



ACADEMY FOR URBAN LEADERSHIP | CHARTER SCHOOL  
*A Public School*

## Advanced Academy Introduction to Law



Length of Course: Full Year

Elective/Required: Elective

Credit Value: 5 Credits

Date Approved:

Written: Adam Taha



## **AA: Intro to Law**

### **Course Philosophy:**

AA: Intro to Law is a law-related education course that will focus on our national, state and local legal systems. The content will be conveyed in a practical format to allow students to gain the knowledge necessary to thrive in our law-saturated society. Students will have the opportunity to conduct discussions, research and debates with their classmates about practical legal problems, contemporary legal issues, and the ramifications of breaking the law. The ultimate goal of the course is to provide students with a sense of belonging in society through empowerment with knowledge of the law. By providing students with a non-adversarial view of the law, this course will provide an understanding of the fundamental principles of authority, fairness, justice and responsibility that underlie our legal system. Finally, this course will enhance the student's development in other subjects by way of identifying, analyzing and explaining the ways in which Americans have used social norms and laws to communicate and express points of view, utilized problem solving skills, experimented with new ideas to improve society, and relied upon research, reason, and truth to nurture the individual and our role in the greater society.

### **Description:**

In this course, students will explore and become acquainted with both legal rights and legal responsibilities. Students will be provided practical insights to the mechanics of the judicial process and the theory of the legal system. Court decisions, case studies, and guest speakers will expose students to constitutional, criminal, civil, tort, contract, consumer, family and juvenile law. Each unit, students will create a portfolio of work including reading and writing assignments, responses to primary and secondary sources, analysis of data-based graphs, tables, or charts, visual documents such as maps and creative drawings, and comparative analysis and connections with current events. A great emphasis on current events and their legal consequences will occur in class every day.

|                        |  |                    |         |
|------------------------|--|--------------------|---------|
| <b>Title of Unit</b>   | Unit # 1: Origins and Foundations of U.S. Constitutional Law | <b>Grade Level</b> | 10      |
| <b>Curriculum Area</b> | AA: Intro to Law   | <b>Time Frame</b>  | 5 Weeks |
| <b>Developed By</b>    | Adam Taha 8/1/16   |                    |         |

### Identify Desired Results (Stage 1)

#### Content Standards

**NJCSS:**

- 6.1.12.A.2.b Evaluate the importance of the Constitution to the spread of democracy around the world.
- 6.1.12.A.2.e Explain how judicial review made the Supreme Court an influential branch of government, and assess the continuing impact of the Supreme Court today.

**CCSS:**

- RH2 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.
- WHST1 Write arguments focused on discipline-specific content.

**BIG IDEA:**

- Power and Interdependence

21st Century Standards: 9.1.8.A.1, 9.1.8.A.2, 9.1.8.B.1, 9.1.8.C.1, 9.1.8.C.2, 9.1.8.C.3, 9.1.8.D.2, 9.1.8.D.3, 9.3.8.B.3

- Creativity and Innovation
- Critical Thinking and Problem Solving
- Communication and Collaboration
- Information Literacy
- Media Literacy
- ICT Literacy
- Life and Career Skills
- Technology Based Activities

#### Understandings

#### Essential Questions

| Overarching Understanding   | Overarching  |
|---|--|
| <ul style="list-style-type: none"> <li>• The establishment of and beliefs about the common good, and an individual's rights, roles, and responsibilities, influences the development of a national identity</li> <li>• Ongoing tensions and struggles between individual rights and the common good can redefine a nation's identity</li> <li>• The principles, institutions, and systems of a government reflect beliefs about power and authority</li> <li>• The struggle between individual rights, states' rights, and the powers of the federal government provides a constant tension in national political culture</li> <li>• Maintenance of the common good oftentimes requires a balance of individual freedoms and public demands</li> <li>• The use of written laws and reason help describe the power and responsibilities of government and the rights of its people.</li> <li>• Every citizen should have at least a rudimentary understanding of the scope of their rights as well as how their government functions.</li> <li>• Interdependence among government actors helps to ensure efficiency and thus citizen satisfaction.</li> <li>• The provisions in governmental documents are influenced by earlier works.</li> </ul> | <ul style="list-style-type: none"> <li>• Why do societies create laws and what do they hope their laws will accomplish?</li> <li>• How does the law shape government, and how does government shape the law?</li> <li>• How does the law shape history, and how does history shape the law?</li> <li>• Does the American judicial system provide fair access to all litigants?</li> </ul> <p style="text-align: center;"><b>Topical</b></p> <ul style="list-style-type: none"> <li>• Locke believed that people had a right to revolution if the government was not fulfilling its part of the social contract. What circumstances could justify evolution?</li> <li>• Which rights are most important in the Bill of Rights?</li> <li>• How is Free Speech interrupted?</li> <li>• How have civil liberties been challenged in recent years?</li> </ul> |
| <b>Unit Goal</b>  |  |

