

## **Securing Society from Domestic Violence – Common Good v. Individual Rights.**

*United States v. United States District Court, 407 U.S. 297 (1972)*

### *The Keith Case*

**Raymond W. Walker: Grosse Ile Township Public Schools (Ret)**

#### **Lesson Overview and Narrative:**

This lesson deals with First and Fourth Amendment protections caused by a government engaged in spying on its citizens. The Court held government officials were obligated to obtain a warrant before beginning electronic surveillance even if domestic security issues were involved.

In 1968 Congress passed the Omnibus Crime Control and Safe Streets Act. This law provided for the court approved electronic surveillance to fight certain kinds of crimes. President Richard Nixon used this act to use electronic surveillance (telephone wiretapping) to monitor American citizens suspected of activities dangerous to the security of the United States. Nixon's administration did this without first showing probable cause and obtaining a warrant from a court to, as provided in the Fourth Amendment.

This lesson will require learners to use primary sources – what is a primary source, their values, and how to analyze their great variety, and various ways to analyze them. Students will be given an opportunity to role play in a historical context. This lesson will allow students to use a variety of primary document analysis tools.

The lesson offers differentiated instruction for classrooms where there are multiple levels of learners. The lesson uses the best practices for general and special educators. This lesson will offer the instructor options to expand for critical thinking, writing, compare and contrast, role playing, and inquiry.

**\*\* The instructor should look at the Resources for using KWL, INSERT, and Graphic Organizers for helpful teaching strategies.**

#### **Objectives:**

- Students will explore the U.S. Constitution – especially the Fourth Amendment.
- Students will understand the judicial process and unconstitutional actions by a department of the federal government.
- Students will understand the power of judicial review and the appeals process.

## **Michigan High School Content Expectations (Standards)**

### CIVICS

#### C3 STRUCTURE AND FUNCTIONS OF GOVERNMENT IN THE UNITED STATES

3.1.3 Analyze the purposes, organization, functions, and processes of the judicial branch as enumerated in Article III of the Constitution.

3.1.5 Use case studies or examples to examine tensions between the three branches of government (e.g., powers of the purse and impeachment, advise and consent, veto power, and judicial review).

3.2.2 Use court cases to explain how the Constitution is maintained as the supreme law of the land (e.g., Marbury v. Madison, Gibbons v. Ogden, and McCulloch v. Maryland).

3.2.3 Identify specific provisions in the Constitution that limit the power of the federal government.

3.2.4 Explain the role of the Bill of Rights and each of its amendments in restraining the power of government over individuals. (See USHG F1.1)

**Time Required:** One to two class periods – a class period consisting of 55 minutes.

**Era:** USHG Era 8 – Post World War Two United States (1945 – 1985)

Civics C3 Structure and functions of government in the United States

### **Materials:**

- Handout copies for the Court case of United States v. United States District Court. Also known as the Keith Case.
- Writing materials
- Access to a media center or computer lab

### **Resources:**

#### **Primary Sources for research**

United States v. United States District Court

- <http://caselaw.findlaw.com/us-supreme-court/407/297.html>
- <https://www.law.cornell.edu/supremecourt/text/407/297>

United States Constitution

- <http://www.archives.gov/exhibits/charters/constitution.html>
- <http://loc.gov/rr/program/bib/ourdocs/Constitution.html>
- <http://www.loc.gov/law/help/usconlaw/index.phg>

Omnibus Crime and Safe Street Act (1968)

- <https://it.ojp.gov/PrivacyLiberty/authorities/statutes/1286>
- <http://www.justice.gov/crt/about/spl/42usc3789d.php>

Using Primary Sources Library of Congress

- <http://www.loc.gov/teachers/usingprimarysources>

Library of Congress Document Analysis Guides

- <http://loc.gov/teachers/usingprimarysources/guides.html>

Library of Congress Homepage

- <http://loc.gov>

### **Procedures Day One:**

- Step 1) Instructor may wish to begin the lesson with a review of primary sources using the following link  
<http://www.loc.gov/teachers/usingprimarysources>

The instructor will take the students to a media center or a computer lab to review primary sources. The teacher will lead a discussion that differentiates between a primary source and a secondary source. This activity can be used as a formative assessment.

### **Procedures Day Two: (see note to teacher below.)**

- Step 2) The students will read and take notes about the Court case United States v. United States District Court (Keith case)

The instructor is given the option, based on the student's level in the classroom, to use the LOC analysis guides or the worksheet United States v. United States District Court provided in a resource attachment.

Students may be divided up into small research groups of 3 to 4 students to complete the analysis. Once the students have completed answering the questions a class discussion will follow.

The Teacher leads the students in finding the best definitions and answers to the questions.

The teacher can write the following Court analysis sheet on the board and have the students record it in their notebooks.

## United States v. United States District Court (Keith Case) Work Sheet

### **Vocabulary:**

1<sup>st</sup> and 4<sup>th</sup> Amendments  
Richard Nixon  
US Attorney John Mitchell  
Electronic surveillance  
Judicial review  
Omnibus Crime Control and Safe Streets Act (1968)

### **Elements of the Case:**

Directions: Fill in the appropriate information for each of the following elements for this case.

- 1) State the issue(s) before the Supreme Court in this case. (Your statement should be in question form).
- 2) What historical facts of the case were presented to the Supreme Court? (Students should complete this question in paragraph form).
- 3) What was the decision of the Court?
- 4) What was the rationale behind the majority ruling? What was the rationale behind the dissenting opinion? (Students write this in paragraph form).
- 5) What was the effect of the decision on society? (Students write this in paragraph form).

