



Liberty Circles

"To Keep America Talking"

The United States is a vastly changed place since September 11, 2001. After our experience of domestic terrorism, security measures once unimaginable have entered the routines of daily life: intensified airline passenger and luggage searches, heightened vigilance over the national infrastructure, and new civilian disaster preparedness plans that address the threat of terrorist acts as well as acts of nature. Our government has launched a wide-ranging "war on terrorism."

This war on terrorism has ushered in another set of changes as well. New laws—The USA Patriot Act, The Homeland Security Act—have given government authorities increased powers to detain suspects, conduct searches and surveillance, and obtain information on private citizens. These measures have sparked widespread discussion throughout the United States about the nature of civil liberties in the age of global terrorism. Many have worried if these new laws are reshaping our democratic institutions by altering the constitutionally prescribed balance of power among the three branches of government. Others have vigorously supported expanding government investigative and enforcement powers as essential to preserving Americans' fundamental rights to safety and security. With so much at stake, there is an urgent need to start a broad public dialogue on the bedrock of our democratic values; the enemy of democracy is apathy.

Many organizations have already begun this process, from very different points on the political spectrum. A new program of study and conversation devoted to the general subject of civil liberties and constitutional protections in our time: **Liberty Circles**. Liberty Circles are democratic conversations intended to engage people in thoughtful, vigorous exchanges of perspectives about the constitutional rights most of us take for granted, and about balancing the tension between our liberty and our security.

Organize a Liberty Circle -- it's easier than you think.

Liberty Circles may be held in local libraries, universities, places of worship, at a café, in living rooms or around kitchen tables. Keeping Liberty Circles easy to replicate will increase participation. **Liberty Circles materials are available to be posted on any website;** site visitors can download the packets and use them to reach out to other groups in their community to co-convene dialogues. Form a Liberty Circle "To Keep America Talking".

Here are some easy steps to get started. You may decide to do these in a different order, or you may add some steps.

Step 1:

- Create a small core working group
- Talk about why it is important to engage the community in dialogue
- Discuss what Liberty Circle dialogues might accomplish
- Clarify topics of interest specific to your community
- Identify a coordinator and establish areas of responsibility

Step 2

- Talk about what groups might want to host a Liberty Circle (House of worship, local library, women's clubs, universities, political clubs). Reach out to them.
- Think about inviting representatives of organizations such as these to co-convene dialogues: the League of Women Voters, the American Civil Liberties Union, the American Library Association, the American Association of University Women, the American Association of Retired Persons, the American Bar Association, the American Conservative Union, Amnesty International USA (student groups), the Anti-Defamation League, Council on American Islamic Relations, National Council for Community and Justice, and the Young Women's Christian Association.

Step 3:

- Talk about resources - what you have, and what you need.
- Consult the Resource Guide section of this document for information.
- Search some of the websites listed below for discussion materials.
- Decide which handouts and activities are most appropriate.
- Consider using some of the Background Documents we have posted here.

Step 4:

- Consider how you will achieve **diversity of opinion and perspective** in the Liberty Circles.
- Begin by inviting a few friends, neighbors or members of your organization to plan a discussion of the issue.
- Recruit participants and form groups with genuinely diverse points of view.

Step 5:

- Identify a location and decide on the date and time.
- Advertise with flyers, e-mail, put notices on local bulletin boards; put notices in the local paper. Invite people personally.
- Think about how you are going to encourage genuine conversation in the Liberty Circles. Read and discuss "Democratic Conversation," Background Document III.

Step 6:

- Conduct the Liberty Circles. Try some of the exercises we have suggested. See how they work, and what participants learn from the exercises and from each other.
- Decide what support you might provide for action ideas that come out of your circles.

Step 8:

- Refer back to your initial goals, and discuss future **Liberty Circle** topics.
- Make sure to communicate your successes to the larger community.

Step 9:

- Evaluate and document your program.
- Fill out and submit a feedback form.