- Understand the meaning and purpose of studying foundational U.S. constitutional law.
- Analyze the manner in which U.S. constitutional law affects culture and the daily lives of citizens.
- Investigate the various situations in which historical events have been affected and/or created by U.S. constitutional law.
- Evaluate the American judicial system and a citizen's ability to access judicial power.

**Knowledge**  
Students will know...

**Skills**  
Students will be able to...



- American Constitutional law encompasses the principles of the U.S. Constitution as they relate to the organization, powers, and limits of government and the relationship between government and the American people
- Two dimensions to Constitutional Law: 1) institutional and 2) civil rights and liberties
- Supreme Court plays a dominating role in forming constitutional law when it interprets the Constitution in the context of a broad range of social, economic, and political issues
- Constitutional law not only affects the political system, it also plays a major role in forming and deciding great public issues of the day which directly affect the lives of citizens
- The Articles of Confederation was the country's first Constitution and form of government
- There were many problems with the Articles of Confederation, including lack of interdependence among the states
- The Constitutional Convention of 1787 was called to address these problems, but instead the Convention created a new a document and thus a new form of government-the U.S. Constitution
- The Enlightenment Period in Europe greatly influenced the Founding Fathers to create their own government with shared powers as to protect natural rights
- The first ten amendments are referred to as the Bill of Rights
- Constitution is not a self-executing document; it needs to be interpreted in the context of live disputes over real-world issues
- The U.S. Supreme Court is the ultimate authority on interpreting the Constitution
- There are eight justices and one chief justice who sit on the Supreme Court
- The Marbury v. Madison case established the principle of judicial review Judicial review is the power of a court of law to invalidate governmental policies that are contrary to constitutional principles
- The Scott v. Sanford case was the first time after the Marbury case in which the Supreme Court declared an act of Congress unconstitutional

- Consider the many reasons why we need laws in society and the goals of the legal system.
- Participate in class discussion using an Essential Question as a topic
- Work collaboratively in group debate activity
- Take effective notes from a PowerPoint/lecture presentation
- Evaluate the manner in which the Enlightenment Philosophers and earlier landmark documents influenced the Constitution
- Create a graphic organizer synthesizing the problems associated with the Articles of Confederation and how the U.S. Constitution remedied these problems
- Examine historical primary source documents and determine which Article, Section or Amendment of the Constitution the document falls under
- Create a storyboard summary on the Marbury v. Madison case
- Perform a skit that illustrates the facts of a major U.S. Supreme Court case
- Write a legal brief on a U.S. Supreme Court case
- Peer review the legal briefs of other students and comment on the strategies used
- Conference with peers on the thoughts, strategies and comments made in the legal briefs

**Assessment Evidence (Stage 2)**

**Performance Task Description**

**Evidence is needed of student ability to generalize Origins and Foundations of U.S. Constitutional Law.**

**Ideas:**

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PT # 1: The study of American constitutional law involves careful consideration of important decisions of the Supreme Court and other courts. In this course, we will be reading excerpts from a number of important Supreme Court decisions. "Briefing" cases is an excellent way to digest facts, issues, holdings and rationales of judicial decisions. A case brief is simply a summary of a court decision.

Part I: Students will be asked to write their own legal brief on an excerpt from a major U.S. Supreme Court decision. Students will have a choice of landmark Supreme Court cases from which to choose. Excerpts from each of these cases will be made available to students. Briefs will contain the following elements:

- The essential facts of the case
- The name of the case and the date of the decision
- The key issue(s) of law involved
- The holding of the Court
- A brief summary of the Court's opinion, especially as it relates to the key issue(s) in the case
- Summaries of concurring and dissenting opinions of law
- A statement commenting on the significance of the decision and/or stating the student's view as to the correctness of the decision

Part II: Students will exchange their legal briefs with other students who briefed the same case. Students will review their peers' work and make comments on the legal brief. Students will then conference on the strategies, thoughts and comments in the legal briefs.

