

## BALANCING THE INTERESTS OF INDIVIDUALS WITH THE PUBLIC GOOD

**SS.912.CG.2.4** Evaluate, take and defend objective, evidence-based positions on issues that cause the government to balance the interests of individuals with the public good.

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### 2023 BENCHMARK UPDATES

- Updated from SS.912.C.2.4 and SS.912.C.2.6
  - Change from “Evaluate, take, and defend positions on issues that cause the government to balance the interests of individuals with the public good.” and “Evaluate, take, and defend positions about rights ~~protected by the Constitution and Bill of Rights~~.” to “Evaluate, take and defend objective, evidence-based positions on issues that cause the government to balance the interests of individuals with the public good.”
- Depth of Knowledge Changes within Benchmark
  - No changes
- Addition of Benchmark Clarifications
  - Benchmark clarifications are an addition to the 2023-2024 high school civics and government benchmarks. Benchmark clarifications are listed in the lesson summary below.

# Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

## This section addresses the following topics:

1. Addressing the Conflict Between Protecting and Limiting Rights
2. Limitations on Citizens and Private Industry with Environmental Policies
3. Services Provided by Local, State, and National Governments

### 1. Addressing the Conflict Between Protecting and Limiting Rights

The First Amendment to the U.S. Constitution includes five freedoms or rights; these freedoms include religious exercise, speech, press, peaceable assembly and petitioning the government for redress of grievances. That the language of the First Amendment emphasizes freedom does not guarantee absolute freedom in any of these five areas. Individuals may not exercise these freedoms to the full extent that they might like because doing so would threaten the public interest. National and state laws, and U.S. Supreme Court decisions have all placed limitations on First Amendment freedoms in order to protect the public interest.

The public interest was argued and discussed at length by the Framers of the U.S. Constitution. Their debates did not result in one clear definition or set of criteria for determining its presence or absence. However, the Framers deemed the public interest worthy of attention and protection because upholding it would create and foster a stable society. Consequently, rights and freedoms have been both protected and limited; protected because they form the foundational ideals of the U.S. political system, and limited in order to insure stability of that system.

In *Youngstown Sheet & Tube Co. v Sawyer* 343 US 579 (1952), Justice Robert Jackson wrote: “In the practical working of our government, we already have evolved a technique within the framework of the Constitution by which normal executive powers may be considerably expanded to meet an emergency. Congress may and has granted extraordinary authorities which lie dormant in normal times but may be called into play by the Executive in war or upon proclamation of a national emergency.”

Justice Jackson's words are a reminder that in extraordinary situations, the president of the United States may need to limit the people's rights to protect the nation's common good. Suspension or limitations of rights does not happen often, but when it does, it is often left to the U.S. Supreme Court to decide whether or not the president has the power under The Constitution to do so. The following are instances in which the president of the United States limited the rights of the people during wartime.

#### A. Limitations on Speech: *Schenck v. U.S*

The U.S. Supreme Court developed a “test” for evaluating questions that pitted individual rights, such as those guaranteed in the First Amendment, against the public interest, in 1919. In *Schenck v. U.S.* 249 U.S. 47 (1919), the U.S. Supreme Court upheld the Espionage Act of 1917 even though it limited speech. Charles Schenck was Secretary of the Socialist Party of America who printed and distributed 15,000 leaflets to potential draftees encouraging them not to abide by the draft during World War I. These leaflets told potential draftees, “*If you do not assert and support your rights, you are helping to deny or disparage rights which it is the solemn duty of all citizens and residents of the United States to retain.*” In essence, Schenck suggested that the draft was a form of involuntary servitude that violated the 13<sup>th</sup> Amendment.

Schenck argued that the Espionage Act of 1917 violated his free speech rights guaranteed by the First

Amendment. The U.S. Supreme Court upheld Schenck's criminal conviction because the First Amendment does not protect speech encouraging insubordination. U.S. Supreme Court Justice Oliver Wendell Holmes, who authored the unanimous decision, *"When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no Court could regard them as protected by any constitutional right."* Further, *"The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."* and *"The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. [...]"*

*Schenck v. U.S.* established that the government may limit free speech when that speech represents a "clear and present danger". A clear and present danger is a threat to the public interest. In the present case, encouraging potential draftees to refuse to defend the nation during World War I would threaten the public interest because it would handicap the nation's ability to defend itself and its interests. Thus, Schenck's actions constituted a "clear and present danger" that justified limiting free speech. The *Schenck* decision and subsequent test was updated in 1969 by the Supreme Court's decision in *Brandenburg v. Ohio*.

