OMNI CONSTITUTION WEEK AND DAY, SEPTEMBER 17, 2011, NEWSLETTER #4. Compiled by Dick Bennett, FOR A CULTURE OF PEACE. (See #3 September 17, 2010; #2 September 17, 2009; #1: September 17, 2008).

Here is the link to all OMNI newsletters on all subjects:
http://www.omnicenter.org/newsletter-archive/

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Patriot Act versus US Constitution
Understanding the Patriot Act (PBS NewsHour)
Nader: Empire vs. Constitution
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From CCAPA Concerned Citizens Against the Patriot Act

Patriot Act vs. Constitution
Welcome « Patriot Act « vs. Constitution

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Constitutional Source: Cornell Law School
Patriot Act Source: The Associated Press, Knight-Ridder Newspapers
Full Patriot Act Text: US Bureau of Citizenship and Immigration Services

What is the Constitution?
What is the Bill of Rights?
What is the US Patriot Act?
Amendment VI: Right to a speedy and public trial:
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 I: Freedom of association:
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 assist terror investigation, to review the government may monitor religious and political institutions without suspecting criminal activity.
to assemble, and to petition the government for a redress of grievances.

**Amendment VI:** Right to legal representation:
... to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Amendment I:**
Congress shall make no law ... abridging the freedom of speech ...

**Freedom of speech:** The government may prosecute librarians or keepers of any other records if they tell anyone the government subpoenaed information related to a terror investigation.

**Amendment VI:** Right to liberty:
... to be confronted with the witnesses against him ...

**Right to liberty:** Americans may be jailed without being charged or being able to confront witnesses against them. US citizens (labeled "unlawful combatants") have been held
Your Safety and Security or Your Civil Liberties - Which is More Important?

*By Lisa Prososki, an independent education consultant and former middle school and high school Social Studies, English, Reading, and Technology teacher*

**Subjects:** Government, civics, social studies

**Lesson Objectives**

Students will:

- Understand the provisions of the USA PATRIOT Act and the controversies that led the ACLU to take legal action against the legislation.
- Formulate opinions based on reasons, facts, examples, and individual ideas.
- Share and debate opinions during class discussions.
- Create, conduct, and document the results of a survey related to the USA PATRIOT Act and the controversies surrounding the legislation. Students will develop survey questions, formulate a plan for conducting the survey, be provided with guidelines for calculating survey results, use software to document survey findings, and be provided with public forums to present survey results to their peers/community.
- Share the results of their surveys with others.

**Estimated time of Completion:** One to two class periods plus additional time for the extension activities

**Background**

Following the 9/11 attacks on America, Congress overwhelmingly passed the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) as a means for protecting the country from future attacks by providing law enforcement officials with new tools to fight terrorism. Among them are the power to track Internet communications, wiretap phone and computer communications, obtain search warrants for e-mail and voicemail communications, and the ability to access personal records and information without any proof that an individual has committed a crime. These new powers have led to controversy because many feel the USA PATRIOT Act violates the basic civil liberties established by the U.S. Constitution, particularly those related to privacy and First and Fourth Amendment rights. As a result, many local and state governments have passed resolutions against the Act, and the ACLU has taken legal action against various provisions of the law. What has emerged is a debate and a power struggle between the right to personal civil liberties and the need for national security.

**Correlations to National Standards**

**Materials Needed**
1. Background information: Online NewsHour transcript, "The USA PATRIOT Act" found at: http://www.pbs.org/newshour/bb/terrorism/homeland/patriotact.html
2. Background information: NewsHour Extra story, "USA Patriot Act Sparks Controversy" found at: http://www.pbs.org/newshour/extra/features/july-dec03/patriotact_9-17.html
5. Computers with word processing and spreadsheet/graphing software such as Word and Excel to be used for creating surveys, tabulating results, and documenting results in the form of various types of graphs.

**Procedures . . . .**

Ralph Nader, “The Empire Is Eating Itself ,” *CounterPunch, September 3, 2011,* Reader Supported News

Excerpt: "Here are some suggestions: 1. Do not exaggerate our adversaries' strength in order to produce a climate of hysteria that results in repression of civil liberties, embodied in the overwrought USA Patriot Act, and immense long-term damage to our economy ..."

READ MORE  http://readersupportednews.org/opinion2/275-42/7290-focus-the-empire-is-eating-itself

Chris Hedges, “The Election March of the Trolls”  
Chris Hedges, Truthdig, August 29, 2011, RSN

Hedges writes: "A society is in serious trouble when its political pariahs have at the core of their demands a return to the rule of law. This inversion, with our political and cultural outcasts demanding a respect for law, highlights the awful fact that the most radical and retrograde forces within the body politic have seized control."  
READ MORE  http://readersupportednews.org/opinion2/277-75/7223-focus-the-election-march-of-the-trolls

**DECLARATION OF INDEPENDENCE AND CONSTITUTION**
See Melissa Harris-Lacewell, “Fighting for Change, Longing for the Sea,” on superiority in many ways of the Declaration over the Constitution. The Declaration laid out the vision for the USA, while the Constitution codified slavery, women’s inequality, and elitism. But because of the Declaration, the Constitution has been amended and updated as the people struggled toward a more democratic republic. We need to be ever mindful both of the distance we have traveled as a nation and of the immensity of the democratic promise yet to be realized. More: http://www.google.com/search?client=gmail&rls=gm&q=Melissa%20Harris-Lacewell%20%E2%80%9CFighting%20for%20Change%2C%20Longing%20for%20the%20Sea

DAVE HUNTER ON THE PURSUIT OF HAPPINESS IN THE DECLARATION OF INDEPENDENCE (a passage from his 11-18-2010 sermon)

And finally we come to the right to the pursuit of happiness. I find it harder to get a handle on this one than on the others. Here’s what Art Hobson had to say about this when he was with us in August:

Logicians know that no system of ideas can start from nothing. There must be a foundation, a postulate, a “belief.” I considered this matter many decades ago and came down in favor of the ‘greatest happiness principle’ as my foundation. Of course, ‘happiness’ means long-term satisfaction, well-being, and achievement of one’s potential, not just short-term fun. [sermon, Aug. 22, 2010; Northwest Arkansas Times, p. 7A, Sept. 19, 2010]

Hobson, quite properly, makes happiness a very thick and serious topic, a topic, in other words, that lawyers and judges would have trouble dealing with.

The word used by Aristotle that is often translated as “happiness” is eudaimonia. It is this concept that Jefferson and Hobson presumably have in mind. Here is how J.H. Randall summarizes Aristotle’s view:

Now, the highest of all goods at which conduct can aim is the Good Life, or Acting Well. It is eudaimonia, that is, “well-being” or “welfare.” The end of conduct is human welfare. So that human welfare is the one and only arch_[that is, first principle] of ethics and politics, the one “principle” in terms of which all conduct is to be understood and judged. [John Herman Randall, Jr. Aristotle (1960), p. 251]

In other words, don’t think of happiness as the kind of thing that many students a few blocks from here might pursue on Saturday night.
END OF CONSTITUTION NEWSLETTER #4