A scoring rubric for elements of both Parts I and II should be used.

- **Goal**
- **Role**
- **Audience**
- **Situation**
- **Product/Performance**
- **Standards**



## Other Evidence

- Trace the evolution of law and justice. Suggested topics of research: Hammurabi's Code, Draco's Law, Roman law, Canon law, Magna Carter, etc. Select one topic and explain how this influenced the law
- Research the views of Thomas Hobbes and John Locke then write a paper comparing and contrasting the two and their influence on the Declaration of Independence
- 4 Corners Debate activity using major social issues (gun rights, immigration, flag burning, etc.)
- Create a classroom constitution and student bill of rights
- Create Facebook pages for the Enlightenment Philosophers
- Constitution Workshop jig-saw activity using primary source documents from history to cross-reference specific sections of the Constitution
- Select one of the 1st ten amendments to the Constitution and write a persuasive essay for or against its relevance today.
- Socratic Seminar on the controversy regarding the scope of the Supreme Court's power when interpreting constitutional provisions
- Jig-saw group activity on the principles underlying the Supreme Court's ability to hear a case
- Individual research project on the backgrounds of the justices sitting on the U.S. Supreme Court then using this information to formulate predictions on how each justice would decide an issue
- Watch and/or listen to segments of the oral argument in landmark U.S. Supreme Court cases
- Create a storyboard summary on the Marbury v. Madison case
- Perform a skit to better illustrate the facts of the Marbury v. Madison case
- Complete Journal/Portfolio entries

## Learning Plan (Stage 3)

- **Where** are your students headed? **Where** have they been? **How** will you make sure the students know where they are going?
- **How** will you **hook** students at the beginning of the unit?
- **What** events will help students **experience** and **explore** the big idea and questions in the unit? **How** will you equip them with needed skills and knowledge?
- **How** will you cause students to **reflect** and **rethink**? **How** will you guide them in rehearsing, revising, and refining their work?
- **How** will you help students to **exhibit** and **self-evaluate** their growing skills, knowledge, and understanding throughout the unit?
- **How** will you **tailor** and otherwise personalize the learning plan to optimize the engagement and effectiveness of ALL students, without compromising the goals of the unit?
- **How** will you **organize** and sequence the learning activities to optimize the engagement and achievement of ALL students?

- Introductory and Closing Activities will be done every day to pre-assess student knowledge and assess understanding of topics (Synthesis, Analysis, and Evaluation).
- Reflection essays on the unit's Essential Questions as prompts
- KWL Charts
- Interest questionnaires
- Include primary/secondary sources: US Constitution, Case Studies, US Supreme Court cases, Hammurabi's Code, Draco's Law, Roman Law, Canon law, Magna Carter
- Assess students on rough/final drafts for writing assignments.
- Assessment rubrics for Open-Ended and Essay Responses, Research Papers, Student Journals/Reflections, Presentations and Group Discourse.
- Students maintain journal entries/reflections writing a one-page summary/evaluation of unit big ideas.
- Reflections Peer-to Peer. Class share-outs. (Think-Pair-Shares, 3step interview cooperative learning activities)
- Group and individual work is assigned daily, from various sources (Synthesis, Analysis, and Evaluation).
- The following methods will be used to formatively assess student learning and progress: exit tickets, teacher observations and questions, writing prompts, Socratic seminars, student discussions, and student performances.
- Students will be routinely assessed in order to provide a brief review of the concepts and skills in the previous lessons.
- Students will also be given a unit assessment (multiple choice, short answer and open-ended questions) and/or a differentiated unit project (individual or group based; challenge or problem-based) to complete at the end of the unit.
- Modify some individual activities into cooperative learning activities so that students of varied abilities may assist each other during projects using strategies such as Think-Pair-Shares, 3step interview, Round Tables.
- Supply graphic organizers and prompt students to reflect on primary/secondary source analysis regarding law, order and justice.
- Include specific roles within groups for students. Incorporate visual and/or auditory stimuli to appeal to the different learning styles of the students in the

# Understanding By Design Unit Template



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|                        |  |                    |         |
|------------------------|--|--------------------|---------|
| <b>Title of Unit</b>   | Unit # 2: Constitutional Sources of Civil Rights and Liberties | <b>Grade Level</b> | 10th    |
| <b>Curriculum Area</b> | AA: Intro to Law   | <b>Time Frame</b>  | 5 weeks |
| <b>Developed By</b>    | Adam Taha  |                    |         |

## Identify Desired Results (Stage 1)

### Content Standards

NJCCCS:

6.3.12.D.1 Analyze current laws involving individual rights and national security, and evaluate how the laws might be applied to a current case study that cites a violation of an individual's constitutional rights.