*"Organizing community-wide study circles is more art than science. An effective program is organized to fit the flavor of the community and the specifics of the issue. Yet many organizers have faced challenges similar to your own; we offer their lessons as a guide. Adapt their tools to meet your community's needs." The Study Circles Resource Center <http://www.studycircles.org/pdf/SCRCPG.pdf>

Sample Liberty Circle Exercises

THE INVADERS: A CONSTITUTIONAL RIGHTS ACTIVITY

(Adapted from the Constitutional Rights Foundation Chicago publication “Working Together: We the People”)

Overview

The Invaders activity is designed to introduce participants to the rights guaranteed under the U.S. Constitution. Using a hypothetical scenario, participants evaluate the importance of rights.

Objectives

- Develop individual decision-making skills;
- Analyze and evaluate rights as listed in the U.S. Constitution;
- Develop consensus-building skills;
- Understand how our rights are interrelated; and
- Understand how the courts protect our rights.

Materials Needed

Handout A

Flipchart, markers and adhesive dots (to indicate

Pens or pencils and a pad of paper for every 6 participants

Time Required

One hour

Procedures

1. Ask participants, “What is a right?” Have participants respond verbally.
2. Ask participants where our rights are listed (U.S. Constitution, Florida Constitution).
3. Ask participants what the first 10 amendments to the U.S. Constitution are called (Bill of Rights).
4. Distribute Handout A. Review each right listed. **These are some, but not all, of the Bill of Rights.** Elicit discussion from participants about the meaning of each right and which amendment the right is listed in. Add to what the participants mention bringing in historical and contemporary issues. Use a Socratic dialogue format.
5. Tell participants that their lives are about to change. It is the year 2020 and they are living happy, productive lives. They turn on their televisions to hear a news report that our country is being invaded. The invaders feel we have too many rights in this country that we don’t even appreciate. They are demanding that we decide which rights we will give up.

6. Using the handout, each participant must select five rights they want to keep by checking off the blank next to the right. **If they choose not to do this task, the invaders will select the rights to keep.** The participants should make their own individual decisions.
7. Then put participants in groups of five and **have each group come to a consensus** as a group on which 5 rights they would keep. Each group will make a decision for the entire country. Give the participants at least 15-20 minutes to reach their decision.
8. Have a spokesperson from each group report on their group's decision. The teacher or resource person should tally responses on a flip chart (prepared ahead of time with group # on the top, and the ten rights listed down the side).

NOTE: Adapted from the Constitutional Rights Foundation Chicago publication "Working Together: We the People"

Attachments

Handout A – Our Rights under the Constitution

***Liberty Circles are designed to be dialogues; they are not programs that require speakers.** However, some communities may decide to invite resource people to participate - please be mindful that democratic conversations presume that both sides of any issue will be well represented.

"When James Madison argued for a bill of rights, he knew that the strength of these freedoms would depend on how firmly they stood in the hearts of citizens. He hoped that whatever the majority wanted at any given moment, they would want to uphold the Constitution more. We honor the Constitution and the Framers when we run for legislative or executive office, write a letter to the President, our governor, or our legislator, take a constitutional case to court, or teach our children the meaning of the document- and when we argue among our friends and neighbors over the application of constitutional commands to modern life."

--Supreme Court Justice Sandra Day O'Connor, *The Majesty of the Law*



HANDOUT A: OUR RIGHTS UNDER THE CONSTITUTION

- a. ____ Freedom of speech
- b. ____ Right to bear arms
- c. ____ Right to legal counsel
- d. ____ Right to protection from cruel and unusual punishment
- e. ____ Freedom of press
- f. ____ Right to jury trial
- g. ____ Freedom of religion
- h. ____ Right to peaceably assemble
- i. ____ Protection from self-incrimination
- j. ____ Right to protection from unreasonable searches and seizures

"It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error."

United States Supreme Court, *American Communications Association v. Douds*, 339 US 382 (1950)

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Exercises on the Constitution

Courtesy of: The League of Women Voters of Illinois

*The questions and facilitator instructions following Case #1 apply to each case study.

Case Study #1

A history instructor at a community college wrote a letter to the editor of the Chicago Tribune severely criticizing the position of the United States with regard to Israel and other actions taken in the Middle East since World War II. The instructor expressed the opinion that the attack on the World Trade Center, while reprehensible, was understandable in light of U.S. foreign policy.

