

COASTAL CLASH

GRADE LEVEL	9-12
SUBJECTS	Civics, U.S. History, Environmental Studies
STANDARDS	California Department of Education

<http://www.cde.ca.gov/ci/>

Social Studies Grades 9-12

- Historical Research, Evidence, and Point of View
Students collect, evaluate and employ information from multiple sources and apply it in various written presentations.
- Historical Interpretation
Students recognize the complexity of historical causes and effects, including the limitations on determining cause and effect. Students interpret past events and issues within the context in which an event unfolded rather than solely in terms of present-day norms and values.

U.S. History: Grade 11

- Describe the changing landscape, including the growth and development of cities linked by industry and trade.
- Discuss the diverse environmental regions of North America, their relationships to local economies, and the origins and prospects of environmental problems in those regions.
- Trace the impact of, need for, and controversies associated with environmental conservation, expansion of the national park system, and the development of environmental protection laws, with particular attention to the interaction between environmental protection advocates and property rights advocates.

Principles of American Democracy (Civics, U.S. Government): Grade 12

- Explain how the U.S. Constitution reflects a balance between the classical republican concern with promotion of the public good and the classical liberal concern with protecting individual rights.
- Evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationship among them, and how they are secured.
- Explain how civil society makes it possible for people, individually or in association with others, to bring their influence to bear on government in ways other than voting and elections.
- Identify the organization and jurisdiction of federal, state, and local courts and the interrelationships among them.

- Students formulate questions about and defend their analyses of tensions within our constitutional democracy and the importance of maintaining a balance between the following concepts: majority rule and individual rights, and liberty and equality.

OVERVIEW

The public trust doctrine is common throughout law. The essence of this is the legal right of the public to use certain lands and waters. The public trust doctrine has its roots in the Institutes of Justinian, the body of Roman civil law that was put together by the Roman Emperor Justinian's top legal scholars in 530 A.D. One of the many provisions stated that "by the law of nature these things are common to all mankind; the air, running water, the sea, and consequently the shores of the sea." The Fifth Amendment of the United States Constitution guarantees that "no person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Over 35 million people live in the state of California, 80% of who live within 30 miles of the coast. The two legal principles of the public trust doctrine and the Fifth Amendment inevitably will clash in the struggle between public and private interests along California's shores. With a constant rise in the state's population, the rise in urbanization and development of the coastline, the struggle to naturally preserve our beaches, and the struggle to keep our beaches accessible to the public, the fundamental question that confronts all Californians is "Whose coast is it anyway?" California, like many other coastal states such as Texas, Massachusetts, and New York, are dealing with these issues and fundamental principles.

OVERVIEW OF THE ACTIVITIES

- 1.) Understanding Private Property Rights and the Fifth Amendment**
- 2.) Defining Public Property and understanding the history of the Public Trust Doctrine**
- 3.) "Whose Coast Is It Anyway?" The Battle of Public and Private Usage and Access of the California Coast**
- 4.) Analyzing Political Cartoons- The Doonesbury Rendition of the Malibu Beach Conflict**
- 5.) Role Play: Community Forum to decide the fate of California coastal access**

A NOTE TO TEACHERS: HOW TO USE THIS GUIDE

The activities and lesson plans for the film "California Clash" target students at the high school level and align with the California State Standards for Social Studies/History. The lessons are designed to last for multiple days as a short unit and although they build on each other as a sequence, they are also designed to be used individually as pull-outs for those that do not have the curricular time to devote to the whole short unit. All lessons aim to incorporate educational content and themes from the broadcast film which can be integrated into your existing content curriculum. Although the unit lesson plans are geared toward a

specific grade range, the unit lesson plans can be adapted to fit the needs of your grade or students' levels. All lesson plans include the following details for your convenience:

- Title
- Skill Area/Purpose
- Materials
- Estimated Time Allotment
- Procedure (with step by step instructions of implementation)

It is recommended that you review the lesson plan first before implementing it in your classrooms to make any necessary adjustments to fit your own and students' needs.