6.1.12.D.2.b Explain why American ideals put forth in the Constitution (i.e., due process, rule of law, and individual rights) have been denied to different groups of people throughout time.

Big Idea:

Power and Freedom

CCSS:

RH2 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.

21st Century Standards: 9.1.8.A.1, 9.1.8.A.2, 9.1.8.B.1, 9.1.8.C.1, 9.1.8.C.2, 9.1.8.C.3, 9.1.8.D.2, 9.1.8.D.3, 9.3.8.B.3

- Creativity and Innovation
- Critical Thinking and Problem Solving
- Communication and Collaboration
- Information Literacy
- Media Literacy
- ICT Literacy
- Life and Career Skills
- Technology Based Activities

| <b>Understandings</b>  | <b>Essential Questions</b>  |   |
|--|---|---|
| <b>Overarching Understanding</b>   | <b>Overarching</b>  | <b>Topical</b>  |
| <ul style="list-style-type: none"> <li>• As manifestations or the ideals of liberty and equality, civil rights and liberties are regarded as indispensable features of American democracy.</li> <li>• The U.S. Constitution, as interpreted by the U.S. Supreme Court, provides a base level of protection for civil rights and liberties applicable to every level of government.</li> <li>• Individual rights exist in constant tension with majority rule.</li> <li>• Individual rights must be balanced wisely against compelling societal interests, such as public order, national defense and general welfare.</li> <li>• The interpretation of constitutional principles, such as equality, due process, liberty or property, evolves over time.</li> <li>• In a constitutional democracy, the government must treat a citizen fairly in any proceeding, which threatens the citizen's life, liberty or property.</li> </ul> | <ul style="list-style-type: none"> <li>• How and why does the Constitution protect individual rights from governmental infringement</li> <li>• What is the importance of civil rights and liberties in a democratic society?</li> <li>• How do we balance individual rights with majority rule?</li> <li>• How do we balance individual rights against societal interests, such as public order, national defense and general welfare?</li> <li>• Why and how are the courts viewed as protectors of the rights of minorities?</li> </ul> | <ul style="list-style-type: none"> <li>• Are "all" individuals protected under the Bill of Rights?</li> <li>• In the 21st century why is the 2nd amendment a contentious debate in American society?</li> <li>• Why are the Civil Rights Amendments so important to historically disenfranchised persons in America?</li> <li>• How are the Bill of Rights so essential to Civil Rights and Liberties?</li> </ul> |
| <b>Unit Goals</b>  |   |   |
| <ul style="list-style-type: none"> <li>• Evaluate how the law promotes the common good and protects individual rights.</li> <li>• Analyze the manner in which individual rights exist in constant tension with majority rule.</li> <li>• Research court decisions and other legal documents that have affected principles and ideals of civil rights and liberties.</li> </ul>   |   |   |
| <b>Knowledge</b><br>Students will know...  | <b>Skills</b><br>Students will be able to...  |   |

- Unalienable or natural rights are vested in individuals by birth, not granted by government
- Liberty is the absence of restraint
- Equality is a condition in which a person may hold the same status with respect to a particular criterion such as wealth, standing, or power
- Civil rights are the legal protection against discrimination when exercising the rights of life, liberty and property
- Civil liberties are the freedoms protected by the Constitution and statutes Article III, Section 2 provides the right to trial by jury
- Article III, Section 3 protects individuals from being charged with treason if they are merely practicing political dissent
- Article VI prohibits the use of religious tests as a qualification for holding public office
- Habeas corpus enables a court to review a custodial situation and order the release of an individual who is found to have been illegally incarcerated
- Constitution prohibits the passage of ex post facto laws, which seek to punish individuals for acts that were legal as of the time of their commission, and bills of attainder, which seek to punish individuals without trial
- The Contracts Clause (Article I, Section 10) prohibits governmental interference with contractual relationships
- Of the ten amendments in the Bill of Rights, the 1st, 4th, 5th, 6th, 8th, and 9th are of fundamental importance in the field of civil rights and liberties
- The 2nd Amendment recognizes the "right to keep and bear Arms" independent of the provision regarding a "well-regulated Militia"
- Supreme Court has upheld statutes regulating the sale, possession, and use of certain weapons
- The 14th Amendment is the most important amendment outside of the Bill of Rights as it places broad restrictions upon the power of states to infringe on the rights and liberties of citizens
- 14th Amendment overturned Scott v. Sanford (1857) and gave African-Americans citizenship
- Equal Protection Clause serves as the primary basis for protecting the civil rights of minority groups against discriminatory state action
- Due Process Clause prohibits states from depriving persons of life, liberty, or property without due process of law
- Procedural due process requires fundamental fairness in governmental proceedings against individuals (e.g., notice and hearings)
- Substantive due process prohibits government from enforcing policies that are deemed unreasonable, unfair, or unjust, even if they do not violate specific constitutional prohibitions (e.g., right of privacy)
- 15th Amendment (1870) prohibits racial discrimination in defining and implementing the right to vote
- 19th Amendment (1920) removes gender as a qualification for voting