About a month after the letter appeared, the instructor resigned, having been strongly urged to do so by the board of trustees and having received a number of harassing phone calls from colleagues and local residents. In announcing the resignation, the college president remarked that the letter was evidence that the instructor was not qualified to teach impressionable students.

Your group has 35-40 minutes to discuss the facts and issues in these case studies and to answer each of the following questions.

During the discussion the reporter-recorder should take notes to record the general sense of the thinking of the group. The notes do not have to record the exact words of each person.

1. What right is invoked here?
2. Why is it important and why should it be protected?
3. Would any changes in the circumstances make you feel differently?
4. What are the conflicting viewpoints/social values?
5. In order to preserve this right, do you have to give up something else?
6. Could you see yourself or your family in this situation?

***Court rulings and other pertinent facts are summarized below each case.**

Rights Involved: Freedom of Speech

The professor was NOT fired but resigned. The courts have held that governmental agencies cannot fire an employee for their political views, and that complaints or threats that emanate from particular views cannot be the basis for a firing.

Case Study #2

A couple, Arab Americans, have made yearly contributions to an organization that provides food and health care to children and families in Saudi Arabia, their country of origin. In 2002, the U.S. government puts this organization on its list of terrorism supporters, freezing its assets and investigating all donors. As a result of their contributions, the couple's tax returns, credit card records, telephone records, and correspondence are examined for indications of ties to terrorists.

Rights Involved: Freedom of Speech; Freedom from Unreasonable Searches

This is an emerging area. Both the USA Patriot Act and the Illinois Anti-Terrorism Act make knowingly providing funds to an organization designated as a terrorist group by the State Department a criminal act. That criminal act could be, under both pieces of legislation, a first step that would be used to justify the investigation of the individuals making contributions to such groups.

From an ACLU Memo to Action Network Members

January 24, 2002

Attorney General John Ashcroft is reportedly considering a plan to relax restrictions on the FBI's ability to spy on domestic organizations, a move that would loosen some of the most fundamental protections against FBI misconduct and threaten constitutionally protected advocacy of unpopular ideas and political dissent.

The domestic spying restrictions were originally imposed in the 1970s after the country learned of the FBI's widespread, unchecked and politically motivated domestic surveillance of such figures as Dr. Martin Luther King, Jr. The FBI's campaign against Dr. King included tactics such as planting bugs in hotel rooms and threats to release the recordings, all done without evidence of criminal activity.

Current domestic guidelines already provide broad authority to conduct investigations.

Case Study #3

In 1999, your son wrote a research paper on the psychological profile of terrorists and FBI tactics for countering terrorism. In the process, he accessed a number of web sites of extremist groups, including sites with information about building bombs and evading security systems. After 9/11, his name appears on a watch list compiled from an investigation of hitters on those sites. You discover that your Internet activity is being monitored.

Rights Involved: Freedom of Speech; Freedom of Association; Freedom from Unreasonable Searches

The questions here are: Does law enforcement have a warrant for monitoring the family's internet use? What is that warrant based upon? And, finally, what is done with any information that is gathered? If, as an example, financial information was shared with the IRS, the family may have standing to challenge the use of that material.

Case Study #4

In May, 2004, the U. S. Congress passes a law requiring all U.S. citizens to carry identification listing, in addition to their addresses, their place of birth, religion, and social security numbers. This identification will be required for all travel, for employment, for access to hospital care, and for obtaining a driver's license or other kind of license. Police may ask that such identification be produced without specific cause.

Rights Involved: Right of Privacy; Freedom from Unreasonable Searches

There is really no precedent for a National ID system although, following September 11th, this idea was extensively discussed. There are no bills currently before Congress.

Currently, you can't be arrested merely for refusing to identify yourself on the street. If you are stopped in your car, upon request you should show your driver's license, registration and proof of insurance. The police may be able to search your car without a warrant if they have probable cause. It is not lawful for the police to arrest you simply for refusing to consent to a search.