LESSON PLAN ONE

Title	Understanding Private Property Rights (Warm Up Questions Provided by the Bill of Rights Institute at http://www.billofrightsinstitute.org)
Skill Area/Purpose	To have students understand the concept of “private property” and the Fifth Amendment To have students practice listening and speaking skills through group discussion and structured conversation To have students synthesize and analyze arguments, and evaluate evidence to develop their own opinions
Materials	Text from the Fifth Amendment of the U.S. Constitution http://caselaw.lp.findlaw.com/data/constitution/amendment05/
Time	2 days

Procedure

Step 1: Write the following excerpt from the Fifth Amendment of the United States Constitution: **“no person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”** Have students begin to think about their own views and ideas about private property.

Step 2: Prepare student worksheet with the following warm ups and questions:

Create a list of property that you own.

Do you have a particular piece of property that has particular value? It can be something expensive, something a friend or family member gave to you, or something you earned. Explain why it has more value than other property you own.

What would you do if someone attempted to take away your property or damage it in some way?

What kinds of actions against property do society view as criminal? Why?

Step 3: Break students up into groups of four. Now that students have had an opportunity to think about their own ideas on private property, they will analyze situations where the issue of private property is contested. Looking at each scenario, students must answer the following question: ***Is private property being abused?*** Have each student write down their answers and verbally explain them to their group.

Scenario 1: A famous hip hop group seeks to prevent their music being downloaded by Napster.

Scenario 2: A student downloads a paper from the internet and turns it in as if it is his/her own.

Scenario 3: A student wears a tee-shirt with an image of the Confederate flag to school. His teacher sends him to the principal's office where they confiscate the tee-shirt and replace it with a school shirt.

Scenario 4: A homeowner has a beautiful view of the beach below his house. The view contributes to the value of his home and property. The neighbor next door decides to add a second story to their home which would obstruct the view of the beach for the aforementioned neighbor.

Scenario 5: A neighbor's backyard deck is showing signs of cracks as the result of another neighbor's tree whose roots have grown under the fence that separates the two homes.

Scenario 6: Over 1000 residents of a downtown apartment complex are forced to relocate when the city decides to build a new central subway station. The residents are given equal compensation for the value of their properties.

Scenario 7: The rock star Sting is upset that Puff Daddy (now known as P. Diddy) sampled his song "Every Breath You Take" without his permission in his award winning song "Missing You." The record label approved of the sample because they own the rights to both songs.

Scenario 8: A local DJ by the name of Nomad is shocked to discover that another group of DJs have collectively named themselves "The KnowMads." DJ Nomad has been performing locally for several years but never copyrighted his name. The latter group did.

Step 4: After discussing the scenarios in their small groups, have one student report back to the whole class. Did the groups collectively agree or disagree on the scenarios? Which ones? Discuss one or two scenarios that split down the middle with the entire class. What were the arguments for not abusing/abusing property rights? Summarize the activity highlighting key points and arguments.

Step 5: More Critical Thinking Questions

Can you think of any intangible things that you don't have to buy that can be

considered property? (Students may need some guidance to get them to think about ideas, concepts, people, themselves, etc.)

Do you-your body, mind, ideas- have any property values?

Review the Dred Scott Case of 1857. The U.S. Supreme Court declared that Dred Scott, an African American who was enslaved, remained the property of their owners even when taken to free territories, and thus was prohibited from being a U.S. citizen. How was it possible in the United States of America that a person could be the property of another?

