

LESSON PLAN - Civil Liberties

Essential Question

How has the government's role in promoting the common good affected the civil liberties of Americans?

TOPIC: Civil Liberties in Times of Crisis: 3 Acts

TIE-IN TO EXHIBIT LESSON: GO FOR BROKE NATIONAL EDUCATION CENTER'S NEW LOS ANGELES EXHIBITION, OPENING IN 2016

GRADE LEVEL: 11-12

TIME: 3-4 class sessions

Part 1: 90 to 120 min (small group research & preparation for presentation)

Part 2: 60 min (small group oral presentations)

Part 3: 60 min (individual essay)

OBJECTIVES:

1. Students will evaluate the impact of government legislation on individual civil liberties.
2. Students will compare three acts passed in the course of American history which affected the rights of individuals while promoting the common good.
3. Students will argue against or defend the passage of one of the acts in persuasive/argumentative essay.

RESOURCES NEEDED:

1. Computers with Internet access.
2. Computers with PowerPoint software (or some other presentation software).
3. Presentation projection equipment (e.g., LCD projector)
4. Essay writing guidelines (provided) as handouts or electronic files.
5. Appendix A: Cartoon about cell phones
6. Appendix B: Alien and Sedition Act of 1798
7. Appendix C: Executive Order 9066
8. Appendix D: USA Patriot Act of 2001
9. Appendix E: Comparison chart
10. Any recent news articles on civil liberty violations.

HISTORICAL CONTEXT:

In the history of the United States, our government has sometimes passed legislation affecting the rights of American citizens or residents that are in conflict with the rights established in the Bill of Rights and Constitution by our Founding Fathers. The passage of these laws has been justified on the grounds that they promoted the common good, even though they jeopardized the civil liberties of some Americans in the process (Essential Question).

SYNOPSIS:

In this unit, students will engage in reading, writing, speaking and listening as they analyze three acts associated with an impact on civil liberties: The Alien and Sedition Act of 1798; Executive Order 9066; and the USA Patriot Act of 2001. Group research will be shared with classmates in oral presentations using technology, followed by a class discussion comparing the documents. Following their research, presentation and discussion, students will choose one of the laws and write an argumentative essay, either defending or criticizing its passage.

INSTRUCTIONS TO TEACHERS:

Part 1: 90 to 120 minutes – Small Group Research

Before students enter the classroom, write the words CIVIL LIBERTY so it can be viewed clearly, or write the Question of the Day: (e.g., “Are your civil liberties guaranteed?”)

Introduction to Unit

1. Show cartoon in Appendix A
2. Ask the students, [ask for details to justify answers]
 - “What would you do if your school began confiscating all student cell phones, even though you never abused its usage at school?”
 - “Why might school administrators or teachers create this policy?”
 - “How could this be a positive thing? Who would benefit?” [optional: assign 2 students to write their responses on paper and post on board]
 - “How could this be a negative thing? Who is affected and how?” [optional: assign 2 students to write their responses on paper and post on board]
 - “If cell phones were confiscated for ‘the common good,’ what does this mean?”
 - “Are there countries in the world where similar policies are the norm?”
 - “Could cell phones be confiscated throughout schools in this country? Why or Why not?”
 - “What about the government checking your cell phone records, library books you have checked out, etc. . . . Has this ever happened in this country?”
3. Refer to the term written on the board earlier: “civil liberty”

Ask:

 - What does it mean? Dictionary definition? [See Boot Camp glossary (LEARN > CLASSROOM > BOOT CAMP)].
 - How does it differ from “civil rights”? [See Boot Camp glossary (LEARN > CLASSROOM > BOOT CAMP)].
 - Who does it affect?
 - Are there guarantees for it? If so, where are these guarantees written?
 - Have there been times in history when the rights of Americans have been violated?
 - Do you think that sometimes other factors might be more important than the rights of Americans?
 - Have you ever felt that your civil liberties were ever violated? Any of your family members?
 - Show recent news about civil liberties being violated (see **Resources Needed #10**)
4. Tell students that this unit will explore three times in American history where/when laws were passed that affected the civil liberties of American citizens:

[display documents in Appendices B, C, D]

 - 1798 with the Alien and Sedition Acts [Appendix B]
 - 1942 with Executive Order 9066 [Appendix C]
 - 2001 with the USA Patriot Act [Appendix D]
5. Tell the students that as they learn about these laws, they need to decide whether the laws were passed for the good of all the people (“the common good”) even though they denied the civil liberties of some, or whether the laws were unjust and should not have been passed.