Case Study #5

In the Chicago suburb of Oak Heights, Marcia M. is a senior at the local high school. During the summer before her senior year, Marcia created a website on her parent's home computer. The website contains personal information about Marcia's favorite books, favorite movies as well as information about activities at school. On one part of the website, Marcia reviews classes and teachers at her high school, pointing out strengths and weaknesses in every class.

Recently, Marcia posted lyrics from an "edgy" rapper on her website. The lyrics contain some references to violence and make a specific reference to the shooting at Columbine High School. An administrative official at the school visited the site and discovered both the class reviews and the questionable lyrics. He called Marcia in and asked that the school reviews be removed from the site. Marcia, after consulting with her parents, declined; she argued that she was doing this on her own time, with her own resources.

The school suspended Marcia for two weeks as a "threat" to the school.

Right Involved: Freedom of Speech

Courts: Courts have limited the ability of school administrators to punish students for speech that takes place outside of the school setting. Specifically, state courts in Illinois and, more recently in Washington State have ruled that politically protected speech that takes place outside of the school setting cannot be reason for disciplinary action. While the courts have limited some speech in school (to maintain the learning environment), the Supreme Court ruled years ago in the famous Tinker case that students retain their rights to political expression while in school.

Case Study #6

The Peoria Coalition for the Decriminalization of Marijuana recently applied for a permit to lead a parade down Main Street on the third Saturday in May. The group is well funded, and has formed a coalition with several other local organizations to assure a good turnout for the event. The City Manager's office reviews the permit request, and after researching matter, denies the request. The officials say that the permit cannot be granted since the proposed route will disrupt traffic in the downtown area on a day when shoppers are traveling in the area.

This explanation, however, ignores the fact that the parade route is the same one that is used for parades celebrating St. Patrick's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving and the New Year. For each of these holidays, the City allows parades on Saturday afternoon along the very route they now say would be disruptive.

Rights Involved: Freedom of Speech

Courts: Government agencies are constitutionally required to be evenhanded when placing restrictions on groups wanting to hold public gatherings. Government agencies are not allowed to use the political affiliation or philosophy of a group as the basis for deciding which groups receive public event permits.

However, in the recent Illinois case *Thomas v. Chicago Park Dist.*, 222 F3d 921 (7th Cir. 2000), the court upheld a city regulation which gave Chicago Park District officials some discretion in deciding whether to grant permits for various public events.

The plaintiffs, Caren Cronk Thomas and the Windy City Hemp Development Board, were denied a permit to use a city park for rallies in favor of repealing laws criminalizing the sale and possession of marijuana. They challenged the constitutionality of the regulation used for deciding permit applications because the regulation's guidelines gave Park officials discretion in deciding whether to issue a permit. The guidelines contained a list of factors which could be the basis for denial, including whether the petitioner had made "material misrepresentations" to the Park District in the past and whether the petitioner had obtained \$1 million in liability insurance if the "rally might degenerate into a riot."

The court felt the question was: Is a regulation constitutional if it gives government officials some discretion to approve or deny permits for public gatherings? The court said yes. A government agency may deny a permit for a public gathering if it can cite "specified grounds" for the denial.

The court's reasoning was that although it would be unconstitutional to allow government officials to blatantly use political or philosophical bias in the granting of permits, the court ruled park officials may deny an organization's permit application if the Park District can cite "specified grounds" for the denial. The court acknowledged that this use of the word "may" did give the Park District some discretionary power to "pick and choose among applicants on political grounds." However, permit-approval guidelines that allowed no discretion would essentially tie a government agency's hands and prevent officials in many cases from approving a permit. This would therefore be even more restrictive on free speech and public assembly.

*"Injustice anywhere is a threat to justice everywhere."
~Martin Luther King, Jr.*

"I know of no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

--Thomas Jefferson

Where is the balance between liberty and security?

Liberty Circles were announced on July 4, 2003, 227 years after the American Declaration of Independence; because the Founders of this nation believed that securing blessings of liberty were worth, as they put it, "our Lives, our Fortunes, and our sacred Honour."