### **Evaluation of the Case:**

Directions: Use your own judgement to evaluate the justices' decision and state your opinion about the case. Students must support their position with facts.

- 6) In your opinion, what would have been the effect on society if the Supreme Court ruled in favor of the United States instead of the U.S. District Court?

### **\*\*Note to Teacher: the teacher may want to use the two following reading strategies.**

#### **Contextual Redefinition Strategy:**

The instructor may want to use the Vocabulary Strategy of "Contextual Redefinition" and the case's vocabulary words before analyzing the case.

- a) Before students begin reading, select the words that will be unfamiliar to them. Have students guess the meanings of the words. This causes students to become actively involved in the reading.
- b) Present some clues by using sentences or you can use the passage from the reading, or both.

- c) Direct the students to look the word up – a dictionary is not always helpful if students do not have any idea what a word means. The purpose is to verify an already good guess about the word meaning.

### PIC Strategy:

Another approach to analyzing the reading assignment is to use the PIC strategy – P) purpose of the reading, I) Important ideas, C) Connection to prior knowledge.

Previewing reading assignments helps students focus on the most important information and facilitates storing that information in long-term memory.

Step 1 Purpose for the reading. Make sure students know what to do with the information after reading - peruse the structure of the assignment.

Step 2 Important ideas. Students should read the key vocabulary to see if they are familiar with them. The students should flip through the assignment, noting the headings that indicate the major points in the reading.

Step 3 Connect what you know. Students should discuss what they know about the topic before starting to read. The instructor is using the KWL strategy – What I know about the topic; What I wonder about the topic; and Questions I would like to have answered.

### Alternative Procedures for Day Two:

- Step 3) the students are to role play as news reporters and write a magazine or newspaper article that covers the five elements of the case. The students' articles will be written in newspaper or magazine format.

The students will also write an editorial page to a newspaper that answers element 6's question, evaluation of the case. The instructor can present examples of editorials to the students. This will provide background support for their writing assignment.

### Extension Activities:

- Arrange for a trip to the Damon J. Keith Center for Civil Rights at the Wayne State University <http://law.wayne.edu/keithcenter/index.php>
- Have the students prepare a mock Supreme Court hearing (role playing positions). The students are assigned to pro and con positions of the case and present their reasoning to the Supreme Court Justices. The class then can take a vote on who wins the case.
- Students using their prior knowledge of the 1960's Vietnam War era can select from the following options:
  - a) Research newspapers, magazine articles (such as found in US News and World Report, Life, Time Magazine), video clips found on You Tube and

present a report for the possible causes of the Omnibus Crime Control and Safe Streets Act.

- b) Students can role play as television news cast anchors reporting on daily domestic violence and Vietnam protest activities. This will provide role playing, oral reporting v the written reporting, and offer students the opportunity to be creative in analyzing “cause and effect”.

**Evaluation:**

Students will be assessed on their answering the Court case work sheet. The teacher will perform a summative analysis of the case – key questions and vocabulary.

## **Resource for Activating and using prior knowledge the KWL Strategy**

Students can begin reading an assignment with no prior preparation or knowledge about a particular topic may finish the assignment but do not seem to remember much about what they read. One useful method for aiding students in retaining the knowledge is the KWL strategy – What I Know, What I want to Know, and What I Learned. The major purpose of this strategy is to activate students' prior knowledge about a topic.

Step 1) Fill out the first two columns of the KWL chart. Students write down everything they know for sure about the topic. They should write down everything they want to know about this topic in the middle column. This way students are identifying what they know for sure and what they may know. Students should write down what they want to know in question form.

Step 2) The students read, view pictures / visuals, or listen to content about the topic.

Step 3) The students then begin to fill out the What they Learned column. This can be done in small cooperative groups to aid students in elaborating on their answers.

Step 4) Now, the students construct a concept map that represents an integration of what students knew before reading and what they learned.

Step 5) the students use the concept map and what they learned to write a summary about the topic. The summary focuses the students on the most important points in the reading.

## Resources for INSERT Method for taking effective notes

The INSERT Method (Interactive Notation System for Effective Reading and Thinking) is used to help students focus on the most important points they read. Some struggling readers do not realize that thinking is necessary while reading. Strong readers integrate the information in the text with what they already know. They constantly make decisions or have running conversation with themselves such as the following:

- This point is important, but this one is a detail.
- This seems like an example used to help me understand the text.
- I already knew this material.
- This is new material to me.
- This is boldfaced type and therefore it must be important.

How to use the INSERT Method:

Step 1) The teacher and students introduce symbols – INSERT. Examples are below:

!! I knew this already

\*\*\* Important information

+++ This is supporting information for detail

Ex This is examples of important concepts

??? I did not understand this material – I need help

OR

MI Main ideas

HH Historical point I should use

EE Explanation of material

OR

AA Agree with this statement

DD Disagree with this statement

II An interesting statement

Step 2) Teachers can have students fold a sheet of paper lengthwise into three sections, place the INSERT symbols at the top of the page with a line to indicate the page number, and instruct students to place this sheet alongside the book for note taking. Other teachers may use sticky notes with the symbols printed on them to mark the passage – colored symbols are helpful.

Step 3) The teacher may wish to have the class compare notes. This can be done in small groups or a whole class. The teacher leads a discussion and this will help students understand how to find main ideas and organize information. The main ideas can be rewritten in their notebooks for later use.

\*\*\* The INSERT Method works well with the Cornell Note taking method.