

Overview

Controversial legal and policy issues, as they are discussed in the public arena, often lead to polarization, not understanding. This Civil Conversation activity offers an alternative. In this structured discussion method, under the guidance of a facilitator, participants are encouraged to engage intellectually with challenging materials, gain insight about their own point of view, and strive for a shared understanding of issues.

Objectives

Students will be able to:

- Gain a deeper understanding of a controversial issue.
- Identify common ground among differing views.
- Develop speaking, listening, and analytical skills.

Standards Addressed

Common Core Anchor Standards

Speaking and Listening: Comprehension and Collaboration

1. Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.
3. Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric.
Speaking and Listening: Presentation of Knowledge and Ideas
4. Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.

Reading in History/Social Studies: Key Ideas and Details

1. Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
2. Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
4. Interpret words and phrases as they are used in a text,
10. Read and comprehend complex literary and informational texts independently and proficiently.

Common Core Speaking and Listening Standards

SL.1. Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on [grade level] subjects...

SL.3. Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

SL.4. Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

Common Core Reading in History /Social Studies

- RH.1. Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
- RH.2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
- RH.4. Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines *faction* in *Federalist* No. 10).

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National High School Standards

Civics Standard 13: Understands the character of American political and social conflict and factors that tend to prevent or lower its intensity. (1) Understands issues that involve conflicts among fundamental values and principles such as the conflict between liberty and authority. (2) Knows why people may agree on values or principles in the abstract but disagree when they are applied to specific issues such as the right to life and capital punishment.

United States History 31: Understands economic, social, and cultural developments in the contemporary United States. (2) Understands how recent immigration and migration patterns, and demographic shifts, impacted social and political issues

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Discussion Format

- 1. Time:** Conversations for classroom purposes should have a time limit, generally ranging from 15 to 45 minutes and an additional five minutes to reflect on the effectiveness of the conversations. The reflection time is an opportunity to ask any students who have not spoken to comment on the things they have heard. Ask them who said something that gave them a new insight that they agreed or disagreed with.
- 2. Small Groups:** This discussion strategy is designed to ensure the participation of every student. Groups of 3-4 students are ideal. If you are scaffolding text for various reading levels, group students who will use the same text.
- 3. Assessment:** Each student should fill in his/her own Civil Conversation Guide. Look for:
 - Q. 1-2: Basic understanding of text.
 - Q. 3-4: Text-based arguments.
 - Q. 5: Appropriate and compelling questions about the text.
 - Q. 6: Level of participation (should be “about the same as others”).
 - Q. 7: Answer is appropriately related to topic/issue presented in text.
 - Q. 8: Specificity/text-based.

In addition, you may want to collect the article/text students used to assess the annotations they made in terms of connections to prior knowledge/experience, questions they had while reading, and comments they made.

Preparation

- **Civil Conversation Guide** - one per student.
- **Article/Text** – one per student.

Procedure

A. Introduction. Briefly overview the purpose and rationale of the Civil Conversation activity. Use the Overview above to help you.

B. Civil Conversation Guide. Distribute a copy of the Civil Conversation Guide to each student. The Civil Conversation can be used with a news article or other readings you select. It works best for readings that present two or more perspectives on a subject. In this lesson, you will use “Immigration Enforcement Raids” (below). Each student should fill in his/her own guide.

C. Conducting the Activity

Divide the class into groups of 3-4 students. You may want to have each group select a leader who will ensure the group stays on-task and finishes on time.

Determine how much time the groups have to complete the discussion. (Depending in the length of the reading and how experienced your students are in student-directed discussion.)

Review the rules of a Civil Conversation and direct the groups to follow the instructions on the Guide to get started.

Let groups know you will be circulating to listen in on their conversations and that each person in a group is expected to participate. The goal is for everyone to contribute equally to the conversation.

If necessary, remind groups of the time and urge them to move to the next steps.

D. Closure

After the groups have completed their discussions, debrief the activity by having the class reflect on the effectiveness of the conversation:

- What did you learn from the Civil Conversation?
- What common ground did you find with other members of the group?
- Conclude the debriefing by asking all participants to suggest ways in which the conversation could be improved. If appropriate, have students add the suggestions to their list of conversation rules.

