



PROHIBITION

Lesson Plans

The Eighteenth and Twenty-first Amendments

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Introduction

This lesson coordinates with *You Are There 1920: Busted! Prohibition Enforced*, a component of the *Indiana Experience* at the Eugene and Marilyn Glick Indiana History Center. In this experience, guests are invited to step back in time to December 9, 1920, to visit the re-created Indianapolis police headquarters. Earlier that day, three Indianapolis police officers conducted a raid at a farm one-half mile east of New Bethel (now Wanamaker) and confiscated a large still, thirty-eight gallons of “white mule” whiskey, one gallon of malt, fifteen pounds of flour, one hundred pounds of corn sugar, and two hundred gallons of mash. The bootlegger, Roy Taylor, later pleaded guilty to operating a “blind tiger” (illegal saloon), was fined \$100, and sentenced to serve 120 days at the Indiana State Penal Farm.

This lesson may be used to prepare students for a visit to *You Are There 1920: Busted! Prohibition Enforced*, as a follow-up to the visit, or for stand-alone classroom instruction.

You Are There 1920: Busted! Prohibition Enforced will be open from May 31, 2011, until February 5, 2012.

Overview/Description

In this lesson, students will examine the process for amending the U.S. Constitution and will analyze a political cartoon from the Prohibition era.

Grade Level

Middle/intermediate (grade 8) and high school

Academic Standards for the Social Studies

- Indiana Standards
 - Grade 8
 - Social Studies 8.2.4—Examine functions of the national government in the lives of people.
 - High School
 - U.S. Government 1.11—Describe how the U.S. Constitution establishes majority rule while protecting minority rights and balances the common good with individual liberties. (History; Individuals, Society and Culture)

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- U.S. Government 3.10—Describe the procedures for amending the United States Constitution and analyze why it is so difficult to amend the Constitution.
- U.S. History 4.3—Explain how America reacted to a changing society by examining issues associated with the Red Scare, Prohibition, the Scopes Trial, the changing role of women and African Americans, the Ku Klux Klan, the Palmer Raids, the National Origins Act, and restrictions on immigration. (Government; Economics; Geography; Individuals, Society and Culture)
- National Standards (National Council for the Social Studies)
 - II. Time, Continuity, and Change
The learners will understand:
 - Key people, events, and places associated with the history of the community, nation, and world.
 - VI. Power, Authority, and Governance
The learners will understand:
 - Fundamental ideas that are the foundation of the American constitutional democracy, including those of the Constitution, the rule of law, separation of powers, checks and balances, minority rights, and the separation of church and state.
 - The ways in which governments meet the needs and wants of citizens, manage conflict, and establish order and security.
 - Mechanisms by which governments meet the needs and wants of citizens, regulate territory, manage conflict, establish order and security, and balance competing conceptions of a just society.
- X. Civic Ideals and Practices
Learners will understand:
 - Key practices involving the rights and responsibilities of citizenship and the exercise of citizenship (respecting the rule of law and due process, voting, serving on a jury, researching issues, making informed judgments, expressing views on issues, and collaborating with others to take civic action).
 - The common good, and the rule of law.
 - Key documents and excerpts from key sources that define and support democratic ideals and practices (the Declaration of Independence, the Constitution, the Gettysburg Address, the Letter from Birmingham Jail, and international documents such as the Declaration of the Rights of Man, and the Universal Declaration of the Rights of Children).

Social Studies/Historical Concepts

U.S. Constitution, constitutional amendments, individual rights, Progressive Era reforms, Prohibition, and repeal

Learning/Instructional Objectives

Students will:

- Recognize that Prohibition and its repeal were effected through the Eighteenth and Twenty-first Amendments to the U.S. Constitution.
- Examine a flow chart representing the process of amending the Constitution.
- Be able to verbally explain the two methods of amending the Constitution.
- Analyze a contemporary political cartoon concerning the Eighteenth Amendment.
- Draw their own political cartoon referencing the Twenty-first Amendment.

