



THE RULE OF LAW AND NATIONAL SECURITY

Debate Topic

You are a congressional committee advising the Director of the Central Intelligence Agency on May 1, 2025. Over the course of the past several years, the Agency has seen a rise in the occurrence of both domestic and international terrorism. With increasing frequency, the groups responsible for this terrorist activity have sought to recruit United States citizens to join their organizations and engage in violent terrorist activity within the United States.

Your task is to discuss and advise the Director regarding the following issues:

1. The Agency intends to establish a surveillance program targeting the members of specific groups which are known to have decidedly un-American views despite the Agency's inability to connect any member of the group with any current or past criminal or terrorist act against the government. The surveillance program would include tracking the phone numbers of people called, listening to select conversations and using the GPS system on the phone to track its location in real-time.
2. The buildings which are used by one of the more active groups have been constructed in such a way as to prevent electronic eavesdropping and gathering of other electronic information regarding the activities (planning meetings) which take place inside the building. Agency agents would like to search the building secretly to gather potential evidence, including copying computer systems, gathering documents and establishing electronic recording devices. Unfortunately, agents do not have reliable information at this point of specific terrorist activities or plans of this group, but they have very strong suspicions because of "chatter" over the internet that the group is planning something big.
3. Your committee has been advised that an American citizen has been detained on foreign soil. This individual has suggested that plans of an attack against American interests are imminent. Should agency agents be allowed to use enhanced interrogation techniques (torture) to learn what this individual may know?

Format for Hearing

1. Each participating team will be assigned the name of a former US president and will present either the pro or con side of the topic.

2. On the day of the “hearing,” each team will have four minutes to present its position to a panel of judges. A time-keeper will notify students at the one-minute mark, 30-second mark, and 10-second mark.
3. After each four-minute presentation, the judges will have a maximum of ten (10) minutes to question the two competing teams. The time-keeper will follow the same procedure with the judges as mentioned above for the students.
4. At the conclusion of the presentations, the judges will select first, second, and third place winners for each side of the debate. (NOTE: Teachers may elect to award small prizes to each team.) After the judges have made their decisions, the class will debrief the activity by explaining what they have learned from the experience and how the rule of law and Constitutional protections of civil liberties are affected by the opposing decisions.

NOTE: The Center for Teaching the Rule of Law wishes to thank Judge Robert S. Ballou, Magistrate Judge, U.S. District Court, Western District of Virginia, for creating this activity and so graciously allowing us to share it with others.

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| Team Name: |
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Record your score for each criterion below using the following scale. Use a separate score sheet for each team judged.

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|---------------------|---------------------------|--------------------|-------------------------------|-----------------|
| Excellent (10-9) | Highly Competent (8-7) | Competent (6-5) | Marginally Competent (4-3) | Novice (2-1) |
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| | SCORE | NOTES |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| 1. UNDERSTANDING: To what extent did participants demonstrate a clear understanding of the basic issues involved in the topic? | | |
| 2. CONSTITUTIONAL APPLICATION: To what extent did participants appropriately apply knowledge of constitutional principles and the rule of law? | | |
| 3. REASONING: To what extent did participants support their position with sound reasoning? | | |
| 4. SUPPORTING EVIDENCE: To what extent did participants support their position with historical or contemporary evidence, examples, and/or illustrations? | | |
| 5. RESPONSIVENESS: To what extent did participants' answers address the judges' questions? | | |
| 6. PARTICIPATION: To what extent did <u>most</u> members contribute to the team's presentation? | | |

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| UNIT TOTAL: |
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JUDGE'S NAME (PRINT): _____

JUDGE'S SIGNATURE: _____

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| Tie Breaker SCORE: |
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TIE BREAKER: Select a number between 100 and 0 that reflects this team's overall performance. This score will be used only in the event of a tie. Please use the following scale:

We wish to thank the Center for the Constitution's "We the People Program" for allowing us to adapt their score sheet to judge our Law Day Debate.