E. Immigration Enforcement Advisory Committee Simulation Activity (Optional). At CRF’s *Educating About Immigration* website, access an additional classroom simulation activity, in which students are advisors on immigration enforcement policy priorities within the Department of Homeland Security.

URL: <http://crfimmigrationed.org/index.php/lessons-for-teachers/83-lesson-plan-3>.

RULES FOR CIVIL CONVERSATION

1. Read the text as if it were written by someone you really respected.
2. Everyone in your group should participate in the conversation.
3. Listen carefully to what others are saying.
4. Ask clarifying questions if you do not understand a point raised.
5. Be respectful of what others are saying.
6. Refer to the text to support your ideas.
7. Focus on ideas, not personalities.

Reading (title): _____

Before the conversation:

- Read through the entire selection without stopping to think about any particular section. Pay attention to your first impression as to what the reading is about.
- Re-read the selection and underline the main points. Circle words or phrases that are unknown or confusing to you. Write down any questions you have in the margin. Draw an exclamation point next to points that surprised you and note what it was that surprised you. Draw an arrow in the margin next to text that connects to something else you know outside the text. Note what the connection is, such as a news item or personal experience.
- Next, briefly answer the following questions.

1. This selection is about: _____

2. The main points are:

a) _____

b) _____

c) _____

3. In the reading, I agree with: _____

4. In the reading, I disagree with: _____

5. What are two questions about this reading that you think need to be discussed? (The best questions for discussion are ones that have no simple answer and that can use material in the text as evidence.)

(a) _____

(b) _____

Discussion Starters

If your group needs help getting started:

- Everyone share something they agree with from the article, then something they disagree with.
- Choose someone's question to discuss from #5 above.

The next three questions should be answered *after* you hold your civil conversation.

6. Compared to others in my group, I spoke: (less than others) (about the same amount as others) (more than others).

7. Some of the ways I added to the discussion: _____

8. What did you learn about the topic from the civil conversation? _____

9. What common ground did you find with other members of the group?

IMMIGRATION ENFORCEMENT RAIDS

In the United States, there has been growing debate over the policies of the federal agency that investigates and enforces the nation's immigration laws. That agency is Immigration and Customs Enforcement (ICE). Agents of ICE frequently conduct immigration enforcement operations, commonly called "raids," in early morning hours to arrest undocumented immigrants.



The ICE agency was formed in 2002. In the wake of the terrorist attacks of September 11, 2001, Congress created the Department of Homeland Security (DHS). This department was made responsible for enforcing the nation's immigration laws, among other law enforcement powers. In this new organization of the federal government, ICE took over immigration law enforcement from the Immigration and Naturalization Service.

Probably the most well-known branch of ICE is its Office of Enforcement and Removal Operations, which is responsible for investigation and arrests of unauthorized immigrants.

Once an unauthorized immigrant is arrested or detained, there are two ways that immigration officials may deport him or her:

- **Return.** When officials send a person to his or her home country *without* formal hearing, fingerprinting, or creation of a permanent record, it is called a "return." An immigrant does not face potential criminal prosecution for re-entry to the US after a return to the home country.
- **Removal.** When officials send a person to his or her home country *with* formal proceeding in front of a hearing officer (or judge), fingerprinting, and the creation of a permanent record, it is called a "removal." ICE is responsible for removals, which is also the official term for "deportations." An immigrant does face potential criminal prosecution for re-entry to the US after removal.

Answering a call for increased national security by many in the country, ICE started a program in 2002 to "identify, locate, apprehend, process and remove fugitive aliens from the United States." A *fugitive alien* is a person who has not followed an immigration court's final order for removal or who has

returned to the United States after a prior removal. Highest priority was placed on “those fugitives who have been convicted of crimes.”

Increased federal funding for ICE’s program in the early years of Barack Obama’s presidency led to more immigrants being *removed* under Obama’s two terms as president than under George W. Bush’s two terms. More immigrants were *returned*, however, under Bush’s presidency.