## **B. The Priorities and Allocation Act of 1940**

During times of war, the American people have been called upon to sacrifice in the name of victory. A way in which the American people have been asked to sacrifice is through rationing. Rationing is a limitation placed on goods by the government to reallocate resources needed to produce goods for the war effort. During World War I and World War II, Americans were asked to ration.

During World War II, Congress passed the Priorities and Allocation Act of 1940. This act limited the purchase of any material or resource by civilians that could be used to produce goods for the war effort and provide for the national defense. Examples of items rationed included: rubber, metals, and paper.

Food was also rationed to aid the war effort. Beginning in May of 1942, the government limited the amount of sugar, coffee, meats, fats, canned fish, cheese, and canned milk civilians could buy. Rationing was based on a point system and impacted almost every American family. Of course, during the war, families were understanding of the rationing system and wanted to help provide for the common good, by helping provide for our national defense.

## **C. The USA PATRIOT Act**

The USA PATRIOT Act was enacted on October 26, 2001, following the terrorist attacks on September 11, 2001. This act expanded the national government's power in many areas. The letters of PATRIOT stand for "Providing Appropriate Tools Required to Intercept and Obstruct Terrorism." In the post 9/11 era, its purpose was to find, arrest, and prosecute terrorists operating within the United States, even if that meant temporarily limiting the individual rights of everyone.

Congress passed the PATRIOT Act quickly at the urging of President George W. Bush and Attorney General John Ashcroft. They felt it was a needed measure to fight this growing threat of terrorism in a new electronic age. The House of Representatives approved the USA PATRIOT Act with a vote of 357 to 66; the Senate passed it 98 to 1. Congress included a "sunset clause" as a way to balance the quick passing of the act. The sunset clause dictated that certain provisions of the law automatically expire after four years unless reauthorized by Congress.

The main provisions of the original USA PATRIOT Act included:

- Extending the list of crimes to include terrorism and computer fraud
- Allowing for communication between government agencies and better information sharing
- Allowing for a nationwide warrant that was used instead of having to have individual warrants for each jurisdiction
- Allowing to search property without notifying the owner, including business records for books, records, documents, and items that pertain to a current investigation
- Allowing unlimited access to personal records, including library and bookstore records
- Extending money laundering laws that restricted foreign banks and jurisdictions from creating anonymous accounts and requiring customers to give identification
- Increasing the penalties for anonymous transfers and included provisions that required anyone who deposited over \$10,000 to file a report to the bureau within the treasury department
- Made changes to border control that denied entry for people associated with terrorist organizations or publicly endorsed or encouraged terrorism, or provided support to terrorist organizations. They were allowed to detain suspected terrorists for seven days without bringing charges.
- Allowed the Attorney General to start a program to track international students in the U.S.
- Removed the statute of limitations for terrorist related crimes and raised the maximum prison time for terrorist related crimes

## 2. Limitations on Citizens and Private Industry with Environmental Policies

At times, policies enacted by the U.S. government end up placing limitations on individuals and private industries at the expense of protecting the public good. Public goods are things that we all share and consume. They are things that are available, free at the point of use, to everybody. There are two types of public good: non-excludable and non-rivalrous. Non-excludable refers to things that are impossible to prevent people from using, like air. Non rivalrous means that one person's use of the good does not diminish another person's ability to use it, like democracy or fire services.

Environmental policies enacted throughout U.S. history always come with a cost. There is a price for these protections. It is up to American citizens and their elected officials to decide how to balance those costs with the greater good. Traditionally, the greatest cost is the amount of funding needed to enact and maintain the policy. That money must come from taxpayer dollars. The Clean Air Act of 1972 most notably sparked this debate. Oftentimes, the policies also place additional costs on private industries. They may pay more in taxes if they work with hazardous materials, their operating costs may increase in order to comply with new regulations, and there are usually fines involved with violating the policies. In order to protect the environment, limitations are placed on individuals and private industry. These policies may dictate how a business operates or place limitations on things like emissions. Policies like the Endangered Species Act of 1973 limit what an individual may be able to hunt or fish or may impact where someone can build a house or open a business.