The United States has always relied on the security of our borders as a necessary condition of our civil liberty. The notion of living in a world that is secure but not free, or free but insecure is not tolerable. Yet we do not know where the lines should or could be drawn. We do not know what dangers we face as a nation, which would be the normal first step in devising a plan that balances the tensions between freedom and security, but still we must take action. On the other hand, it is also clear that drawing the lines too narrowly may do serious damage to the very nature of democracy. The League of Women Voters of the United States is encouraging exploration of these issues, education of our communities about the steps that are being contemplated to protect us, and the nature of the danger we face:

Discussion Questions:

1. How has terrorism changed and what are its causes?
2. What do we need to understand about those who threaten the stability of every nation?
3. Are we promulgating laws that put too much power in the hands of government?
4. What steps should be taken to effectively secure our cities, our nation, and the international community?

*This exercise requires the involvement of panelists with expertise on Homeland Security, terrorism, local police and other first responders.

Feedback Form

Please collect the information below for each Liberty Circle and e-mail any suggestions to Bobbie Brinegar, President, League of Women Voters of Miami-Dade County, Inc. at bobbie@sgiinc.biz or fax to 305-445-7235.

Date of Liberty Circle: _____

Location:

Organizers:

Number of attendees: _____

Outside speakers (if any): _____

Suggested exercises or resource materials:

Any action taken:

Topics for future Liberty Circles:

Background Documents

I. From the Declaration of Independence

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these, are Life, Liberty, and the pursuit of Happiness. That, to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That, whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

II. The Origin of the Bill of Rights

Terry Coble, Vice-President Miami-Dade League of Women Voters

With thanks to Ira Glasser and the ACLU, Position Paper No. 9.

When the United States Constitution was first drafted in 1787, it did not contain any provisions to protect people against the actions of government. And the absence of such provisions, which came to be known as a "bill of rights," turned out to be an obstacle to the Constitution's ratification by the states. The Federalists opposed including a bill of rights on the ground that it was unnecessary. But the Anti-Federalists, who were afraid of a strong centralized government, refused to support the Constitution without one.

In the end, popular sentiment was decisive. Recently freed from the English monarchy, the American people wanted strong guarantees that the new government would not trample on their newly won freedoms of speech, press and religion, and their right to be free from warrantless searches and seizures. The American Bill of Rights, inspired by Jefferson and drafted by James Madison, was adopted, and in 1791 the Constitution's first ten amendments became the law of the land.

Early American mistrust of government power came from their experience while subject to the king's power. Without input or representation from Americans, the king imposed taxes on many things, including all legal and business documents, newspapers, books, and pamphlets. This angered Americans, but they were further enraged by the ways in which the tax was enforced. British customs inspectors entered people's homes even if they had no evidence of a violation, and ransacked the people's belongings in search of contraband. The colonialists came to hate these "warrantless" searches and they became a rallying point for opposition to British rule.

From these experiences came a uniquely American view of power and liberty as natural enemies. The nation's founders believed that containing the government's power and protecting liberty was their most important task, and declared a new purpose for government: the protection of individual rights. Of course, government was still expected to protect the community against foreign and domestic threats, to ensure economic growth, and to conduct foreign affairs. It was not, however, the government's job to tell people how to live their lives, what religion to believe in, or what to write

about in a pamphlet or newspaper. In this sense, the idea of individual rights is the oldest and most traditional of American values.

Democracy and liberty are often thought to be the same thing, but they are not. **Democracy** means that people ought to be able to vote for public officials in fair elections, and make most political decisions by majority rule. **Liberty**, on the other hand, means that even in a democracy, individuals have rights that no majority should be able to take away.

The rights that the Constitution's framers wanted to protect from government abuse were referred to in the Declaration of Independence as "unalienable rights." They were also called "natural" rights, and to James Madison, they were "the great rights of mankind." Although it is commonly thought that we are entitled to free speech because the First Amendment gives it to us, this country's original citizens believed that as human beings, they were entitled to free speech, and they invented the First Amendment in order to protect it. The entire Bill of Rights was created to protect rights the original citizens believed were naturally theirs, including:

FREEDOM OF RELIGION - The right to exercise one's own religion, or no religion, free from any government influence or compulsion.

