



www.trackedinamerica.org

The Bill of Rights and Tracking in the U.S.

Introduction

The Bill of Rights was designed to protect the basic freedoms of all U.S. citizens. As demonstrated on this Web site the rights of citizens are sometimes compromised when fear grips the nation. When citizens are tracked, the freedoms guaranteed to them in the Bill of Rights are often lost. Some of those rights include freedom of speech, press, assembly, as well as the implied right of privacy. (The right of privacy is not specifically spelled out in the first 10 Amendments, but it is implied by the 9th Amendment. The US Supreme Court decision Roe vs. Wade was decided on this point.)

The exercise below allows students to review the Bill of Rights and determine exactly what rights were violated when certain individuals highlighted on the Web site were tracked by the U.S. government. They will also briefly look at why it is easier to track alien residents in the U.S. who do not have the same protections as citizens.

Grade Level

9-12

Time Requirement

One class period (55 minutes)

After completing the lesson, students will be able to...

1. Study the Bill of Rights.
2. Apply concepts found in the Bill of Right to oral testimony given by assigned individuals.
3. Understand the civil rights violations that occurred when citizens were tracked during times of crisis.
4. Explore the lack of rights provided to resident aliens in the U.S.

Materials

1. Transcripts for Will Bergfeld, Max Werkenthin, Fred Korematsu, Charles Muscatine, the Hallinan Family, Julian Bond, Arturo Shibayama and Ricardo Attie (Roxanne Attie).
2. Background Reading for World War I, World War II, Red Scare, Civil Rights Movement and September 11.
3. Copies of Ben's Guide to U.S. Government for Kids, Bill of Rights, <http://bensguide.gpo.gov/9-12/citizenship/rights.html>
4. *Worksheet: The Bill of Rights and Tracking in the U.S.*

Procedure

Divide students into small groups and assign them one of the individuals on the list below.

- | | |
|-------------------|------------------------|
| 1. Will Bergfeld | 4. Charles Muscatine |
| 2. Max Werkenthin | 5. The Hallinan Family |
| 3. Fred Korematsu | 6. Julian Bond |

Instruct them to read the copy of the Bill of Rights, a transcript of the testimony of the person assigned to them, and the background reading that accompanied the historical era on the Web site. Each student will also receive the testimony of Arturo Shibayama and Ricardo Attie. After they have read the handouts provide them with *Worksheet: The Bill of Rights and Tracking in the U.S.* and ask them to fill it out as a group or individually. Assign one student in each group to record the answers and another to present them to the class.

During the last fifteen minutes of the period reconvene the class and ask each group to share their answers to the questions from the worksheet.

Assessment

Students will be graded on their participation in group and class discussion as well as on their completed worksheet.

Standards

**From McRel Online Standards (<http://www.mcrel.org/standards-benchmarks>)*

Civics

Level IV [Grade 9-12]

Standard 18. Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights
<http://www.mcrel.org/compendium/standardDetails.asp?subjectID=14&standardID=18>

Benchmark 1. Understands how the rule of law makes possible a system of liberty that protects the basic rights of citizens.

Benchmark 2. Knows historical and contemporary practices that illustrate the central place of the rule of law (e.g., submitting bills to legal counsel to insure congressional compliance with constitutional limitations, higher court review of lower court compliance with the law, executive branch compliance with laws enacted by Congress).

Benchmark 3. Knows historical and contemporary events and practices that illustrate the absence or breakdown of the rule of law (e.g., events such as vigilantism in the early West, Ku Klux Klan attacks, urban riots, corruption in government and business, police corruption, organized crime; practices such as illegal searches and seizures, bribery, interfering with the right to vote, perjury).

Worksheet: The Bill of Rights and Tracking in the U.S.

Group Members:

Answer the questions below using the Bill of Rights and the testimony assigned to you by your teacher.

1. When and why was the Bill of Rights created?
2. Who receives protection from the Bill of Rights today? Who is excluded?
3. Which amendments pertain to individual rights?
4. Review the Bill of Rights and the testimony assigned to your group and list the amendments that were violated and why. (Use the back of this sheet if necessary.)
5. According to the Bill of Rights, do citizens have the right to defend their rights in a legal manner, if they have been violated?
6. A few names were not included as an option for you to analyze including Arturo Shibayama and Ricardo Attie. The individuals left off the list had something in common. What was it?
7. Why weren't they included in this exercise? Are Shibayama and Attie protected by the Bill of Rights? Why or why not?
8. Based on your answers, what can you conclude about rights granted to Ricardo and Arturo in the U.S.?

Ben's Guide to U.S. Government for Kids

<http://bensguide.gpo.gov/9-12/citizenship/rights.html>

Rights of Citizens: The Bill of Rights

When the Constitution was ratified in 1789, many people were concerned that it did not protect certain freedoms. They thought that the Constitution should be changed or amended to protect these freedoms. On December 15, 1791, ten amendments were added to the Constitution. The first eight amendments set out or enumerate the substantive and procedural individual rights associated with that description. The 9th and 10th amendments are general rules of interpretation of the relationship among the people, the State governments, and the Federal Government. These amendments guarantee certain freedoms and rights, so they are known as the Bill of Rights.

Amendment I - "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Amendment II - "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Amendment III - "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

Amendment IV - "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Amendment V - "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Amendment VI - "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Amendment VII - "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Amendment VIII - "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Amendment IX - "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Amendment X - "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."