The legislative branch is who makes these environmental policy laws and the executive branch is tasked with implementation and enforcement. Below is a chart with a few examples of national laws passed to protect the environment.

Year	Law	Description
1963	Clean Air Act (CAA)	According to the "Congressional findings and declaration of purpose" of the CAA, the Act was designed to "protect and enhance the quality of the Nation's air resources" and to promote research and provide assistance to state and local governments in

		an effort to combat air pollution. The CAA is overseen by the EPA.
1972	Clean Water Act (CWA)	The CWA's "Congressional declaration of goals and policy" states that the "objective of this chapter is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The act provides for research, enforcement, and state assistance in efforts to curb water pollution. The CWA is overseen by the EPA.
1980	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)	CERCLA, also known as Superfund, is a law that placed a tax on certain businesses in industries engaged in work with hazardous materials. The purpose of the tax was to provide funding to clean up any hazardous materials disposal sites if those businesses no longer existed. CERCLA is overseen by the EPA.
1973	Endangered Species Act (ESA)	The ESA governs the conservation of fauna in the United States. The "Policy" section of the ESA states that it is "the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species." The act further provides that members from various agencies are to be placed on a task force, but final determination of animals that satisfy listing as endangered species is made by the Secretary of the Interior or the Secretary of Commerce. The ESA is overseen by the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.
1972	Marine Protection, Research and Sanctuaries Act (MPRSA)	The MPRSA was passed to regulate dumping in the oceans. The "Congressional finding, policy, and declaration of purpose" section provides "it is the policy of the United States to regulate the dumping of all types of materials into ocean waters." The MPRSA further provides a framework for the regulation of dumping and enforcement of those regulations. The MPRSA is overseen by the EPA.
1970	National Environmental Policy Act (NEPA)	The passage of NEPA resulted in the creation of the Environmental Protection Agency. The "Congressional declaration of purpose" section at the beginning of the Act explains that NEPA's purpose is, "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality." While the EPA is heavily involved with NEPA, the White House also appoints the Council on

		Environmental Quality, which oversees the implementation of NEPA across all agencies.
1976	Resource Conservation and Recovery Act (RCRA)	The RCRA was passed to regulate solid waste in the United States. In the "Congressional findings" section, it is further provided that due to the passage of other environmental laws and regulations (such as the Clean Air Act and Clean Water Act) more solid waste was being created, and there needed to be more regulation on hazardous waste disposal. The RCRA is overseen by the EPA.

Chart Source: <https://guides.loc.gov/environmental-law/federal-laws>

### 3. Services Provided by Local, State, and National Governments

The national government and state and local governments in the U.S. are obligated by the U.S. Constitution, state constitutions and local charters to provide services to people living within their jurisdictions. The obligations and services provided by each level of government speak to the role that these governments play in citizens' lives.

#### A. The National Government's Obligations and Services to the People

Article I, Section 8 of the U.S. Constitution outlines the powers of Congress. These powers of Congress list the national government's obligations to the people. The opening phrase of Article I, Section 8 demonstrates the obligations and services that the national government is obligated to provide:

*The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;*

The national government is obligated to provide services to citizens equally regardless of the state in which they live. For example, in providing for the "common defense", the national government is obligated to defend any citizens who are threatened by foreign aggressors no matter where they live in the U.S. Similarly, all male citizens and resident aliens age 18-26 must register for Selective Service no matter the state in which they live.

Article I, Section 8 enumerates (lists) the powers of Congress. The final clause of this section extends to Congress whatever powers it needs to carry out the enumerated powers listed up to that point in the section. The "elastic clause" is shown here:

*To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*

The final clause of Article I, Section 8 is called either the "elastic clause" or the "necessary and proper clause", both of which indicate that the Congress may do whatever it needs to in order to fulfill its obligations and services to the people. Powers that are given to the national government are also called "delegated" powers.

Together, the terms that are used to describe national powers are: delegated, enumerated and express all of which suggest that powers used to fulfill federal obligations are limited. Still, that Congress may do what it believes it needs to in order to fulfill its obligations suggests that Congress' powers are not as limited as Article I, Section 8 would suggest.

