



The U.S. and the World:
SS.7.CG.4.4
September 11, 2001
READING #3

Name: _____

Date: _____



SS.7.CG.4.4 Benchmark Clarification 3: Students will recognize the importance of respecting civil liberties while ensuring safety and security.

Following the events of September 11th, one of the most important questions facing the United States was how to ensure the safety and security of citizens while also respecting the importance of civil liberties guaranteed by our United States Constitution. This is not a new problem. As far back as President John Adams and his Alien and Sedition Acts, which limited immigration to the United States while also restricting speech that challenged the government, we have worked to find that balance. The **Alien and Sedition Acts** were eventually allowed to expire, but there have been other instances where the government, the courts, and American citizens have clashed over civil liberties, safety, and security.

The Espionage and Sedition Acts of 1917 and 1918 severely impacted free speech during World War One by limiting what people could say about the U.S. war effort. In the U.S. Supreme Court case of **Schenck v. United States** (1919), the Supreme Court ruled that this law did not violate the First Amendment. However, in 1969, the Supreme Court essentially overturned that precedent in **Brandenburg v. Ohio**, stating that the government could not restrict speech if it did not like what was said. It used a 'two prong test': speech could only be banned if it 1. encouraged illegal activity, AND 2. if that activity was likely to happen.

At the start of World War Two, President Franklin Roosevelt issued Executive Order 9066. This order forced both Japanese immigrants and Japanese Americans into internment camps in order to protect public safety following the nation of Japan's attack on Pearl Harbor. In **Korematsu v. United States** (1944), the U.S. Supreme Court ruled that this did not violate the civil liberties of Japanese Americans, including their 14th Amendment right to equal protection. While this decision has never been overturned, the U.S. government provided reparations to people that had been sent to the internment camps, and apologized for its action.

After 9/11, the US government passed the **USA PATRIOT ACT**. This act expanded the authority of law enforcement agencies to provide **surveillance** of both domestic and foreign communications and targets while also detaining suspected terrorists. The United States also created the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) in an effort to ensure citizens' safety and security.

One of the difficulties with both the USA PATRIOT ACT and such things as the DHS and the TSA is ensuring that the **habeas corpus** and privacy rights of citizens under our Constitution are not violated. To help, our Constitution allows for judicial oversight that can help ensure the balance we need between safety and liberty. While it doesn't always land on the side of civil liberties, our courts have issued rulings that have sometimes limited the powers of the government. Since the passage of the USA PATRIOT ACT, for example, the courts have ruled several portions of it unconstitutional. Many of these decisions have been based on what the courts ruled were violations of the **First** or **Fourth Amendments**. Ultimately, our Constitution plays the largest role in balancing the need for safety and security with protections for civil liberties.

Alien and Sedition Acts - 1798 law under President John Adams that limited immigration to the United States while also restricting speech that challenged the government

Schenck v. United States - 1919 U.S. Supreme Court case that upheld limits on free speech when it posed a 'clear and present danger'

Brandenburg v. Ohio - 1969 U.S. Supreme Court case that established the 'two-prong test' to evaluate limitations on speech

Korematsu v. United States - 1944 U.S. Supreme Court that upheld the internment of Japanese-Americans citizens during World War II

USA PATRIOT ACT - 2001 law that expanded government surveillance authority and ability to detain suspected terrorists

surveillance - the tools, resources, and approaches used by the government to investigate individuals that may be suspected of a crime

habeas corpus - the principle that the government has to provide a cause or reason for holding a person in jail

First Amendment - an amendment guaranteeing freedom of religion, press, assembly, speech, and the right to petition the government

Fourth Amendment - an amendment that prohibits the government from engaging in unreasonable search and seizure of an individual or their private property