LESSON PLAN TWO

Title	Defining Public Property
Skill Area/Purpose	To have students understand the history and concept of the Public Trust Doctrine To have students understand the meaning and implications of the Public Trust Doctrine on U.S. government and how it applies today To have students examine, analyze, and draw conclusions from multiple print sources
Materials	Article "For the Good of the People" by Ed Owens http://www.responsiblewildlifemanagement.org/public_trust_doctrine.htm Article "The Public Trust Doctrine: A Gift From A Roman Empire" http://www.wsn.org/issues/PIOpubtrustdoc.html
Time	2 days

Procedure

Step 1: Assign both readings, "For the Good of the People" and "The Public Trust Doctrine: A Gift From A Roman Empire." Prepare the following reading guide and have students write down their answers:

- 1) In your own words summarize the meaning of the Public Trust Doctrine.
- 2) The Public Trust Doctrine has its roots in the Institutes of Justinian of 530 A.D. Why do you think this law has been passed on and adopted by many societies and governments throughout history?
- 3) Do you agree/disagree with the concepts of the Public Trust Doctrine? Explain.
- 4) Can you think of situations in which the Public Trust Doctrine should not apply or be restricted? (Students may need guidance to generate some examples such as military bases, national or state parks, protection of endangered species, etc.)

Step 2: Facilitate a classroom discussion going over the students' answers. Be sure to check for understanding.

Step 3: For homework, assign a short one-page argumentative essay on the following question: ***What is more important or valuable to you, private property or public***

property? Use concrete examples to defend your position. (Encourage students to reflect on their responses from Lesson Plan One on Private Property.)

Step 4: The following day break your class up into challenge groups based on their answers to the essay question. That is, if they wrote in favor of private property put them in a group that will now argue in favor of public property and vice versa. It may be necessary to force students into a group if the numbers for the challenge groups are not balanced. Give the new groups time to come up with a list of arguments for their new position.

Step 5: Hold a classroom discussion with the new challenge groups. Create a T-chart of the student responses on the board for Private and Public Property and have students bullet the arguments and points. At the conclusion of the challenge group discussion, have students write down and answer the follow-up questions:

- 1) Has your original position on Public or Private Property changed after the challenge session? What made you change or stay consistent?
- 2) What were the two most persuasive arguments against your original stance? What elements made them persuasive or caused you to think twice?
- 3) What is the benefit of knowing what the other perspective or argument is?

LESSON PLAN THREE

Title	“Whose Coast Is It, Anyway?” - The Issue of Private or Public Access to the California Coast
Skill Area/Purpose	To have students read background information on the context of the film, “Coastal Clash” To have students examine, analyze, and draw conclusions from print sources To have students examine how information is presented in a news article
Materials	Article “Owners of Malibu Mansions Cry, “This Sand Is My Sand”” by Timothy Egan in the New York Times, August 25, 2002. http://www.propertyrightsresearch.org/owners_of_malibu_mansions_cry.htm Article “Malibu’s rich and famous fight to keep beach private” by Martin Kasindorf in USA Today, May 3, 2002. http://www.restoringamerica.org/archive/property/malibu_rich.html
Time	1 day
Procedure	

Step 1: Assign both readings (the night before) as a pre-viewing activity for the film, “Coastal Clash.” Prepare the following reading guide for both articles and have students write down their responses:

- 1) Summarize the conflict in Malibu between the public and private residents regarding beach access?
- 2) What is the mean high-tide line? What legal ramifications does this line have on beach access?
- 3) Many famous people such as Steven Spielberg or Tom Hanks have homes on Malibu Beach. Should their privacy and safety be considered more heavily than other residents if the public has access to the beaches behind their homes?
- 4) What implications, both positive and negative, would beach access have on the environment?
- 5) In your opinion, what has more precedence in Malibu, the Fifth Amendment Rights or the principles of the Public Trust Doctrine?

Step 2: Go over answers with the entire class. Check for understanding

LESSON PLAN FOUR

Title:	Analyzing Political Cartoons: The Doonesbury Rendition of the Malibu Conflict
Skill Area/Purpose	To have students analyze and evaluate the different elements of a media platform and how these elements affect the media message To have students understand the relationship between content and aesthetics of media messages To have students effectively write and create their own media productions To have students think critically about their own media messages, intended audience, and representation.
Materials	School computer lab to access website Doonesbury cartoons from September 16-30, 2002 (except for the Sunday cartoons on the 22 nd and 29 th) http://www.kqed.org/coastalclash/classroom-ss.htm
Time	2 day
Procedure	

Step 1: Go to the educational website for the film, “Coastal Clash,” at <http://www.kqed.org/coastalclash/classroom-ss.htm>. Click on Classroom Content and go to Social Studies Curriculum. Click on the link for “Doonesbury cartoons.” There are 13 total cartoons.