Research Preparation

1. Divide students into small groups.
2. Assign letters to groups by counting off: Groups A, B, C . . . A, B, C , etc.
3. Group A will study the Alien and Sedition Acts of 1798 (see links to resources below)
4. Group B will study Executive Order 9066 (see links to resources below)
5. Group C will study The USA Patriot Act of 2001 (see links to resources below)
6. Distribute comparison chart, Appendix E. Display/project on board and model how students will complete the information in the appropriate boxes based upon their research and during presentations.

WORKSHEET COMPARISON CHART (Appendix E)

WHO/WHAT/WHEN/WHERE

- (WHO) What group of people was targeted?
- When was the law implemented?
- What was happening in the country politically?
- What was the fear or concern that led to the law's passage?

ANALYSIS OF THE ACT

- What did the law allow the government to do?
- What were reasons given to justify the passage of the law?
- What were/are reasons given against the passage of the law?
- What is the status of the law today?
- What was the common good?

COMPARISON OF ALL ACTS

- How are the laws similar?
- By implementing the provisions of the law, how was the common good of the people achieved?

7. Explain the requirements for the research component:

Students should:

- Read carefully ALL of the articles for their assigned topic (use “close reading” strategies)
- Fill in the comparison chart (for their law) and take additional notes as needed
- Identify (highlight) the important information for presentation
- Identify the opposing viewpoints
- Organize the information for presentation
- Support the reasons for the act with evidence
- Format the information for presentation

8. Explain the requirements for the oral presentations:

(See sample rubric at end)

Students will prepare and present a slide presentation (PowerPoint or any electronic presentation program) about the legislation assigned. Note to teacher: determine # of minutes per group.

- Each student must be prepared to present at least two to four slides
- Each student must be prepared to speak about each of his slides.
- The information in the presentation/slides must include, as a minimum, the information from the comparison chart.
- Each team must include two perspectives: two slides for and two slides against the passage of the act

SOURCES FOR RESEARCH:

1. GROUP A: ALIEN AND SEDITION ACTS OF 1798

a) U.S. National Archives

http://www.archives.gov/exhibits/treasures_of_congress/text/page5_text.html

b) US History – Pre-Columbian to the New Millennium

<http://www.ushistory.org/us/19e.asp>

c) Our Documents.gov (see also Document Transcripts)

<http://www.ourdocuments.gov/doc.php?flash=true&doc=16>

d) Densho Encyclopedia

<http://encyclopedia.densho.org/Alien%20Enemies%20Act%20of%201798/>

2. GROUP B: EXECUTIVE ORDER 9066

a) Densho Encyclopedia

<http://encyclopedia.densho.org/Executive%20Order%209066/>

b) Our Documents.gov (see also Document Transcripts)

<http://www.ourdocuments.gov/doc.php?flash=true&doc=74>

c) History Matters (includes primary source document)

<http://historymatters.gmu.edu/d/5154>

d) Library of Congress

<http://www.loc.gov/teachers/classroommaterials/connections/manzanar/history2.html>

3. GROUP C: USA PATRIOT ACT OF 2001

a) Department of Justice Website: “Preserving Life and Liberty”

<http://www.justice.gov/archive/ll/highlights.htm>

b) Department of Government and Justice Studies, Appalacian State University

<http://gis.appstate.edu/media-coverage-crime-and-criminal-justice/usa-patriot-act>

c) CNET News

<http://news.cnet.com/2100-1023-275026.html>

d) Our Documents.gov (see also Document Transcripts)

<http://www.ourdocuments.gov/doc.php?doc=16>

Part 2: Oral Presentations

1. Collect copies of student presentations for evaluation purposes. Students retain copies for their presentations.
2. Randomly select groups to present as time permits. Not all groups may be presenting.
3. As students listen to the oral presentations, they should fill in the comparison chart (Appendix E) for the laws other than theirs. A “master” copy might be on the board and completed as students make their presentations. Individual students might be invited to make entries.
4. After all presentations are complete, display the completed comparison chart for students to see and discuss.
5. Ask the students to provide supporting detail to the following questions:
 - “How are the acts alike?”
 - “How were they viewed when passed?” e.g., they maintained order; they met unique circumstances)
 - “How are they viewed today?”
 - “Were the acts justified?”
6. Students should keep this worksheet as they will find this comparison chart helpful in writing their essays in Part 3.