## **B. The State Government's Obligations and Services to the People**

The State of Florida is obligated to provide specific services to individuals living in Florida. These services include public safety, law enforcement, health services and education. Florida's obligations and services are granted through the Tenth Amendment which reads as follows:

*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.*

As indicated by the Tenth Amendment, the states have "reserved" powers, which are powers that the state governments have to fulfill their obligations and services. The powers reserved to the states are not limited; states may do what they want as long as they are not forbidden from doing so by the federal government.

The Florida state government has the highest authority over local government affairs, as defined by the U.S. federal system. Local governments, counties and cities, are subdivisions of the state government. They may not pass laws that conflict with state laws.

## **C. Local Obligations and Services to the People**

Public safety is a key responsibility of the local government that provides law enforcement, fire protection, animal control and protection, and code enforcement.

Public safety is a key responsibility of local government. One of the most important safety services provided by city and county government is police protection and law enforcement. City police officers and county sheriffs are responsible for enforcing federal, state and local laws. In the event of a declared emergency, local law enforcement authorities are obligated and empowered to enforce all orders, rules and regulations issued pursuant to the state Emergency Management Act. Public safety also includes fire protection, building inspection, code enforcement, animal control and protection, and emergency medical and rescue services.

Public services are basic city services that include transportation and public works, sanitation, solid and liquid waste management, air quality management, toxic and hazardous waste disposal, stormwater management, parks, public recreational services, libraries, water purification, wastewater (sewage) treatment, cable television, airports, ports, harbors, public cemeteries, golf courses, public housing assistance, and electric or gas utilities.

Counties must carry out constitutionally mandated responsibilities and those established by the state. County-level constitutional services include law enforcement and jail administration, tax collection, property appraisal, state court administration and supervision of elections. Counties are also charged with road maintenance, public health, solid waste disposal and other environmental responsibilities. Elected county officials determine other county services.

Each county has its own school district that has elected boards that govern the day-to-day operations of

K-12 public education. School districts are a special-purpose local government. Funding is provided through property taxes and state revenues.

#### **D. Sharing Obligations, Services and Powers**

The information provided here demonstrates that national, state and local governments share responsibility to provide for the general welfare. In order to fulfill these responsibilities, governments are extended powers, some of which are limited by the U.S. and state-level constitutions. National obligations and services extend to all Americans no matter the state in which they live while state obligations and services are provided to all who live within that state's borders. In Florida, every inch of land is included in one of Florida's 67 counties. Each of Florida's counties is obligated by the state government and by county charter to fulfill various obligations and services. Over one-half of all Florida residents live in one of Florida's 400+ cities; like counties, cities are obligated to provide services to those living within city limits.

Concurrent powers are powers that are shared between and among the national, state and local governments. For example, both the national and state governments have the power to tax while both the national and state governments are obligated to provide public services, such as health and medical care.



## Lesson Summary

BENCHMARK		
<b>SS.912.CG.2.4</b> Evaluate, take and defend objective, evidence-based positions on issues that cause the government to balance the interests of individuals with the public good.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"> <li>Students will examine situations when individuals' rights have been restricted for the public good (e.g., limits on speech or rationing of goods during wartime, enactment of the Patriot Act).</li> <li>Students will analyze how environmental and financial policies place limitations on citizens and private industry for the public good.</li> <li>Students will explain different services provided by local, state and national governments to citizens to ensure their rights are protected (e.g., social services, law enforcement, defense, emergency response)</li> </ul>		
FLORIDA CIVIC LITERACY EXAM COMPETENCY CONNECTION		
<b>Competency 4:</b> Understanding of landmark Supreme Court cases, landmark legislation, and landmark executive actions and their impact on law and society		
OVERVIEW		
In this lesson, students will be able to evaluate issues that cause the government to balance the interests of individuals with the public good.		
ESSENTIAL QUESTION		
What does it mean to balance individual interests with the public good?		
GOVERNMENT CONTENT VOCABULARY		
<ul style="list-style-type: none"> <li>balance, ban, Clean Water Act, defense, emergency response, environmental policy, Environmental Protection Agency, financial policies, individual rights, law enforcement, preamble, private industry, public good, rationing, regulate, social services, USA PATRIOT Act</li> </ul>		
INSTRUCTIONAL STRATEGIES		
Collaborative learning	Structured debate	Primary source analysis
MATERIALS		
<ul style="list-style-type: none"> <li>Balancing Interests slides</li> <li>See, Think, Wonder Primary Source Activity</li> <li>Rationing activity sheet</li> <li>PATRIOT Act activity sheet</li> <li>The EPA slides</li> <li>Environmental Policies activity sheet</li> <li>Face Off: Clean Water Act sound clip #1 (external link)</li> </ul>		

