**SOCIAL STUDIES GRADUATION STANDARDS:**

**SSD 3.5 - Using examples of historical or current issues, analyze the political structures, power and perspectives of diverse cultures, including RI Native American, various historical and recent immigrant groups in RI and the United States, and various cultures in the world.**

**DIRECTIONS:**

The following documents cover the status of immigration in the United States, both historically and present. Analyze the Documents provided. Finally, answer the questions which follow in a way that incorporates your interpretations of the documents as well as your own knowledge of the three branches of government.

**DOCUMENT A** - The Legislative Branch:

United States Constitution, Article I, Section 8, Clause 18

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| *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.* |

Question #1: ***In your own words, what does this clause in the Constitution give Congress the authority to do?***

Answer:

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**DOCUMENT B** - The Legislative Branch:

The Immigration Act of 1924 (The Johnson-Reed Act)

U.S. Department of State - Office of the Historian

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| **Introduction**  The Immigration Act of 1924 limited the number of immigrants allowed entry into the United States through a national origins quota. The quota provided immigration visas to two percent of the total number of people of each nationality in the United States as of the 1890 national census. It completely excluded immigrants from Asia.  **Literacy Tests and “Asiatic Barred Zone”**  In 1917, the U.S. Congress enacted the first widely restrictive immigration law. The uncertainty generated over national security during World War I made it possible for Congress to pass this legislation, and it included several important provisions that paved the way for the 1924 Act. The 1917 Act implemented a literacy test that required immigrants over 16 years old to demonstrate basic reading comprehension in any language. It also increased the tax paid by new immigrants upon arrival and allowed immigration officials to exercise more discretion in making decisions over whom to exclude. Finally, the Act excluded from entry anyone born in a geographically defined “Asiatic Barred Zone” except for Japanese and Filipinos. In 1907, the Japanese Government had voluntarily limited Japanese immigration to the United States in the Gentlemen’s Agreement. The Philippines was a U.S. colony, so its citizens were U.S. nationals and could travel freely to the United States. China was not included in the Barred Zone, but the Chinese were already denied immigration visas under the Chinese Exclusion Act.  **Immigration Quotas**  The literacy test alone was not enough to prevent most potential immigrants from entering, so members of Congress sought a new way to restrict immigration in the 1920s. Immigration expert and Republican Senator from Vermont William P. Dillingham introduced a measure to create immigration quotas, which he set at three percent of the total population of the foreign-born of each nationality in the United States as recorded in the 1910 census. This put the total number of visas available each year to new immigrants at 350,000. It did not, however, establish quotas of any kind for residents of the Western Hemisphere. President Wilson opposed the restrictive act, preferring a more liberal immigration policy, so he used the pocket veto to prevent its passage. In early 1921, the newly inaugurated President Warren Harding called Congress back to a special session to pass the law. In 1922, the act was renewed for another two years.  When the congressional debate over immigration began in 1924, the quota system was so well-established that no one questioned whether to maintain it, but rather discussed how to adjust it. Though there were advocates for raising quotas and allowing more people to enter, the champions of restriction triumphed. They created a plan that lowered the existing quota from three to two percent of the foreign-born population. They also pushed back the year on which quota calculations were based from 1910 to 1890.  The 1924 Immigration Act also included a provision excluding from entry any alien who by virtue of race or nationality was ineligible for citizenship. Existing nationality laws dating from 1790 and 1870 excluded people of Asian lineage from naturalizing. As a result, the 1924 Act meant that even Asians not previously prevented from immigrating – the Japanese in particular – would no longer be admitted to the United States. The Japanese government protested, but the law remained, resulting in an increase in existing tensions between the two nations. Despite the increased tensions, it appeared that the U.S. Congress had decided that preserving the racial composition of the country was more important than promoting good ties with Japan. Congress revised the Act in 1952. |

Question #2: ***Based on the above legislation, how did Congress justify limiting immigration in 1917?***

Answer:

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Question #3: ***Do you believe that the power given to Congress in Article I, Section 8, Clause 18 allows them the authority to create this law? Why or why not?***

Answer:

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Question #4: ***Based on your prior knowledge, how would the Immigration Act of 1924 impact future world events? (Referring specifically to the restriction on Asian immigration)***

Answer:

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**DOCUMENT C** - The Legislative Branch:

# Border Tunnel Prevention Act of 2012

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| **Section 2. Findings:**  Congress finds the following:   1. Trafficking and smuggling organizations are intensifying their efforts to enter the United States through tunnels and other subterranean passages between Mexico and the United States. 2. Border tunnels are most often used to transport narcotics from Mexico to the United States, but can also be used to transport people and other contraband. 3. From Fiscal Year 1990 to Fiscal Year 2011, law enforcement authorities discovered 149 cross-border tunnels along the border between Mexico and the United States, 139 of which have been discovered since Fiscal Year 2001. There has been a dramatic increase in the number of cross-border tunnels discovered in Arizona and California since Fiscal Year 2006, with 40 tunnels discovered in California and 74 tunnels discovered in Arizona. 4. Section 551 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) added a new section to title 18, United States Code (18 U.S.C. 555), which— 5. criminalizes the construction or financing of an unauthorized tunnel or subterranean passage across an international border into the United States; and 6. prohibits any person from recklessly permitting others to construct or use an unauthorized tunnel or subterranean passage on the person’s land.   (5) Any person convicted of using a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists, or illegal goods is subject to an enhanced sentence for the underlying offense. Additional sentence enhancements would further deter tunnel activities and increase prosecutorial options. |

Question #5: ***Based on the above legislation, why does Congress want to prevent the use of tunnels by foreign immigrants?***

Answer:

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Question #6: ***Do you believe that the power given to Congress in Article I, Section 8, Clause 18 allows them the authority to create this law? Why or why not?***

Answer:

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Question #7: ***How has approach to immigration legislation change since the Immigration Act of 1917?***

Answer:

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**DOCUMENT D -** The Executive Branch

United States Constitution, Article I, Section 7, Clause 2

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| *Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by*  *two thirds of that House, it shall become a Law.* |

Question #8:  ***What does this clause of the Constitution give the President the power to do?***

Answer:

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**DOCUMENT E** - The Executive Branch

*2014 Immigration Executive Order* - The Washington Post

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| President Obama unveiled Thursday a major executive action on immigration policy, offering temporary legal status to millions of illegal immigrants, along with an indefinite reprieve from deportation.  There are roughly 11 million undocumented immigrants in the United States, and political leaders of both parties agree the current system is broken and needs fixing. Yet Obama's action has outraged Republicans in Congress, who say the president doesn't have the authority to delay deportations for such a large class of people without legislation.  **What will Obama's executive action do?**  The executive action will have two key components:   1. It would offer a legal reprieve to the undocumented parents of U.S. citizens and permanent residents who've resided in the country for at least five years. This would remove the constant threat of deportation. Many could also receive work permits. 2. It would expand the 2012 Deferred Action for Childhood Arrivals (DACA) program that allowed young immigrants, under 30 years old, who arrived as children to apply for a deportation deferral and who are now here legally. Immigrants older than 30 now qualify, as do more recent arrivals.   People in both groups will have to reapply every three years.  The executive action will also include:   * A program to facilitate visas for people who invest in the United States and those who pursue science, technology, engineering and math degrees * Modifying federal immigrant detention procedures * Adding resources to strengthen security at the border   **Can Obama just do it himself?**  Obama has never claimed an ability to offer a path to citizenship for illegal immigrants. But he does claim a more limited power to act.  Whether he actually has that power is disputed. Part of Obama's legal argument relies on the widely accepted principle that law enforcement officers are responsible for choosing where to focus their efforts... Conservatives argue that issuing a blanket reprieve for millions of immigrants isn't exercising prosecutorial discretion -- it's rewriting the law. It's a tricky distinction, in any case.  The Obama administration will also likely claim that the executive action is based on existing immigration law as explicitly written.  President Reagan and later President George H.W. Bush relied on this explicit authority when they exempted roughly 1.5 million undocumented immigrants from deportation after passing a law granting amnesty to millions more.  http://www.washingtonpost.com/blogs/wonkblog/wp/2014/11/19/your-complete-guide-to-obamas-immigration-order/ |

Question #9:  ***According to the article above, what would be the purpose of the proposed immigration executive order?***

Answer:

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Question #10:  ***Does the President have the authority to carry out such an action? If so, how is it justified?***

Answer:

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**DOCUMENT F -** The Executive Branch



Question #11:  ***Explain the message of the cartoon above.***

Answer:

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**DOCUMENT G** - The Judicial Branch

From *Federalist #78 - Alexander Hamilton*

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| *The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents. . . .*  *[W]here the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental. . . .* |

Key Question #12:  ***What power is Hamilton saying the Supreme Court should have? Why?***

Answer

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**DOCUMENT H** - The Judicial Branch

# *School Is For Everyone: Celebrating Plyler v. Doe* - www.aclu.org

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| Jocelyn came to the United States when she was six years old, brought by a single mom who wanted her to go to school and have a better life than she did. Today, at age 14, Jocelyn is an honors student in Alabama, where she hopes to become the first in her family to graduate from high school, and to one day become a doctor. Jocelyn is striving to live the American Dream.  Thirty years ago, on June 15, 1982, the U.S. Supreme Court in *Plyler v. Doe* held that the Constitution guarantees all children, regardless of immigration status, equal access to a basic public education. This week on the ACLU Blog of Rights, we celebrate *Plyler*’s legacy in today’s struggles over access to education and immigrants’ rights.  At issue in *Plyler* was a 1975 Texas law withholding funds to educate kids who were not “legally admitted” into the United States, and allowing school districts to deny them enrollment. Some school districts took up the invitation to kick their students out of school, while others—like the district in Tyler, Texas—decided to charge them tuition (in Tyler’s case, a fee of $1000 per year). The fallout was immediate, as poor, Latino, and ESL students were driven from the classroom. The Mexican-American Legal Defense and Educational Fund (MALDEF) filed suit, and that case, which was consolidated with a similar lawsuit from Houston, ultimately went to the Supreme Court.  In a watershed decision, the Court struck down the law as violating the Equal Protection Clause of the Fourteenth Amendment. As the Court recognized, education was crucial to preventing a permanent underclass of undocumented immigrants in the United States and ensuring immigrants’ future membership in society. Citing Brown v. Board of Education, the Court recognized that “denying these children a basic education” would “deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.”  *Plyler* has also set the stage for today’s battles over higher education, as immigrant youth fight to defend their ability to enroll in colleges and university; access in-state tuition and scholarships and financial aid; and secure passage of the DREAM Act’s path to citizenship for immigrants who came to the United States as children and graduate from high school.  But *Plyler*’s legacy extends beyond the classroom. *Plyler*—like many Supreme Court decisions before it—is also crucial today for its recognition that due process and equal protection apply to everyone in America—a principle that is central to combating anti-immigrant, racial profiling laws that discriminate so brutally against Latino and immigrant communities. As we await the Supreme Court’s decision on Arizona SB 1070, we should also remember the Court’s holding, thirty years ago, that the rights of all persons, including immigrants, are protected by the Constitution. |

Question #13:  ***According to the article, what was the decision made in the Supreme Court case Plyler v. Doe in 1982?***

Answer:

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Question #14:  ***What precedent did the Supreme Court use to justify their decision?***

Answer:

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Question #15: ***How does this case represent the duty and responsibility of the Judicial Branch of the United States Government?***

Answer:

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Rubric to be scored holistically (based on interpretation/answers of all documents)

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| **Criteria** | **Proficient with Distinction**  **4** | **Proficient**  **3** | **Partially Proficient**  **2** | **Substantially Below Proficient**  **1** |
| **Analysis of Document** | Offers in-depth analysis and interpretation of the document; distinguishes  between fact and opinion;explores reliability of author; compares and  contrasts author's point of view with views of others | Offers accurate analysis  of the document | Demonstrates only a  minimal understanding  of the document | Reiterates one or two  facts from the document  but does not offer any  analysis or interpretation  of the document |
| **Knowledge of**  **Context** | relates primary source to specific  civic context in  which it was written | Uses previous general  civic knowledge to  examine issues included in source | Limited use of previous  civic knowledge  without complete  accuracy | Barely indicates any  previous civic  knowledge |
| **Identification of**  **Key Issues/Main**  **Points** | Identifies the key issues  and main points included in the primary source; shows understanding of  author's goal(s) | Identifies most but not all of the key issues and  main points in the  primary source | Describes in general  terms one issue or  concept included in the  primary source | Deals only briefly and  vaguely with the key  issues and main points in the document |

Total Score = \_\_\_\_/4

Grade = \_\_\_\_\_\_