Part 3: Argumentative Essay

Instructions to Teacher:

1. After students have selected one of the acts and decided whether the passage of the act was justified or in violation of the civil liberties of people, they will write an argumentative essay in which they will argue against or defend the act.
2. For assistance, see Purdue University Online Writing Lab (OWL) page on “Argumentative Essays,” <https://owl.english.purdue.edu/owl/resource/685/05/>
3. For samples, see Achieve the Core website for “Common Core Argument/Opinion Writing” samples by grade level, <http://achievethecore.org/page/503/common-core-argument-opinion-writing-list-pg>

Instructions to Students:

1. Choose one of the three acts (Alien and Sedition Act of 1798; Executive Order 9066; or USA Patriot Act of 2001) and agree or disagree with its passage.

Be sure to include the following information in your essay:

- Introduction with thesis statement
- Two paragraphs, each with a reason (for or against the act) and supporting evidence and explanation and judgments about the author, context and evidence.
- Rebuttal paragraph that provides a strong argument against yours, then reject this argument with evidence/explanation
- Conclusion

RESOURCES FOR TEACHERS

RUBRIC FOR ORAL PRESENTATIONS

Oral presentation rubric

https://cpss.neasc.org/downloads/Getting_started/seekonk_rubrics.pdf

RUBRIC FOR ESSAYS

See Turnitin.com’s State Standards Writing Rubrics – Grades 11-12 – Page 2, Argument http://www.schoolimprovement.com/docs/Common%20Core%20Rubrics_Gr11-12.pdf

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ASSESSMENT

- The comparison worksheet is an assessment of students’ understanding of the laws.
- The electronic presentations are assessments of their skills in: (1) integrating and evaluating content from multiple sources; (2) determining central ideas or information; (3) using technology to produce shared writing products; and (4) collaborating with partners.
- The argumentative essay incorporates an understanding of the laws and the application of historical thinking skills.

ENRICHMENT

Students can investigate the McCarthy era trials of the House Un-American Activities Committee (HUAC) in the anticommunist hysteria of the 1950s. And/or, they can compare Arthur Miller’s play, *The Crucible*, with Eric Bentley’s *Are You Now Or Have You Ever Been?*

Students can investigate the writ of habeas corpus: (1) suspension of it by President Lincoln during the Civil War; (2) Supreme Court case challenging it during WWII *Ex parte Mitsuye Endo*; (3) ruling in Hawaii when it was established as a US territory.

COMMON CORE STATE STANDARDS (CCSS) > GRADE 11-12

<http://www.corestandards.org/ELA-Literacy/RH/11-12/>

“Key Ideas and Details”

RH 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.

RH 3 - Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

“Craft and Structure”

RH 6 - Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.

“Integration of Knowledge and Ideas”

RH 8 - Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

HISTORICAL THINKING STANDARDS

<http://www.nchs.ucla.edu/history-standards/historical-thinking-standards/overview>

Standard 2 - Historical Comprehension: The student comprehends a variety of historical sources.

Standard 3 - Historical Analysis and Interpretation: The student engages in historical analysis and interpretation.

Content Era 3 (1754-1820) – The impact of the American Revolution on politics, economy, and society.

Content Era 8 (1929-1945) – The student understands the character of World War II at home and abroad, and its reshaping of the U.S. role in world affairs.

Content Era 10 (1968-Present) – The student understands recent developments in foreign policy and domestic politics.

C3 FRAMEWORK FOR SOCIAL STUDIES STATE STANDARDS - COLLEGE, CAREER & CIVIC LIFE: BY THE END OF GRADE 12

<http://www.socialstudies.org/system/files/c3/C3-Framework-for-Social-Studies.pdf>

“Change, Continuity and Context”

D2.His.1 - Explain how historical events and developments were shaped by unique circumstances of time and place as well as broader historical contexts.

“Perspectives”

D2.His.4 - Analyze complex and interacting factors that influenced the perspectives of people during different historical eras.

D2.His.7 - Explain how the perspectives of people in the present shape interpretations of the past.

“Causation and Argumentation”

D2.His.14 - Analyze multiple and complex causes and effects of events in the past.