FREEDOM OF SPEECH, PRESS, PETITION & ASSEMBLY - Even unpopular expression is protected from government suppression or censorship.

PRIVACY - The right to be free of unwarranted and unwanted government intrusion into one's personal and private affairs, papers, and possessions.

DUE PROCESS OF LAW - The right to be treated fairly by the government whenever the loss of liberty or property is at stake.

EQUALITY BEFORE THE LAW - The right to be treated equally before the law, regardless of social status.

III. Democratic Conversation

Excerpted from *Sacred Speech - A Practical Guide for Keeping Spirit in Your Speech* by Rev. Donna Schaper www.skylightpaths.com

Because many report that democratic conversation is decreasing rather than increasing today and because many report that they feel their right to free speech and free thought is jeopardized and because many fear that attempts to stop terrorism, such as the USA Patriot Act, may also stop conversation, the Liberty Circles aim at restoring the arts of democratic conversation. So much of our time is spent in conversation, yet little time is devoted to thinking about the words we choose to use, or the manner in which we speak. We pledge to join with others in society who hopes that conversation can improve, that big ideas can be linked to ordinary people's hopes and dreams, and that democratic discourse can be an exciting pursuit. Promoting democratic conversation can lead to positive changes in our lives.

Instead of being afraid of diversity and dissent, we can learn to enjoy them and be rewarded by them. Instead of shutting down, we can open up. Instead of politically correct language, we can use language that has less fear and self-righteousness, language that has more humor and depth and nuance.

Democratic conversation has at least these qualities:

It opens doors because it is not afraid to open them. It takes risks because it is not afraid of the "other", even the "other" who speaks another way. It contains more hope than fear. It is tend and befriend, an evolutionary way of being in the world that enjoys the "other."

Democratic conversation affirms and grounds us; it also inspires and shakes us up. Such speech is multidimensional and lives intentionally in a multidimensional world. A new word, glocal, global and local, describes the complexities of our times. Democratic conversation links spheres. Many people fear that we can only use "politically correct" language once we understand diversity. In learning democratic conversation, we overcome that fear.

Patriotism is democratic conversation as long as people can differ. When people can't differ, both patriotism and democracy are threatened.

In certain ways democratic conversation is a kind of fumble. It is difficult. We rarely ever get it right. This very riskiness is what makes it good. One African-American preacher put it like this: "You can bang the cymbal too soon. You can bang the cymbal too late. But what is important is that you bang the cymbal."

Just ask yourselves these questions:

1. Can you remember instances when someone's insistence on being "politically correct" resulted in shutting down all conversation?
2. Reaching toward others is a way of moving beyond politically correct speech to democratic conversation. Have you ever wanted to show someone that you are open and approachable? Do you know how?
3. What is the difference between being correct and being truthful?
4. How can we let go of our very human need to be right all of the time in our speech? What do we gain from being right? What do we lose?
5. Knowing whether to speak or not to speak takes wisdom. What signals you to keep quiet in a particular situation?
6. Think of an instance where trouble happened and people said, "Why didn't anyone say anything sooner?" How could taking the risk of democratic conversation have changed the outcome?
7. What are the special challenges of democratic conversation in interfaith or multifaith situations?

IV. Questions and Answers on the Constitution

Q. What is meant by the term "constitution"?

A. A constitution embodies the fundamental principles of a government. Our constitution, adopted by the sovereign power, is amendable by that power only. To the constitution all laws, executive actions, and, judicial decisions must conform, as it is the creator of the powers exercised by the departments of government.

Q. Why has our Constitution been classed as "rigid"?

A. The term "rigid" is used in opposition to "flexible" because the provisions are in a written document which cannot be legally changed with the same ease and in the same manner as ordinary laws. The British Constitution, which is unwritten, can, on the other hand, be changed overnight by act of Parliament.

Q. Are there original ideas of government in the Constitution?

A. Yes; but its main origins lie in centuries of experience in government, the lessons of which were brought over from England and further developed through the practices of over a century and a half in the colonies and early State governments, and in the struggles of the Continental Congress. Its roots are deep in the past; and its endurance and the obedience and respect it has won are mainly the result of the slow growth of its principles from before the days of Magna Carta.