Step 2: Have students answer the following questions:

- 1) List at least 3 arguments each for “in favor” and “against” public beach access.
- 2) After having read the cartoons, where do you think Gary Trudeau (the artist) stands on the issue of public beach access? How do you know? Use extracts from the cartoon to explain your answer.

- 3) What is the tone of Trudeau's cartoons? Is he poking fun at a serious issue or is he presenting a serious issue in an accessible way?
- 4) Compare and contrast the difference between the Doonesbury cartoons (visual art media) and the articles (print media) from the New York Times and USA Today (refer to Lesson Plan Three). What are advantages and disadvantages of each different medium? Which one do you prefer and why?

Step 3: Follow Up Activity

- 1) Students have just analyzed a serious issue which was presented in another form of media, namely visual art (cartoons). Students will create their own media productions in the form of a cartoon or newspaper/magazine advertisement.
- 2) Ask students to think about a controversial issue in the United States today. They must then decide which medium they want to present it in- a cartoon or advertisement. For the cartoon ask students to do no more than 6 frames.
- 3) The art work should be informative and persuasive. Have students think about who their intended audience is, what kind of tone do they want their media to have, and how will the message get across to their audience.

LESSON PLAN FIVE

Title	Role Play for Community Forum
Skill Area/Purpose	To review, evaluate, and interpret information to formulate an opinion and argue a view. To extract key points and collate evidence from a text. To deliver a narrative argument in an oral presentation. To assess both sides of an argument and evaluate accuracy and appropriateness of an author's evidence and support.
Materials	Create Role Play placards for the following characters: IN FAVOR- Environmentalist, Republican Politician, Coastal City Economist, Artist/Poet/Film-Maker, Native American Activist; AGAINST: Environmentalist, Malibu Beach Home Owner, Lawyer Representing Hollywood Star, Real Estate Developer, and Solano Beach Home Owner
Time	3-5 days
Procedure	

Step 1: Write the following question: **Should the public have full access to the California coast?"** Your students will answer this question by participating in a mock community forum.

Step 2: Depending on the size of your class, divide the roles appropriately. It may be necessary that 3 students will assume the role of one character. Create other roles such as Debate Facilitator, Note-Taker, and Members of the State Council. Other Debate characters

include “California Coastal Trail” Advocate, Tourist Industry Manager and Military Advisor. It is also recommended that the classroom be arranged to accommodate the public debate.

Step 3: Have students develop their arguments based on their assigned characters. It may be necessary to show the film again after the role playing characters have been assigned to pull direct quotes for themselves and to formulate counter-arguments. It is optional if you want students to do further research outside the film. The resource page has a list of related articles that present multiple perspectives on the issue.

Step 4: Check in with the different student character groups to make sure that they have strong arguments and that they are prepared for the debate. The Members of the State Council should also be developing critical questions to ask the different characters to test their argumentative positions.

Step 5: Listed below is a brief summary of the fictional characters and their main arguments which you can use to help facilitate the students’ process.

FOR:

1) Environmentalist: The issue at heart is the protection and preservation of our beaches. Public access to the coasts is necessary to stop homeowners from claiming the beach as their property. When this happens, homeowners will naturally try to protect their homes by having sea walls built. But what is the environmental impact of this? Sea walls are the biggest factor in destroying the natural process of beach erosion. When sea walls or any other type of hard structure is built, the shoreline eventually migrates landward beyond the structure. The effect of this is the gradual loss of beach in front of the seawall as the water deepens and the shore face moves landward. The beach is completely lost and effectively drowned. Although any structures behind the wall are temporarily saved, the ocean now is beating upon the sea wall and eventually the sea wall and everything behind it will eventually be taken down by the waves of the ocean. What you essentially do when you build a sea wall is kill the beach, and you waste millions of dollars on a preventative measure that, in the long run, does not work. You can’t tame the power of the ocean. You have to let the beaches develop naturally.