- Face Off: Clean Water Act sound clip #2 (external link)
- TikTok Bans-Top 3 Pros and Cons (external link)
- Structured Debate Code of Conduct handout
- Student digital devices (optional)
- Talking stick or something similar (optional)

### **B.E.S.T. STANDARDS**

The grade in which this lesson is taught will determine the specific B.E.S.T. standards correlation. Thematically, this lesson aligns to:

- ELA.V.1.1 Academic Vocabulary
- ELA.V.1.3 Context and Connotation
- ELA.C.4.1 Researching and Using Information
- ELA.C.2.1 Oral Presentation

## Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<p><b>Planning Note:</b> This lesson has content overlap with SS.912.CG.2.2 and SS.912.CG.2.5 so it is recommended that you examine all three benchmarks to best plan order of instruction. The example of rationing will be used in both this lesson and SS.912.CG.2.5, so you will want to decide where you want to place it to avoid duplication.</p> <ol style="list-style-type: none"> <li>1. Begin the lesson by projecting the text of the Preamble to the U.S. Constitution on slide 1 of the “Balancing Interesting” slides.</li> <li>2. Ask students to read the Preamble and identify the six fundamental purposes of government outlined. (form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote general welfare, and secure blessings of liberty)</li> <li>3. Tell students that in this lesson, we will be focusing on three of these purposes: providing for the common defense, promoting general welfare, and securing blessings of liberty.</li> <li>4. Using slide 2, complete a whole class discussion brainstorm on ways in which the government can ensure these purposes are achieved, and who plays a role in achieving them. Record responses directly on the slide as students share. <b>Teacher Note:</b> There are sample answers in the speaker note of the slide.</li> <li>5. Ask students the following questions: Can you think of a situation where government action may end up promoting these goals? What about situations where trying to achieve one goal makes it difficult to protect the other?</li> <li>6. Project slide 3 and explain to students that one of the most challenging things for the government when trying to fulfill its purpose, is how to balance the interests of individuals with the public good.</li> <li>7. Use slides 4 and 5 to review the vocabulary terms of ‘individual rights’ and ‘public good’, having students take notes if desired.</li> <li>8. Use slides 6 and 7 to engage students in a whole class discussion on issues/situations that may tip the balance one direction or another.</li> <li>9. Explain to students that in the remainder of this lesson, they are going to specifically examine some historical instances where the public good outweighed individual interests (like slide 6).</li> <li>10. Place students in pairs.</li> <li>11. Provide each pair one WWII rationing image from the “See, Think, Wonder Primary Source Activity”. <b>Teacher Note:</b> There are 7 primary sources so you may need to duplicate. They are made as slides so that you can both print and pass out for the activity (if not completing digitally), but then also use to project and discuss. If you have students record answers on separate paper, you would only need to print a class set.</li> <li>12. In their pairs, have students work to analyze the primary source they were assigned/given by using the ‘See, Think, Wonder’ method with guiding questions.</li> <li>13. Provide time for students to complete the task as you monitor the room for engagement and check in with each pair to ensure understanding.</li> <li>14. Once all pairs have finished analyzing their source, review each one as a whole class, calling on some of the students who were assigned that one to share insights.</li> <li>15. Share with students that all of these primary sources depict the concept of rationing. Americans were asked to ration during WWII to assist with the war effort. Some questioned the constitutionality of requiring this sacrifice for the common good.</li> </ol>