Fugitive operations teams have used raids (quick arrests or “sweeps” of a number of immigrants in a single location). Raids can occur in a workplace, often of a large-scale employer, or residential area, such as an apartment building.

Case Study: San Rafael

A 2007 raid in San Rafael, California, sparked a national debate about ICE’s methods. On March 6, 2007, agents of ICE conducted a sweep of an apartment complex in this town of 56,000 people north of San Francisco. The agents arrived just after dawn in order to apprehend 30 fugitive aliens in the apartment complex. There were reports that agents shined flashlights into the faces of children in the apartments, handcuffed parents in front of children, and even detained children for several hours.

At a hearing before a subcommittee of Congress in May 2008 to address workplace immigration raids and specifically the effects of raids on children in the San Rafael congressional district, spokespeople on both sides of the issues testified.

Supporters of ICE’s methods argued that the undocumented immigrant parents have the primary responsibility for their children. In response to testimony critical of ICE, Republican Representative Buck McKeon argued that any child custody difficulties and humanitarian issues are the parents’ fault. “A person who entered the country illegally,” he said, “or overstays their visa—they are the ones who are really putting those children in jeopardy by their own actions.”

James Spero, Deputy Assistant Director at the ICE, testified that the agency’s teams go to great lengths to prepare for the humanitarian aid of children in the arrest operations. “ICE takes this responsibility very seriously,” he stated, “and these humanitarian factors are carefully taken into account when ICE makes custody decisions.” Part of what ICE agents do is to coordinate efforts with local public health services to care for children’s needs.

Critics of ICE’s tactics, such as Janet Murguia of the National Council of La Raza, testified that innocent children suffer too many hardships in these raids. Because many detained parents are denied access to telephones, no one calls family relatives to care for the children. As a consequence, said Murguia, “school systems and child care centers must scramble to find relatives or caregivers for children whose parents have abruptly disappeared.”

Lynn Woolsey, the Democratic representative for the San Rafael district, gave a statement at the hearing. She stated that the raids cause anxiety, depression, fear, and even post-traumatic stress disorder in children. “They have been separated from their families in the cruelest of ways for long periods of time,” she stated, “and many of their parents have been deported.” She further stated that the San Rafael raid led to dramatically decreased school attendance among the children involved.

On the one hand, ICE reports that its efforts target lawbreakers, particularly those who might pose threats to American society, such as gang members who are fugitive aliens. On the other hand, immigrants, their families, and civil liberties advocates have filed numerous lawsuits alleging that ICE operations have violated the US Constitution.

In one case, a 6-year-old boy named Kebin Reyes, a US citizen, sued ICE based on its San Rafael raid. Under the Fourth Amendment (protection against unlawful search and seizure), Kebin alleged that ICE agents detained him for 12 hours without a warrant and without lawful cause. Under the Fifth Amendment (protection of the right to due process of law), he alleged that he was deprived of food and the opportunity to make a phone call to any relatives.



U.S. Dept. of Homeland Security, Bureau of Immigration and Customs Enforcement.

In response, ICE stated numerous defenses for its actions. One defense was that ICE agents showed “due care and diligence” for Kebin Reyes before the raid and during the raid. Another defense was that the agency was protected by “sovereign immunity” (a doctrine that the state can do no legal wrong). ICE has also argued that Kebin’s injuries, through his father (who was arrested), were caused by his own negligence (lack of care).

Four months after the raid, ICE changed its policy to make sure not to detain US citizens, like Kebin Reyes, and legal residents during the course of enforcement raids. But at the time of the raid, ICE agents argue, Reyes’ rights had still not been violated.

Presidents Obama and Trump on ICE Raids

Under Obama’s administration, ICE used several residential raids to apprehend, or capture, fugitive aliens in January 2016 and took more than 120 Central American immigrants into custody in three states. The Obama administration defended its policy as a means to target fugitive aliens who have most recently entered the US, who happened to be mostly Central American. Of the thousands of families that migrated from Central America from 2014 to 2015, ICE took only 11 into custody in the raids.