Q. How extensively has the Constitution been copied?

A. All later Constitutions show its influence; it has been copied extensively throughout the world.

Q. The United States government is frequently described as one of limited powers. Is this true?

A. Yes. The United States government possesses only such powers as are specifically granted to it by the Constitution.

Q. Do the first ten amendments bind the States?

A. No. They restrict the powers of the national government. They do not bind the States; but various of their restrictions have been applied to the States by the [Fourteenth Amendment](#).

Q. Does not the Constitution give us our rights and liberties?

A. No, it does not, it only guarantees them. The people had all their rights and liberties before they made the Constitution. The Constitution was formed, among other purposes, to make the people's liberties *secure*-- secure not only as against foreign attack but against oppression by their own government. They set specific limits upon their national government and upon the States, and reserved to themselves all powers that they did not grant. The [Ninth Amendment](#) declares: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Q. What protection is given to a person accused of crime under the jurisdiction of the United States?

A. The [Fifth Amendment](#) declares that no person, except one serving in the land or naval forces or the militia in time of war or public danger, can be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury. No person can be twice put in jeopardy of life or limb for the same offense. No one in a criminal case can be compelled to be a witness against himself, or be deprived of life, liberty, or property without due process of law. Private property cannot be taken for public use without just compensation. By the Eighth Amendment excessive bail and fines and cruel and unusual punishments are prohibited. The original Constitution forbids ex post facto laws and bills of attainder, limits the punishment for treason, protects the right to a writ of habeas corpus, and secures trial by jury.

Note: The preceding was excerpted from *The Story of the Constitution* by Sol Bloom, Washington, DC : National Archives and Record Administration, 1986, c1937.

<p>Liberty Circles: List of Additional Dialogue Materials "To Keep America Talking" about issues critical to our life and liberty.</p>
<p>American Bar Association – Pros and Cons of USA Patriot Act www.abanet.org</p>
<p>American Civil Liberties Union www.aclu.org – The nation's guardian of liberty, working to preserve constitutional rights through courts, legislatures and communities</p> <p>www.aclu.org/SafeandFree/index.html – ACLU campaign to preserve civil rights. Summaries, analysis, press releases, publications, link. Steps for passing local resolutions.</p>
<p>American Conservative Union, on Patriot II: http://www.conservative.org/pressroom/030226.asp http://www.conservative.org/pressroom/030408b.asp</p>
<p>American Enterprise Institute http://www.aei.org/</p>
<p>American Library Association www.ala.org – leads preservation of library and information services to enhance learning and ensure access to information for all. "The USA Patriot Act in the Library"</p>
<p>Amnesty International USA http://www.amnestyusa.org/waronterror</p>
<p>Brookings Institute http://www.brook.edu/default.html The Brookings Institution is an independent, nonpartisan organization devoted to research, analysis, education, and publication focused on public policy issues in the areas of economics, foreign policy, and governance.</p>
<p>Cato Institute http://www.cato.org/current/civil-liberties/index.html Cato has long been a staunch advocate of protecting fundamental civil liberties. Below you'll find a wide variety of work Cato scholars have done to address civil liberties issues -- both in the traditional sense, and with respect to the war on terrorism.</p>
<p>Center for Democracy and Technology www.cdt.org – Works to promote constitutional liberties in the digital age. Concerns include free speech, government surveillance and data privacy.</p>
<p>Center for Public Integrity www.publicintegrity.org – Investigates government accountability and ethics related issues</p>
<p>Center for National Security Studies (http://www.cnss.org/) page on Patriot II http://cnss.gwu.edu/~cnss/sept11.htm</p>
<p>Common Cause http://www.commoncause.org/agenda Civil rights protections</p>
<p>Constitution Project http://constitutionproject.org/ls/First_Amendment_Report.doc</p>

Report of the Liberty and Security Initiative on First Amendment Issues

Constitution Society page with links to numerous articles and analyses:

<http://www.constitution.org/abus/terror/anti-terror.html>

Council on American-Islamic Relations (CAIR)

www.cair-net.org - A non-profit, grassroots organization dedicated to the advocacy of a positive image of Islam and equal treatment and rights for Muslims in America through media, protests, conferences, action alerts, and numerous publications.