Time Required

One class period

Materials Required

- Copies of Article IV of the U.S. Constitution and the text of the Eighteenth and Twenty-first Amendments, available from the U.S. Senate Web site at http://www.senate.gov/civics/constitution_item/constitution.htm (accessed May 25, 2011).
- Copies of “The Constitutional Amendment Process” flow chart, available from the American Politics Web site at <http://www.laits.utexas.edu/gov310/CF/conamend/index.html> (accessed May 25, 2011).
- Copies of “The Case Now Goes to the Jury” cartoon (Indiana Historical Society Digital Image Collections, Item ID FOLIO_HV5285_A55_1918_01-05-1918_004), shown on page 7 of this lesson.
- Copies of the National Archives and Records Administration’s cartoon analysis worksheet, available at http://www.archives.gov/education/lessons/worksheets/cartoon_analysis_worksheet.pdf (accessed May 25, 2011).
- Paper and writing instruments

Background/Historical Context

Download and read “The Road to Prohibition in Indiana” essay at <http://www.indianahistory.org/teachers-students/plan-a-field-trip/indiana-experience-curriculum-guides> (accessed June 23, 2011).

Teacher’s Instructional Plan

Introduction

Introduce the lesson by reviewing the concept of Prohibition and the Prohibition era with students. Refer to “The Road to Prohibition in Indiana” essay for background and historical context information.

Remind students that in order to make Prohibition a national law, temperance organizations such as the

Woman’s Christian Temperance Union and the Anti-Saloon League advocated for an amendment to the U.S. Constitution. Recognizing that a government must have the flexibility to adapt to changing times and circumstances, the framers of the Constitution built into the document a process for changing it. This process is outlined in Article IV of the Constitution. The Eighteenth Amendment, which instituted Prohibition, and the Twenty-first Amendment, which repealed it, are products of this process.

Procedure

- Distribute copies of Article IV of the Constitution and the flow chart showing a visual representation of the amendment process. Ask for a student volunteer to read Article IV aloud. Then, review the flow chart with students, explaining that there are two methods of amending the Constitution.
 - After the proposed amendment is passed by a two-thirds vote in both houses of Congress and sent to the states for ratification, either three-fourths of the state legislatures or three-fourths of the state ratifying conventions must approve the amendment before it becomes law. State legislatures ratified the Eighteenth Amendment; however, state ratifying conventions voted to pass the Twenty-first Amendment.
 - According to author Steve Mount: “A state convention differs from the state legislature in that it is usually an entirely separate body from the legislature. This introduces a different political dynamic into the amendment process.”¹ Generally, members of the state ratifying convention are not legislators, they are chosen from the general public. This helps keep their votes free from the political pressures that go along with being an elected official.

1. Steve Mount, “Constitutional Topic: Ratification Conventions,” http://www.usconstitution.net/consttop_acon.html (accessed May 13, 2011).

- Next, provide copies of text for the Eighteenth and Twenty-first Amendments. The Eighteenth Amendment established Prohibition and was ratified by thirty-six of forty-eight states (three-fourths of the state legislatures). Nebraska was the thirty-sixth state to ratify the amendment on January 16, 1919. Prohibition went into effect one year later, on January 16, 1920.
 - Ask students what the Eighteenth Amendment prohibited.
 - Unlike most of the constitutional amendments which guarantee the public certain rights, the Eighteenth Amendment decreased the liberty of Americans by placing limits on the manufacture and sale (and subsequently the consumption) of alcoholic beverages. Keeping that in mind, ask students to predict how successful the Eighteenth Amendment might have been.
- Distribute copies of “The Case Now Goes to the Jury” political cartoon, and copies of the National Archives and Research Administration cartoon analysis worksheet. Have students work in pairs to complete the worksheet. Allow twenty to thirty minutes to answer the worksheet questions.
- Gather the class for a wrap-up discussion of the cartoon and consider how it illustrates the process of amending the Constitution. Review the following symbols with the students:
 - Jury of the 48 States—represents the state legislatures.
 - Booze—represents the defendant in this trial. If the Eighteenth Amendment passes, alcohol will be prohibited and the liquor interests will lose their freedom to manufacture and sell their product. A police officer or an officer of the court stands ready to take the defendant (the jug of booze) to jail should he be found guilty.
 - The Judge—represents Congress. Congress has passed the amendment by a two-thirds vote of both houses. It is now up to the state legislatures to decide the fate of alcohol in the United States by determining whether or not to ratify the amendment. It is clear from the Judge’s instructions in the cartoon that Congress wants Prohibition to pass.
 - The Court Reporter—represents the press, who notifies the American people of the progress the amendment makes as it is considered by the state legislatures.
 - The Defense Attorney—represents the “wets,” those advocating against the Eighteenth Amendment. The attorney is sweating because he recognizes that his client is in trouble and he fears that the Prohibitionists will win.
- Ask for a student volunteer to describe how the cartoon illustrates the process of amending the Constitution.
- After reviewing the analysis of the cartoon as a class, distribute copies of the Twenty-first Amendment’s text. Review with students the fact that Prohibition was in effect for thirteen years, but was deemed a failure because it proved impossible to enforce.
 - Unable to obtain alcohol by legitimate means, Americans turned to bootleggers, who sold illegal alcohol. Americans also frequented speakeasies (illegal bars or saloons). These activities helped to create a “criminal class” out of ordinarily law-abiding citizens. The court systems were clogged with an abundance of Prohibition cases. Both law enforcement and the courts could not keep up with the volume of lawbreakers.
 - In addition, organized crime increased as gangsters realized they could make a lot of money from manufacturing and selling alcohol illegally. As the criminals became rich from their exploits, they