2.) Republican Politician: This is not only an environmental issue, this is a political issue. The super-wealthy of Malibu and other coastal communities are home to some of Hollywood’s most popular celebrities. These self-declared liberals, many of whom are big campaign funders and donors to the Democratic Party, have turned into ultra-conservative property rights owners. So who is the conservative? My party has been given a bad rap. We believe in the rights of the people and the people of California overwhelmingly have made their voices heard and demand that the beach be made public for all. This reflects the collective platform of the Democrats where they say they believe in one thing but their actions do not support their words. The Democrats in office are not going to move on this issue of access for all to our coasts because some of their most powerful funders and donors are the people who want to keep you out of their so-called “backyards.” Environmentalists, outdoor enthusiast, surfers, people who live in the cities of California, remember that the

Democrats turned their back on you when all you wanted to do was access to the beach.

3.) Economist: The issue of access to the beach can easily be broken down in economic terms. It is necessary and vital to the economy of California and the country. In 1999, California's beaches generated \$14 billion in direct revenue. California beaches supports over 883,000 jobs across the United States. California beaches are an instrumental part of the state's tourist industry. California is the most visited state in the country, both for domestic (12% of all domestic travel in the country) and international travel. The California tourist industry generates more than \$75 billion into the economy. By placing restrictions on beach access, you will negatively impact the state's economy and job market.

4.) Artist/Poet: One cannot dispute the fact that the ocean and beaches are an important part of our lives as human beings. Most people, not just here in California and the United States but throughout the world, make frequent visits to the beach to relax, spend time with loved ones and family, participate in leisure activities, to have the space to reflect on our place in this world. To be at the beach and look at the ocean is to look at the soul of humanity, to realize how small we are, to realize that we are a part of nature and something much bigger than ourselves. Who here has not experienced the majesty and power of the ocean? You cannot own something that is bigger than us- the oceans, the seas, and the skies- these are gifts for all of humanity to share.

5) Native American Advocate: The idea of private land ownership along the California coast is a fallacy. The creation of this country is based on the illegal and war-like takeover of our indigenous lands. Every land treaty that we signed with the United States government has been broken. Our lands were taken by force and we were forcefully removed west of the Mississippi. When we were relocated into reservations, these lands were eventually taken away when extractable resources were found. There is a long history in this country of bending land rights and laws to the needs and benefits of those in power. To privatize the coast to benefit less than 1% and restrict access to more than 99% of the state population is another way that the powerful are taking advantage of the law. I do not believe in the ideas of private land ownership along the coast of California today. Just as your ancestors broke the law and seized the lands of my people, I too do the same and demand that this land be accessible to all.

AGAINST:

1) Environmentalist: Although I support beach access and firmly do not agree with private ownership of our coasts, I strongly believe that there needs to be more effort toward protecting wildlife who live on the beach. There is already more than enough beaches in California with public access that some of the coastal regions should be preserved to protect our wildlife- birds, fish, sea otters, crustaceans, and other animal and plant life that contribute to the rich bio-diversity of our beautiful state. California has already lost 95% of its natural wetlands and nationally we have an environmental crisis. If we allow full access to our beaches, this means more

garbage, more parking lots, more development on our beaches and coasts. I believe it is the responsibility of our government to protect our beaches and coasts and allocate them as natural preserves not only for this generation, but for future generations to appreciate. If we don't take drastic measures now, there will be nothing for our grandchildren to appreciate.

2) Malibu Beach Home Owner: I own a house in Malibu Beach. Our home has been in our family since the early 1900's. My family bought this property when there was nothing out here and now the public wants access to my backyard? Yes it is nice to open the beaches to the public but the second that the public comes down here, we're going to need to secure our patio furniture, shut off our outside water, and frankly, be lifeguards when the public gets in trouble in the shore break. Unlike some of my more famous Hollywood neighbors, I live here with my family- this is my home, not one of many vacation homes. I have a right to protect my home, protect my children and family, and I have a right to my privacy. Opening the beach is really going to affect the well-being of my family and violates my rights.