	<p>16. Distribute a “Rationing” activity sheet to each student.  <b>Teacher Note:</b> As a reminder of the planning note above, this activity sheet is also included in the activity sequence for SS.912.CG.2.5. If you have already used the historical example of rationing to teach this concept, you may choose to make changes or skip this part altogether and focus on the second example with the PATRIOT Act.</p> <p>17. As a class, read through the first section ‘What Was Happening?’ together, modeling text marking strategies.</p> <p>18. Provide students time to craft a summary for that section.</p> <p>19. Call on a few students to share their summaries, allowing others to amend theirs if needed.</p> <p>20. Continue all together to the next section ‘What Rights Were Restricted?’</p> <p>21. After reading, complete the two questions below all together.</p> <p>22. Finally, work through the last section ‘What Did The Courts Say?’ by helping students analyze quotes from a variety of judicial decisions on this topic to determine whether this historical example of government imposed restrictions on rights was constitutional and why.  <b>Teacher Note:</b> Use the answer key provided to help guide student discussion for all sections of the activity sheet.</p> <p>23. Next, distribute a “PATRIOT Act” activity sheet to each student.</p> <p>24. Explain to students that they are going to examine one more historical example of a time where individual rights were restricted for the public good.</p> <p>25. Instruct students to read and complete this second activity sheet in their pairs.</p> <p>26. Provide students time to complete the second activity sheet.  <b>Teacher Note:</b> While students work, circulate around the classroom to monitor for engagement and help students who are struggling.</p> <p>27. When students are finished, review responses as a whole class.  <b>Teacher Note:</b> Use the answer key provided to help guide student discussion.</p>
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DAY 2	<p><b>Planning Note:</b> While the activities in today’s lesson are listed as one day, depending on the abilities in your class and how in-depth you want to take the debate portion of the lesson, this may require multiple days.</p> <ol style="list-style-type: none"> <li>1. Begin today’s lesson by projecting the “The EPA” slides. Have students examine the images on slides 1-4 that show differences in environmental conditions in the United States from the 1970s to today and share thoughts and observations.</li> <li>2. Use slide 5 to share with students that the difference in the images is a result of the establishment of the Environmental Protection Agency (EPA) in 1970 by President Richard Nixon.</li> <li>3. Explain to students that environmental policies and their subsequent financial impacts are another area where the government often has to place limitations on individuals and private industry for the benefit of the public good.</li> <li>4. Distribute an “Environmental Policies” activity sheet to each student.</li> <li>5. Provide students time to individually complete the activity sheet in a similar manner as yesterday’s activity sheets.</li> <li>6. Once students complete the activity sheet, review as a whole class.  <b>Teacher Note:</b> Use the answer key provided to help guide discussion.</li> <li>7. Ask students: With the Clean Water Act, what were some of the varying positions that government officials considered when determining how to balance interests? (national</li> </ol>
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government vs. state/local government problem; worth the expense; too expensive for taxpayers)

8. Explain to students that this balancing debate got particularly contentious during the presidency of Ronald Reagan in the late 1980s when portions of the Clean Water Act were up for renewal and possible expansions/revisions were proposed.
9. Play students the “[Face Off: Clean Water Act sound clip #1](#)” where two opposing party senators debate President Reagan's 1986 "pocket veto" of Clean Water Act legislation.
10. Then, play students the “[Face Off: Clean Water Act sound clip #2](#)” where the same two senators discuss where things are one year later as the Act is being sent back to President Reagan.
11. Remind students that when issues arise that require the government to balance individual interests with the public good, those in charge must try to objectively evaluate evidence and then take a position.
12. Finish the lesson by providing students an opportunity to evaluate, take, and defend an objective evidence-based position on a current issue that is causing the government to have to try and balance individual interests with the public good: TikTok Bans
13. Provide students access to the overview, pro/con arguments, and primary sources available at the “[TikTok Bans-Top 3 Pros and Cons](#)” website.  
**Teacher Note:** As this website tends to be very heavy with advertisements, you may want to create your own readings/handouts by copying and pasting out desired information (with proper citation) using a teacher’s ability to claim fair use for copyright.
14. Have students take notes on the two sides in a T-chart style on their own paper.
15. Divide students into two groups to represent the two sides of the balancing argument and have them sit on opposite sides of the room.  
**Teacher Note:** This works best if students choose the side they sit on, pending the numbers work.
16. Lead the class in a structured debate in which students defend their position with evidence from the readings.
  - This may be heavily structured like a formal philosophical chairs or structured in the sense that the teacher dictates who talks by using a talking stick or ball etc.
  - You may use the discussion questions provided on the ProCon website to help guide the debate. In addition, we recommend turning the benchmark clarifications into discussion questions.
  - It is recommended that you post/provide students the “Structured Debate Code of Conduct” handout
  - To use this debate as an assessment, you may either evaluate debate participation or have students complete a written response at the end (rubrics for both options are provided below).