- Create a graphic organizer which illustrates unalienable or natural rights, liberty vs. equality, and civil liberties vs. civil rights
- Participate in class discussion using an Essential Question as a topic
- Take effective notes from a PowerPoint and lecture presentation
- Create a graphic organizer which illustrates the various provisions of the Constitution which guarantee the right to trial by jury
- Participate in a group jig-saw activity regarding powers of the president
- Create cartoons to illustrate the differences among key concepts
- Review a pending courtroom document which will impact an individual's civil liberties
- Read news articles and answer higher level questions on Bill of Rights
- Participate in class discussion
- Write a position paper and argue its provisions in a class debate
- Create a cartoon, symbol or other graphic organizer to represent each of the amendments in the Bill of Rights
- Visit informative website and complete graphic organizer with respect to information reviewed
- View and discuss documentary on right to bear arms in U.S.
- Analyze factual scenarios and distinguish between substantive and procedural due process issues
- Participate in class discussion on the state action doctrine
- Create a timeline of seminal 14th Amendment Supreme Court cases
- Create a story board summary of the evolution of voting rights in America
- Write journal entry on why people take the right to vote for granted
- Create a graphic organizer or chart, which illustrates the unit's basic concepts of unalienable or natural rights, liberty vs. equality, and civil liberties vs. civil rights.

## Assessment Evidence (Stage 2)

### Performance Task Description

- **Goal**
- **Role**
- **Audience**
- **Situation**
- **Product/Performance**
- **Standards**

This unit has provided you with an introduction and broad survey of the constitutional sources of protection for civil rights and liberties. As manifestations of the ideals of liberty and equality, civil rights and liberties are regarded as indispensable features of American democracy. Another feature of a constitutional democracy is the fact that individual rights are in constant tension with majority rule. Courts must balance individual rights against compelling societal interests (e.g., public order, national defense, and the general welfare).

**Part I:** Choose and research one of the civil rights or liberties discussed in this unit (e.g., freedom of speech, freedom to bear arms, Equal Protection clause, etc.). Interest questionnaires and subsequent teacher topic assignment can be used to guarantee complete coverage of the topics focused upon in the unit. Students must use case law websites to find at least 3 Supreme Court cases which interpret the civil right/liberty.

**Part II:** Students must legally brief these 3 Supreme Court cases.


**Part III:** Make a poster on the civil right/liberty. Students must accomplish the following tasks in the graphics and text of their posters:

1. Explain why is the civil right/liberty an indispensable feature of our constitutional democracy?
2. Write a summary and include a visual for each of the 3 Supreme Court cases referenced above.
3. Explain how the Supreme Court balanced the civil right/liberty against larger societal interests.

**Part IV:** The class will be organized by the particular civil right/liberty each student used, and students will hang their posters around the room by particular civil right/liberty. Students will then participate in a gallery walk of the posters during which they will have to visit each section of the room and write down 3 observations and 1 question for that section. The questions and observations will be used during a culminating class discussion.

A scoring rubric for elements of Parts I, II, III and IV will be used.