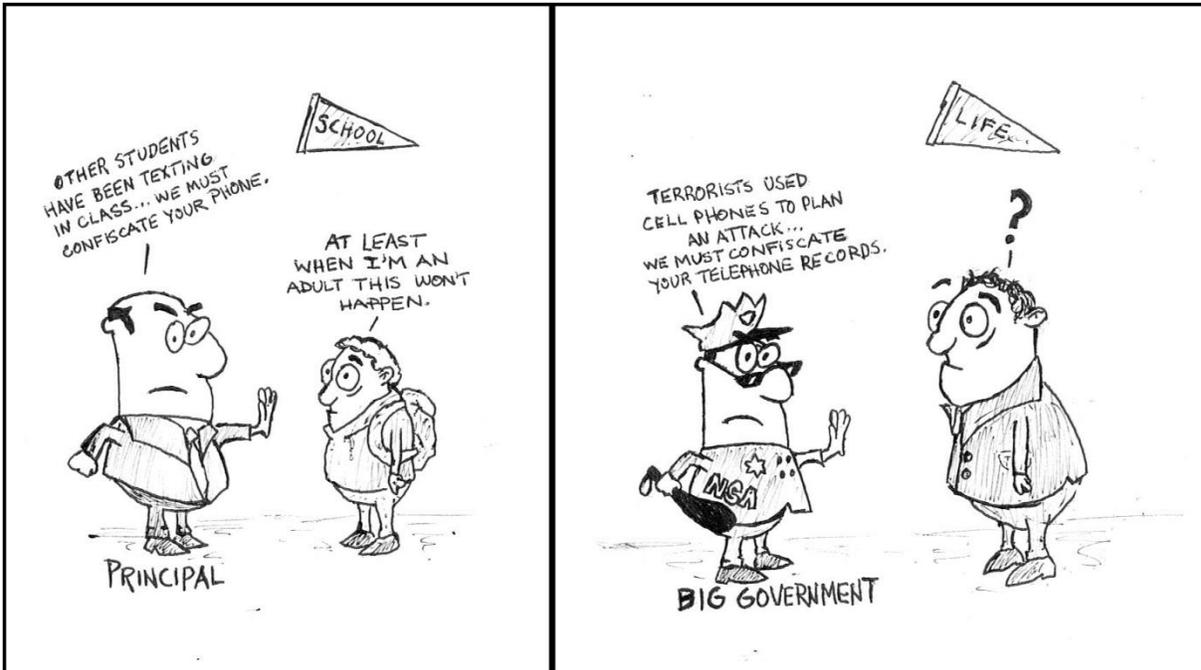
D2.His.16 – Integrate evidence from multiple relevant historical sources and interpretations into a reasoned argument about the past.

“Communicating and Critiquing Conclusions”

D4.1 – Construct arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses.