3) Lawyer Representing Hollywood Star: Although my client is wealthy and famous, does s/he also deserve the same rights of property and privacy that is accorded to all citizens of this country? My client is constantly in the public eye and values his/her privacy very much. We cannot allow people to have access to the beaches below his/her home. Although we know that most people who go to the beach are respectful, law-abiding citizens, my client's safety and rights cannot be guaranteed. What about paparazzi, stalkers, tour groups with star maps, or worse, criminals? In addition, there are other stretches of Malibu Beach that can be opened for public access. It doesn't make sense to have an access way amongst people's homes. The public can have access to the beach as long as it doesn't affect the rights of individual people.

4) Real Estate Developer: The California Coast is perhaps one of the richest, most valued, and highly sought lands in the world. We should be given the opportunity to take advantage of this. It will be necessary to build and develop the coast. Our state's population is growing every year and our cities and urban areas will need relief to accommodate the surge of people. In addition it makes economic sense. We are here not only to promote the building of homes but also the development of coastal tourist attractions, malls, and businesses. How much more money can the state generate, not only with our own dollar, but especially from the tourist industry both domestically and internationally? In addition, how many more jobs can we provide to this state's population? To be able to develop the coast to accommodate our growing population and to push our state's economy forward will require privatization of our coast. It is for the benefit of all Californians and the millions of domestic and international travelers who come to visit our state.

5) Solano Beach Home Owner: I own a home on a cliff overlooking Solano Beach, just north of San Diego. I have lost half of my backyard in the last two years due to environmental conditions and my home is now in danger of falling into the ocean. As homeowners who live on the coast we should be allowed to protect our homes by having the city build sea walls. I don't understand why people feel

like our homes should be allowed to fall into the ocean. If by protecting our homes means eliminating access to the beach or even destroying it that is a small sacrifice to pay. You don't put waves before people. I already know so many people who have been disenfranchised, displaced because their homes and dreams were allowed to fall into the ocean. I am asking that you not do the same to us.

Step 6: Begin the role play. Have students present the different arguments to the panel of community representatives. The representatives could encourage debate between specific characters or ask critical questions of the characters who did not fully articulate their arguments. The debate should at least last one full class period.

Step 7: At the end of the debate, let the panel of community representatives make the final decision around the topic question.

Step 8: Debrief the activity. Here are questions to consider: Were you in a position where you had to argue against your own opinion? Who had the strongest argument against your character? Stepping outside of your character, what argument was the most persuasive to change your mind?

RESOURCES

Bill of Rights Institute

<http://www.billofrightsintstitute.org>

California Tourism Statistics

<http://www.beachcalifornia.com/stats2.html>

The Economic Impact of Beaches under Coastal A-Z

http://www.surfrider.org/a-z/economic_impact_beaches.asp

Article "Owners of Malibu Mansion Cry, 'This Sand Is My Sand'"

By Timothy Egan, The New York Times, August 25, 2002

http://www.propertyrightsresearch.org/owners_of_malibu_mansions_cry.htm

Text from the Fifth Amendment of the U.S. Constitution

<http://caselaw.lp.findlaw.com/data/constitution/amendment05/>

Impacts of Seawalls

<http://www.surfrider.org/seawall/impacts.htm>

Article "Malibu's Rich and Famous Fight to Keep Beach Private"

By Martin Kasindorf, USA Today, May 3, 2002

http://www.restoringamerica.org/archive/property/malibu_rich.html

Low Impact Development and Bioretension under Coastal A-Z

http://www.surfrider.org/a-z/lid_bioretension.asp

"*For the Good of the People*" by Ed Owens

http://www.responsiblewildlifemanagement.org/public_trust_doctrine.htm

"*The Public Trust Doctrine: A Gift from a Roman Empire*"

<http://www.wsn.org/issues/PIOpubtrustdoc.html>

Doonesbury cartoons from September 16-30, 2002 by Gary Trudeau

<http://www.amureprints.com>