"2002 Civil rights report"

Details incidents and experiences of anti-Muslim violence, stereotyping, discrimination, and harassment during the past year.

Ethical Framework Discussion Materials

<http://www.interfaithalliance-nc.org/modules.php?name=Programs&p=4>

Federation of American Scientists

www.fas.org - combines the scholarly resources of its member scientists and informed citizens with knowledge of practical politics.

<http://fas.org/irp/crs> - archive of congressional Research Service papers on many issues, including balancing liberty and security, executive orders, treatment of detainees.

FIRE Guides: Foundation for Individual Rights in Education

<http://www.thefireguides.org> Guidebooks Offer Students an Education on Civil Liberties

Gun Owners of America report "THE PATRIOT ACT II: TERRORIZING THE AMERICAN PEOPLE" <http://www.gunowners.org/patriotii.htm>

Heritage Foundation: Policy Research and Analysis

<http://www.heritage.org/research/homelanddefense/lm6.cfm>

Human Rights Watch

www.hrw.org - monitors human rights around the world.

"Presumption of Guilt: Human Rights Abuses of Post September 11 Detainees."

www.hrw.org/reports/2002/us911/

[Information Resources for Islamic, Middle Eastern and Near Eastern Studies](http://www.library.ucsb.edu/subj/neareast.html)

University of California, Santa Barbara.

<http://www.library.ucsb.edu/subj/neareast.html>

Lawyers Committee for Human Rights

www.lchr.org - Works in the US and abroad to create a secure and humane world by advancing justice, human dignity and respect for the rule of law.

Life and Liberty

www.lifeandliberty.gov, launched by the DOJ to educate Americans about how the United States is preserving life and liberty by using the USA PATRIOT Act.

<p>National Center for Policy Analysis - All That's New in the World of Ideas http://www.ncpa.org</p>
<p>National Immigration Law Center, on impacts of Patriot II http://www.nilc.org/immlawpolicy/cdev/congrssdev007.htm</p>
<p><u>Sacred Speech</u> - A Practical Guide for Keeping Spirit in Your Speech by Rev. Donna Schaper www.skylightpaths.com</p>
<p>Thomas - U.S. Congress on the Internet (Library of Congress) http://thomas.loc.gov - online access to several searchable databases, including the texts of bills, the Congressional Record, historical documents, and links of interest to the legislative researcher. For the Homeland Security Act, see Public Law 107-296 (H.R. 5005 in the 107th Congress); for the USA Patriot Act, see Public Law 107-56 (H.R. 3162 in the 107th Congress).</p>
<p>Unitarian Universalist Association of Congregations The Commission on Social Witness www.uua.org/csw - This site specifically for the excellent "Study / Action Issue Resource Guide on Civil Liberties," - Analysis of legislation, background, ideas for study and action, resources. The website also provides a curriculum on civil liberties, patriotism, and the U.S. role abroad, and a facilitator's guide.</p>
<p>U.S. Department of Homeland Security http://www.dhs.gov/dhspublic</p>

*Liberty Circles and related materials, unless otherwise attributed, were produced by the League of Women Voters of Miami-Dade County, with contributions from other League members from around the country, for use by organizations and individuals in promoting democratic conversations about balancing the tension between our liberty and our security.

Please join the Liberty Circles Yahoo discussion group. This group is one opportunity for individuals who are interested in ongoing conversation about the nature of civil liberties in the age of global terrorism to connect and communicate.

To learn about the Yahoo group, go to:
<http://groups.yahoo.com/group/libertycircles/> . There is a button called "Join This Group." Click on the button. If you are not already registered with yahoo groups, you will need to register before signing on.

Please e-mail the president of the League of Women Voters of Miami-Dade County, Bobbie Brinegar, with any suggestions or questions bobbie@sgiinc.biz.