Opponents, including many Obama’s own Democratic Party, argued that Central American immigrants should be treated as refugees since they are fleeing from violence in their home countries. Also, many of them are children, and therefore vulnerable.

With a new administration, raids remained a subject of intense debate. On January 25, 2017, President Donald Trump signed an executive order on border security and immigration enforcement. Part of the order called for immediate action to detain “aliens apprehended for violations of immigration law” while they wait for removal hearings. ICE conducted a series of enforcement raids in six states in mid-February, taking more than 680 people into custody.

ICE officials said the raids targeted unauthorized immigrants with criminal records. The ICE field director in Los Angeles said that 75 percent of 160 people detained had records of felony convictions. The rest had either misdemeanor convictions or were simply not authorized to be in the United States.

Supporters of ICE’s actions under Trump argued that most of the people caught had criminal records. “The evidence we have so far,” said Alfonso Aguilar of the Latino Partnership for Conservative Principles, “is that the majority of the people detained were people with serious criminal records.”

Opponents of ICE’s actions under Trump argued the raids were unnecessary and caused panic. Democratic Representative Joaquin Castro of Texas told the press, “I am asking ICE to clarify whether these individuals are in fact dangerous, violent threats to our communities, and not people who are here peacefully raising families and contributing to our state.”

It was unclear if the raids directly resulted from President Trump’s executive order. Homeland Security John F. Kelly said that the raids were “routine” and consistent with operations done “on a daily basis.” Trump himself, however, wrote on Twitter, “The crackdown on illegal criminals is merely the keeping of my campaign promise. Gang members, drug dealers & others are being removed!”

Writing & Discussion

1. What does “fugitive alien” mean?
2. Why is removal a more serious consequence than return for an unauthorized immigrant to the US?
3. What tactics does Immigration and Customs Enforcement use to apprehend fugitive aliens? What controversies have resulted from ICE’s tactics?
4. Opponents of ICE raids in residential areas claim that the human rights of children who may be fleeing dangerous home countries outweigh the fact that they and their parents may have violated valid court orders for removal back to their home countries. Do you agree? Explain your answer.
5. Were there differences between raids conducted under President Obama and those under President Trump? Why or why not? Use evidence from the article to support your claims.
6. What are the opinions of both supporters and critics of ICE’s tactics in the San Rafael case study? Which side do you think has the stronger arguments? Why?

Sources

“Enforcement and Removal Operations.” U.S. Immigration and Customs Enforcement. URL: <https://www.ice.gov/ero> * “Executive Order: Border Security and Immigration Enforcement Improvements.” The White House, Office of the Press Secretary. 25 Jan. 2017. URL: www.whitehouse.gov * “Fugitive Operations.” U.S. Immigration and Customs Enforcement. URL: <https://www.ice.gov/fugitive-operations> * “Hearing On: Immigration Raids: Postville and Beyond.” United States House of Representatives Judiciary Committee. 24–25 July 2008. URL: <http://judiciary.house.gov> * “ICE Workplace Raids: Their Impact on US Children, Families and Communities.” United States House of Representatives Subcommittee on Workforce Protections. 20 May 2008. URL: <https://www.gpo.gov> * Jarvie, Jenny, and Del Quentin Wilber. “U.S. denies widening scope of immigration raids.” *Los Angeles Times*. 14 Feb. 2017. “Kebin Reyes v. Alcantar.” *Closed Case*. ACLU of Northern California. 16 Sept. 2008. URL: <https://www.aclunc.org> * Lind, Dara. “The Nationwide Immigration Raids Targeting Central American Families, Explained.” *Vox*. 04 Jan. 2016. URL: <http://www.vox.com> * Rein, Lisa, Abigail Hauslohner, and Sandhya Somashekhar. “Federal Agents Conduct Immigration Enforcement Raids in at Least Six States.” 13 Feb. 2017. URL: [washingtonpost.com](http://www.washingtonpost.com) * Zong, Jie, and Jeanne Batalova. “Central American Immigrants in the United States.” *Migrationpolicy.org*. Migration Policy Institute. 31 Aug. 2015. URL: <http://www.migrationpolicy.org>