bribed law enforcement and government officials to look the other way. By the late 1920s, even some of Prohibition's most ardent supporters were calling for repeal. In 1933 the passage of the Twenty-first Amendment to the Constitution effectively repealed Prohibition in the United States.

- Ask for a student volunteer to read the text of the Twenty-first Amendment to the class.
 - What does the Twenty-first Amendment say about the Eighteenth Amendment?
 - Although the Twenty-first Amendment repealed national Prohibition, what does it say about the states' rights to prohibit the transportation or importation of intoxicating liquors into state boundaries?
 - This amendment indicates that in order to be valid it must be ratified. What ratification process must be used?
- Tell students that the Twenty-first Amendment specified that ratification must be accomplished through state ratifying conventions because, it was thought, people serving on these conventions would not be influenced by special interest groups (such as the Anti-Saloon League) and that convention's vote would better reflect the will of the people. A total of 74 percent of the state conventions ratified the Twenty-first Amendment. Prohibition ended on December 5, 1933.
- Provide paper and writing materials. Have students draw their own political cartoons related to the repeal of Prohibition through the Twenty-first Amendment. They might focus on the illegal activity that was rampant during the Prohibition era and show that the American public no longer supported the Eighteenth Amendment. They might consider the process for repeal through the ratification of the Twenty-first Amendment by the state ratifying conventions. Or, they might draw a sequel to "The Case Now Goes to the Jury" cartoon—perhaps the jug of booze is getting released from jail?

- The PBS Web site Big Apple History offers some general tips about drawing political cartoons at http://pbskids.org/bigapplehistory/activities/a_business/activity4/index.html (accessed May 19, 2011).
- Remind students that they should use techniques such as caricature and symbolism (explained on the PBS Web site) to draw their cartoons.

- Create a gallery of students' Twenty-first Amendment political cartoons on a bulletin board in the classroom or in a prominent place in the school.

Assessment

Use a teacher-developed rubric to assess students' participation in class discussions and their political cartoons. The rubric should evaluate historical accuracy, use of symbols, and how the cartoon and discussion reflect an understanding of the amendment process.

Suggested Modifications

- Create a classroom newspaper covering the passage of either the Eighteenth or the Twenty-first Amendments. The newspaper might include editorials, maps showing which states have ratified the Eighteenth Amendment, political cartoons representing pro- or anti-Prohibition viewpoints, and interviews with either state legislators or members of the state ratifying conventions about how they plan to vote.
- Hold a mock session of the state legislature or the state ratifying convention. Have the students present different opinions about the Eighteenth or Twenty-first Amendments and have the class vote on whether or not to ratify it.

- Visit the seat of government for your state to meet with a legislator who might describe the amendment process. Alternately, invite a legislator to visit your classroom to present this topic.

Additional Resources

Publications

Engdahl, Sylvia. *Amendments XVIII and XXI: Prohibition and Repeal in Constitutional Amendments*. Farmington Hills, MI: Greenhaven, 2009.

Graham, Amy. A “Look at the Eighteenth and Twenty-First Amendments: The Prohibition and Sale of Intoxicating Liquors in Constitution of the United States.” Berkeley Heights, NJ: Myreportlinks.com / Enslow Publishers, 2007.

Lucas, Eileen. *The Eighteenth and Twenty-First Amendments: Alcohol—Prohibition and Repeal in the Constitution*. Berkeley Heights, NJ: Enslow Publishers, 1998.