## Other Evidence

- 
- Graphic organizer activity in which students will create a chart which illustrates the unit's basic concepts of unalienable or natural rights, liberty vs. equality, and civil liberties vs. civil rights
  - Read current events articles regarding the Bill of Rights in the news and answer higher level discussion questions in preparation for class discussion
  - Jig-saw activity using Supreme Court cases interpreting the difference between treason and political dissent and culminating with discussion on recent War in Iraq
  - Create cartoon strips which illustrate habeas corpus, ex post facto laws, and bills of attainder
  - Review and discuss a pending petition for habeas corpus made by a prisoner seeking judicial intervention culminating with a discussion of how the writ of habeas corpus was used in the Guantanamo cases
  - Gun control activity in which students will draft a short position paper on their views regarding the 2nd Amendment and recent Supreme Court case law and then use these arguments in a class debate on the topic
  - Bill of Rights Cartoon activity in which students will create a cartoon, symbol or other graphic organizer to represent each of the amendments in the Bill of Rights
  - Life Without the Bill of Rights game located on-line in which students will play interactive computer game and fill out graphic organizer with respect to information reviewed
  - Analyze the DeShaney v. Winnebago Social Services (1989) case and participate in a class discussion on whether governmental inaction can be interpreted as "state action" for purposes of the 14th Amendment
  - Create an illustrated timeline of seminal 14th Amendment Supreme Court cases, including a brief statement as to holding of each case
  - Create a story board summary of the evolution of voting rights in America which incorporates visual and textual information to show the relevant constitutional amendments and major events in American history
  - Journal entry and subsequent class discussion on how and why people take the right to vote for granted

## Learning Plan (Stage 3)

- **Where** are your students headed? **Where** have they been? **How** will you make sure the students know where they are going?
- **How** will you **hook** students at the beginning of the unit?
- **What** events will help students **experience and explore** the big idea and questions in the unit? **How** will you equip them with needed skills and knowledge?
- **How** will you cause students to **reflect and rethink**? **How** will you guide them in rehearsing, revising, and refining their work?
- **How** will you help students to **exhibit and self-evaluate** their growing skills, knowledge, and understanding throughout the unit?
- **How** will you **tailor** and otherwise personalize the learning plan to optimize the engagement and effectiveness of **ALL** students, without compromising the goals of the unit?
- **How** will you **organize** and sequence the learning activities to optimize the engagement and achievement of **ALL** students?

- Introductory and Closing Activities will be done every day to pre-assess student knowledge and assess understanding of topics (Synthesis, Analysis, and Evaluation)
- Reflection essays on the unit's Essential Questions as prompts
- KWL CHARTS
- Interest questionnaires
- Include primary/secondary sources: US Constitution, Case Studies, US Supreme Court cases, Current Events, online resources, video resources.
- Assess students on rough/final drafts for writing assignments.
- Assessment rubrics for Open-Ended and Essay Responses, Research Papers, Student Journals/Reflections, Visual Presentations and Group Discourse.
- Students maintain journal entries/reflections writing a one-page summary/evaluation of unit big ideas.
- Reflections Peer-to Peer. Class share-outs. (Think-Pair-Shares, 3step interview cooperative learning activities)
- Group and individual work is assigned daily, from various sources (Synthesis, Analysis, and Evaluation).
- The following methods will be used to formatively assess student learning and progress: exit tickets, teacher observations and questions, writing prompts, Socratic seminars, student discussions, and student performances.
- Students will be routinely assessed in order to provide a brief review of the concepts and skills in the previous lessons.
- Students will also be given a unit assessment (multiple choice, short answer and open-ended questions) and/or a differentiated unit project (individual or group based; challenge or problem-based) to complete at the end of the unit.
- Modify some individual activities into cooperative learning activities so that students of varied abilities may assist each other during projects using strategies such as Think-Pair-Shares, 3step interview, Round Tables.
- Supply graphic organizers and prompt students to reflect on primary/secondary source analysis regarding law, order and justice.
- Include specific roles within groups for students. Incorporate visual and/or auditory stimuli to appeal to the different learning styles of the students in the class.
- Students will understand the origins and foundations of US constitutional Law





|   |  |                    |         |
|---|--|--------------------|---------|
| <b>Title of Unit</b>                      | Unit #3: Freedom & Fairness (Expressive Freedom and the First Amendment) | <b>Grade Level</b> | 10th    |
| <b>Curriculum Area</b>                    | AA: Intro to Law   | <b>Time Frame</b>  | 5 weeks |
| <b>Developed By</b>                       | Adam Taha  |                    |         |
| <b>Identify Desired Results (Stage 1)</b> |  |                    |         |
| <b>Content Standards</b>                  |  |                    |         |

NJCCCS:

- 6.3.12.D.1 Analyze current laws involving individual rights and national security, and evaluate how the laws might be applied to a current case study that cites a violation of an individual's constitutional rights.
- 6.1.12.D.2.b Explain why American ideals put forth in the Constitution (i.e., due process, rule of law, and individual rights) have been denied to different groups of people throughout time.