## Government Content Vocabulary

Word/Term	Definition
<b>balance</b>	condition in which different elements are equal
<b>ban</b>	officially or legally prohibit
<b>Clean Water Act (1972)</b>	establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters
<b>defense</b>	protection from harm
<b>emergency response</b>	predetermined set of procedures by which emergency situations are assessed and handled
<b>environmental policy</b>	any measure by a government or corporation or other public or private organization regarding the effects of human activities on the environment
<b>Environmental Protection Agency (EPA)</b>	the U.S. federal agency with a mission to protect human health and the environment
<b>financial policies</b>	the rules or principles of a business's accounting and financial practices
<b>individual rights</b>	the rights guaranteed to individual citizens by the Bill of Rights and other amendments to the Constitution
<b>law enforcement</b>	the police function of controlling crime by intervening in situations in which the law has clearly been violated and the police need to identify and apprehend the guilty person
<b>preamble</b>	an introductory statement; the Preamble to the U.S. Constitution introduces the purpose of government
<b>private industry</b>	the part of the economy that is run by individuals and companies for profit and is not state controlled
<b>public good</b>	things we all share and consume, available and free at the point of use to everybody
<b>rationing</b>	allowing a person to only have a fixed amount of a commodity
<b>regulate</b>	to control with rules
<b>social services</b>	government services provided for the benefit of the community, such as education, medical care, and housing
<b>USA PATRIOT Act</b>	a controversial law overwhelmingly passed by Congress in October 2001, after the terrorist attacks of September 11 on the World Trade Center and the Pentagon. It greatly expanded the power of federal law enforcement authorities

## ADDITIONAL RESOURCES

[Florida Department of Education: Florida Civic Literacy Exam Homepage](#)

Florida Department of Education's Civic Literacy Reading List

- N/A

## ANSWER KEYS

Sample Answers: See, Think, Wonder Primary Source Activity

Sample Answers: Rationing activity sheet

Sample Answers: PATRIOT Act activity sheet

Sample Answers: Environmental Policies activity sheet

Structured Debate Sample Rubric

Written Response: Sample Scoring Rubric

## SOURCES

U.S. Constitution: <https://www.archives.gov/founding-docs/constitution-transcript>

Rationing during wartime:

[The Two-Price System: U.S. Rationing During World War II - Foundation for Economic Education \(fee.org\)](#)

<https://www.nationalww2museum.org/war/articles/rationing#:~:text=Black%20market%20trading%20>

[Executive Order 8875 Establishing the Supply Priorities and Allocations Board. | The American Presidency Project \(ucsb.edu\)](#); The Legal Mechanism of Rationing from Marquette Law Review:

<https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=3556&context=mulr>

iCivics PATRIOT Act lesson:

[https://www.icivics.org/teachers/lesson-plans/usa-patriot-act-2001?back-ref-search=patriot%20act&back-ref-filter=&overridden\\_route\\_name=entity.node.canonical&base\\_route\\_name=entity.node.canonical&page\\_manager\\_page=node\\_view&page\\_manager\\_page\\_variant=node\\_view-layout\\_builder-0&page\\_manager\\_page\\_variant\\_weight=-7](https://www.icivics.org/teachers/lesson-plans/usa-patriot-act-2001?back-ref-search=patriot%20act&back-ref-filter=&overridden_route_name=entity.node.canonical&base_route_name=entity.node.canonical&page_manager_page=node_view&page_manager_page_variant=node_view-layout_builder-0&page_manager_page_variant_weight=-7)

Environmental Protection Agency information: <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>

Clean Water Act information: <https://www.epa.gov/laws-regulations/summary-clean-water-act> and

<https://www.foodandwaterwatch.org/2022/10/18/clean-water-act-at-50-how-we-got-here-and-where-we-need-to-go/>

The Environmental Legacy of Nixon:

<https://www.nixonfoundation.org/2022/04/environmental-legacy-president-nixon/>

Face Off sound clips from the Legislative Archives:

<https://search.archives.gov/search?query=Clean+Water+Act&submit=&utf8=&affiliate=national-archives>

TikTok Bans-Top 3 Pros and Cons from ProCon.org:

<https://www.procon.org/headlines/tiktok-bans-top-3-pros-and-cons/>

Debate rubric sample from Stanford University:

[https://web.stanford.edu/class/cs326/classroom\\_debate\\_rubric.pdf](https://web.stanford.edu/class/cs326/classroom_debate_rubric.pdf)

Images on slides sourced within the presentation