APPENDIX A

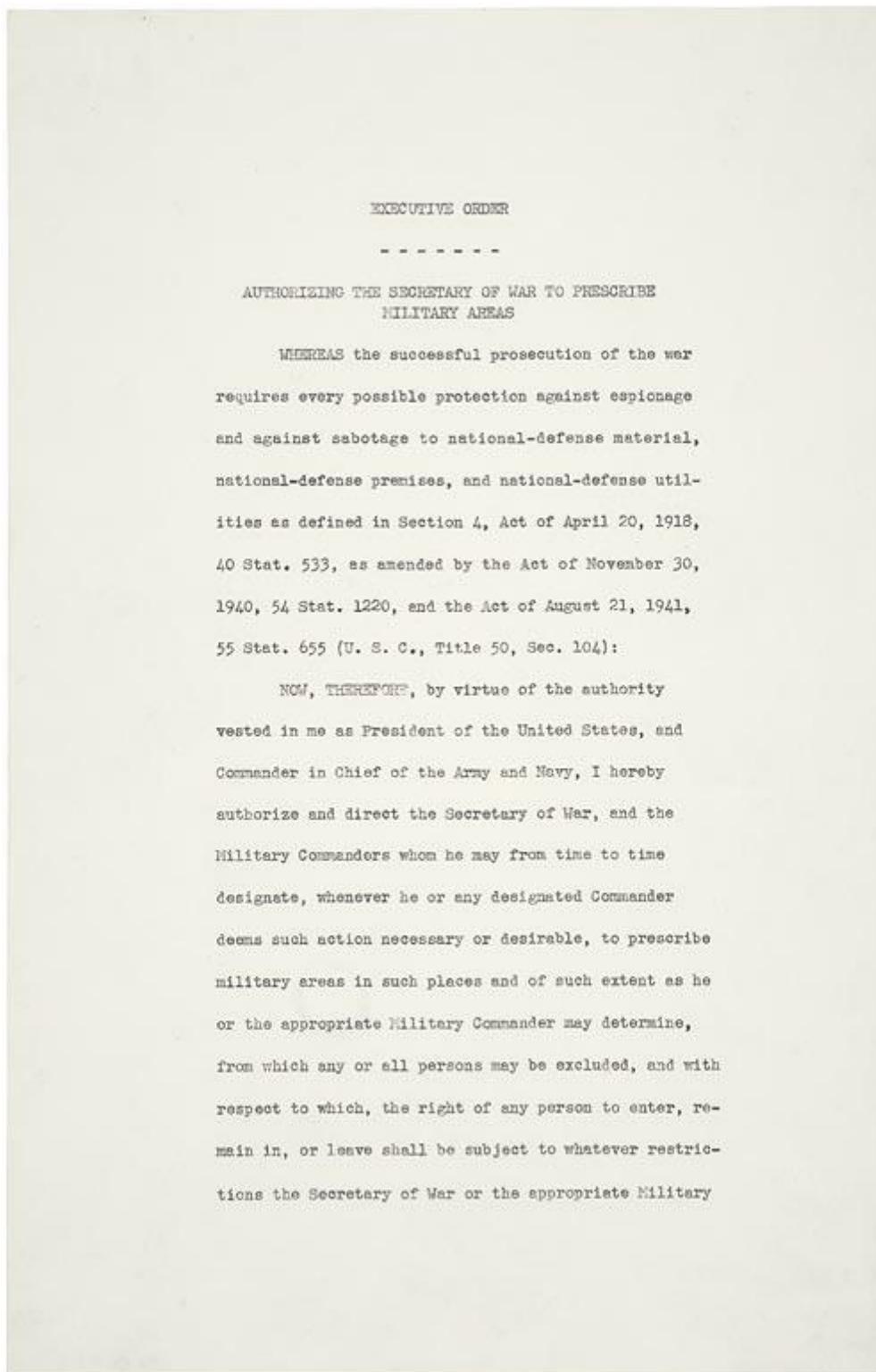
Credit: Go For Broke National Education Center, 2015



APPENDIX C
Executive Order 9066
Courtesy of www.ourdocuments.gov

For full text, please visit:

<http://www.ourdocuments.gov/doc.php?flash=true&doc=74&page=transcript>



APPENDIX D
USA PATRIOT ACT OF 2001

Courtesy of the United States Government Publishing Office
For full text, please visit:

<http://www.gpo.gov/fdsys/pkg/BILLS-107hr3162enr/pdf/BILLS-107hr3162enr.pdf>



H. R. 3162

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To deter and punish terrorist acts in the United States and around the world,
to enhance law enforcement investigatory tools, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Construction; severability.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

- Sec. 101. Counterterrorism fund.
- Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.
- Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.
- Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
- Sec. 105. Expansion of National Electronic Crime Task Force Initiative.
- Sec. 106. Presidential authority.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

- Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
- Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
- Sec. 203. Authority to share criminal investigative information.
- Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
- Sec. 205. Employment of translators by the Federal Bureau of Investigation.
- Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
- Sec. 208. Designation of judges.
- Sec. 209. Seizure of voice-mail messages pursuant to warrants.
- Sec. 210. Scope of subpoenas for records of electronic communications.
- Sec. 211. Clarification of scope.
- Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
- Sec. 213. Authority for delaying notice of the execution of a warrant.
- Sec. 214. Pen register and trap and trace authority under FISA.
- Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
- Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.

APPENDIX E
WORKSHEET - COMPARISON: CIVIL LIBERTIES AND THREE LAWS

	ALIEN & SEDITION ACT OF 1798	EXECUTIVE ORDER 9066	USA PATRIOT ACT OF 2001
WHO? GROUP AFFECTED			
WHEN? WHEN ENACTED			
WHAT HAS HAPPENING? POLITICAL SCENE			
WHAT WAS THE FEAR OR CONCERN?			

WHAT GOV'T ACTION WAS AUTHORIZED?			
REASONS JUSTIFYING ITS PASSAGE			
REASONS AGAINST ITS PASSAGE			
STATUS OF LAW TODAY (Active? Repealed?)			
WHAT WAS THE 'COMMON GOOD' SOUGHT BY THE LAW?			

LAWS: SIMILARITIES???			
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