Web sites

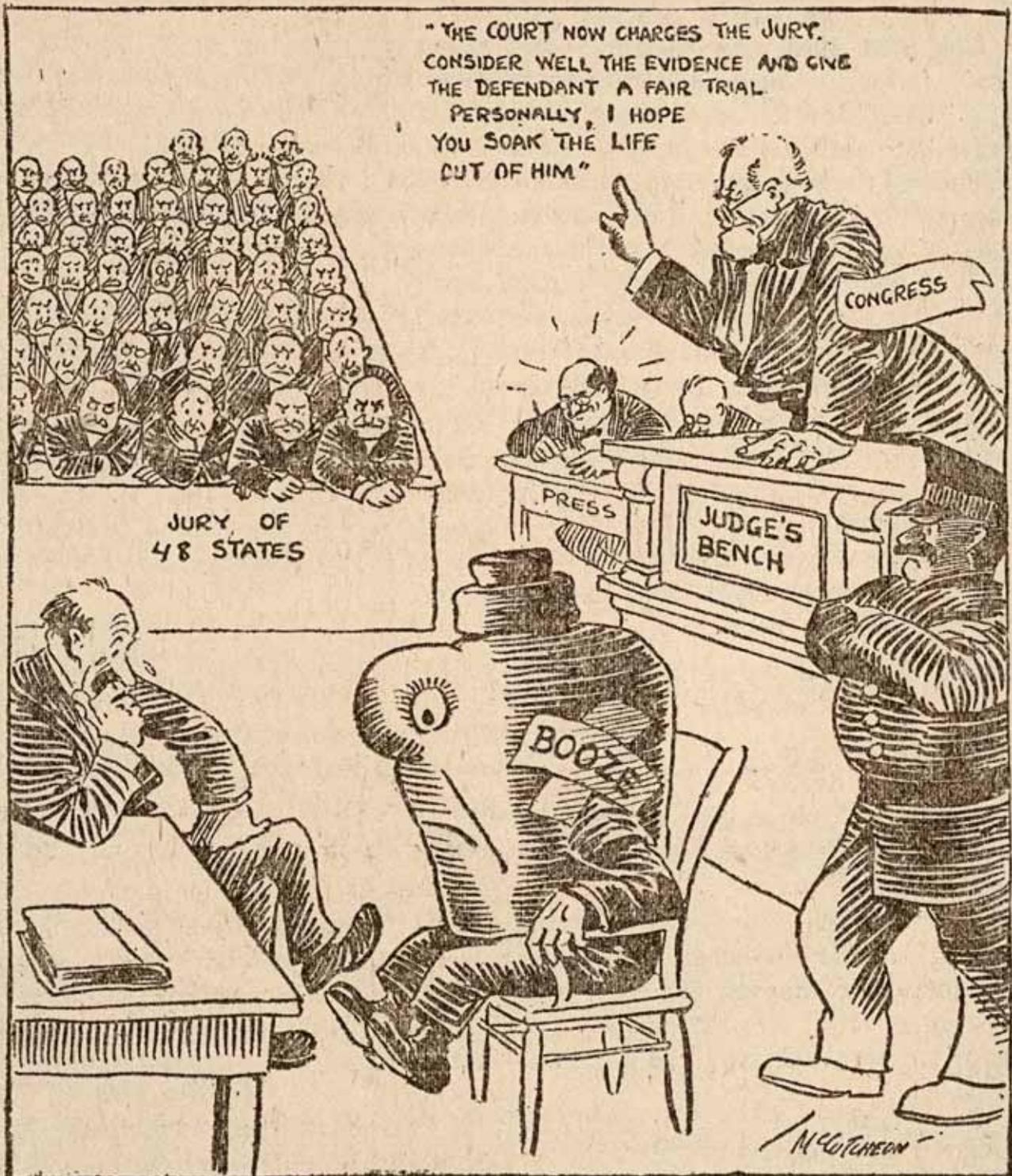
Distilled Spirits Council of the United States. ProhibitionRepeal.com. <http://www.prohibitionrepeal.com> (accessed May 25, 2011).

Hanson, David J. “National Prohibition of Alcohol in the U.S.” Alcohol Problems and Solutions. <http://www2.potsdam.edu/hansondj/controversies/1091124904.html> (accessed May 25, 2011).

Meredith, William A. “The Great Experiment” Prohibition: The Great Experiment. <http://www.albany.edu/~wm731882/> (accessed May 25, 2011)

Mintz, S. “The Jazz Age: The American 1920s—Prohibition.” Digital History. http://www.digitalhistory.uh.edu/database/article_display.cfm?HHID=441 (accessed May 25, 2011).

THE CASE NOW GOES TO THE JURY



—Chicago Tribune

"The Case Now Goes to the Jury" cartoon (Indiana Historical Society Digital Image Collections, Item ID FOLIO_HV5285_A55_1918_01-05-1918_004).