less Vote" political cartoon	<i>The black vote was being violently suppressed</i>	<i>The title of the cartoon, coupled with the image of a dead black man</i>	<i>The words "Negro Killed" seen on the wall behind the dead man, coupled with the title of the cartoon</i>
2C: Excerpts from the Congressional investigation	<i>People were being assaulted and intimidated based on race and political allegiance</i>	<i>" In this testimony on October 28, 1871, the Joint Standing Committee examines an African American woman from Georgia, Mary Elder, who is about 33 years old. Elder speaks to the Committee about KKK violence.</i> <i>Question. What was your object in coming here [to testify to the Committee]?</i> <i>Answer. Because I had been Ku-Kluxed. They came to my house on Saturday, [two days ago]. We had heard of the Ku-Klux, but it was a good while ago. They broke down the</i>	<i>"Question. Who did it?</i> <i>Answer. Well, sir, it was done by a band of men, who were against my politics, as a Republican..."</i>

		<i>door. As [my husband] jumped up, they slung him back against the fireplace.”</i>	
2D: “Lynchings and Racial Violence during Reconstruction 1865-1876” video	<i>Lynchings accelerate from the end of the Civil War until 1872, and then, while they don’t end, they become less frequent</i>	<i>The notes on the primary source handout we got tell us to watch for how the map changes when it hits 1872</i>	<i>If you watch the numbers of lynchings, combined with the dates, the lynchings accelerate right around 1868-1870 (so just as the committee starts to investigate) and then slow down as the Force Acts go into effect</i>

Supporting Question 2

How did the KKK work to suppress the rights of the formerly enslaved and their white supporters, and were the Reconstruction Amendments enough to stop it? Cite a minimum of two pieces of evidence from your chart and explain your reasoning.

The KKK used violence such as lynchings, intimidating behavior like firing weapons into people’s homes, and the cover afforded by anonymity (covering their faces) to suppress the rights of the formerly enslaved and their white supporters. Evidence for this can be found in the cartoon “One Vote Less,” where a freedman is lying dead on the ground, with the cartoon indicating it was to ensure that he couldn’t exercise his rights. Further evidence can be found in the testimony of both white and black Southerners interviewed by the committee, with one freedman saying that “it was done by a band of men, who were against [his] politics as a Republican.” Given the timing of the various sources, and the fact that the Reconstruction Amendments were 1) in force and 2) forbade this kind of behavior, it is obvious that the amendments alone were not enough to stop it. Something more explicit would have to be done.

Name: _____

Supporting Question 3: Were the Force Acts passed by Congress effective?

Use the timeline, as well as all the knowledge you have gained from the rest of the inquiry, to answer supporting question 3. Cite at least one quote from source 3C and one quote from Source 3D as evidence for your answer.

Were the Force Acts passed by Congress effective?

Yes, because the KKK was founded in 1866, the Force Acts were passed in 1870 and 1871, and by 1871 the “Klan largely disappears. The disenfranchisement laws of the 1890s that are talked about above are terrible, but they are not the Klan. Congress set out to destroy the KKK and end violence in the South, and appears to have succeeded.

OR

No, because although the government dealt harshly with the KKK at first, and it “largely disappears” by 1871, only twenty years later states are finding ways to violate the 15th Amendment, and the Supreme Court is weakening the 14th Amendment. “To deprive African Americans of their rights” was the goal of the KKK, so the Force Acts failed to stop the achievement of that goal.

Compelling question: Writing assessment

You are a journalist writing an op-ed for a local newspaper. The title of your article is the compelling question of the inquiry: "Is it worth it for Congress to investigate problems?" Use three pieces of evidence you encountered in the inquiry to support your claim and inform the public about congressional investigations.

In your article you must include:

1. A topic sentence that states your claim
2. Three pieces of evidence (cited) which support your claim.
3. An explanation (in your own words) of HOW that evidence supports your claim.
4. One piece of evidence which could be used against your claim, with an explanation as to why that evidence and argument wasn't persuasive enough for you to change your claim.

Because this is an article intended to be read by the public, your writing must be free of grammar, spelling, and punctuation errors.

OPTIONAL: If you want to express your views through a political cartoon, you are free to do so. If you choose this, you must include a written statement with an explanation of your thinking which meets all the requirements of the rubric.

Criteria	Exceeds Expectations	Meets Expectations	Approaching Expectations	Needs Improvement
Claim	Clearly takes a position on the issue; provides detailed background and relevant context.	Clearly takes a position on the issue; some background provided.	Takes a position on the issue but lacks clarity or detail.	Position on the issue is vague, missing, or not connected to the question.
Rationale for Support (Evidence 1)	Provides a thoughtful, persuasive, and well-supported explanation for your claim.	Explains why you are making your claim, with some supporting reasons.	Gives a basic reason for your claim, explanation lacks depth.	Offers little or no explanation for your claim. Has no cited sources.
Rationale for Support (Evidence 2)	Provides a thoughtful, persuasive, and well-supported explanation for your claim.	Explains why you are making your claim, with some supporting reasons.	Gives a basic reason for your claim, explanation lacks depth.	Offers little or no explanation for your claim. Has no cited sources.
Rationale for Support (Evidence 3)	Provides a thoughtful, persuasive, and well-supported explanation for your claim.	Explains why you are making your claim, with some supporting reasons.	Gives a basic reason for your claim, explanation lacks depth.	Offers little or no explanation for your claim. Has no cited sources.
Counterclaim	Provides a thoughtful, persuasive, and well-supported explanation for how your counterclaim could be used against you, and why it still doesn't convince you	Explains why you are making your counterclaim, with some supporting reasons it could be used against you.	Gives a basic reason for your counterclaim, explanation lacks depth.	Offers little or no explanation for your counterclaim. Has no cited sources.
Organization Mechanics	Article is well-organized, with clean spelling, grammar, and punctuation.	Article is clear and organized; few spelling, grammar, or punctuation errors.	Article is somewhat disorganized, with spelling, grammar, and punctuation errors.	Article is hard to follow or lacks structure with many spelling, grammar, and punctuation errors.

Name: _____

Compelling question: Discussion assessment

Is it worth it for Congress to investigate problems?

Claim		
Evidence A	Reason A	Ranking
Evidence B	Reason B	
Evidence C	Reason C	

Rank your evidence from most persuasive to least persuasive, with 1 being most persuasive and 3 being least persuasive. Why is the piece of evidence you ranked #1 the most persuasive piece of evidence?

“The Last Word”

What is your group’s most persuasive piece of evidence?

Why?

Based on the discussion, would you change your initial answer to the compelling question? Why or why not?