CCSS:

- WHST7 Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation

Big Idea:

- Freedom and Fairness (Expressive Freedom and the First Amendment)

21st Century Standards: 9.1.8.A.1, 9.1.8.A.2, 9.1.8.B.1, 9.1.8.C.1, 9.1.8.C.2, 9.1.8.C.3, 9.1.8.D.2, 9.1.8.D.3, 9.3.8.B.3

- Creativity and Innovation
- Critical Thinking and Problem Solving
- Communication and Collaboration
- Information Literacy
- Media Literacy
- ICT Literacy
- Life and Career Skills
- Technology Based Activities

| <b>Understandings</b>            | <b>Essential Questions</b> |                |
|----------------------------------|----------------------------|----------------|
| <b>Overarching Understanding</b> | <b>Overarching</b>         | <b>Topical</b> |

|  |   |  |
|--|---|--|
| <ul style="list-style-type: none"> <li>• The freedom of speech is the indispensable condition of nearly every other form of freedom.</li> <li>• The Constitution protects individual expressive rights, such as the freedoms of speech, press, assembly, and association, from governmental infringement.</li> <li>• First Amendment freedoms are of fundamental importance in our constitutional democracy.</li> <li>• The rights guaranteed under the First Amendment are not absolute.</li> <li>• In deciding First Amendment cases, the Supreme Court attempts to balance society's vital interest in maintaining a free marketplace of ideas against legitimate government interests.</li> <li>• Although expression may be offensive to the majority, it may still be protected by the First Amendment.</li> </ul> | <ul style="list-style-type: none"> <li>• How and why does the Constitution protect individual expressive rights from governmental infringement?</li> <li>• Why and how are expressive freedoms of fundamental importance to a constitutional democracy?</li> <li>• How do courts balance the maintenance of a free marketplace of ideas against legitimate government interests in maintaining peace, order, security, decency, and overall quality of life?</li> </ul> | <ul style="list-style-type: none"> <li>• Should the expressive rights of minority groups be given special protection by courts?</li> <li>• Why is the freedom of speech the indispensable condition of nearly every other form of freedom?</li> <li>• How do Americans voice their perspectives on important issues of public debate?</li> </ul> |
| <b>Unit Goals</b>  |   |  |
| <ul style="list-style-type: none"> <li>• Analyze how the law promotes the common good and protects individual rights.</li> <li>• Evaluate the manner in which individual rights exist in constant tension with majority rule.</li> <li>• Research court decisions and other legal documents that have affected principles and ideals of civil rights and liberties.</li> <li>• Explain the rationales for promoting as well as restricting expressive freedom.</li> </ul>  |   |  |
| <b>Knowledge</b><br>Students will know...  | <b>Skills</b><br>Students will be able to...  |  |

- The freedom of expression encompasses both the freedom of speech and the freedom of press
- Freedom of assembly is the right of the people to peaceably assemble in a public place
- Freedom of association, which is implicit in the 1st Amendment, is the right of the people to associate freely without unwarranted government interference
- The "chilling effect" is the effect of discouraging persons from exercising their rights

In *Near v. Minnesota* (1931), the Supreme Court developed the doctrine of "prior restraint" which restricts government censorship of expression prior to its utterance

- In *New York Times Co. v. United States* (1971), the Supreme Court used the doctrine of prior restraint refused to allow the federal government to bar newspapers from publishing classified documents dealing with the Vietnam War
- In *Schenck v. United States* (1919), the Supreme Court held that the government may punish expression if it creates a "clear and present danger" of bringing about conditions that the government has authority to prevent
- The Supreme Court in *Brandenburg v. Ohio* (1969) limited the "clear and present danger" test so that it applied only to expression in situations where there is "imminent lawless action" and the expression is likely to produce such action
- The Supreme Court has held that "fighting words", or words that are inherently likely to produce a violent reaction, are outside the scope of the 1st Amendment
- Unless "hate speech" can be identified with fighting words, defamation, or imminent lawless action, it is protected under the 1st Amendment
- Although profanity was once recognized as falling outside the scope of the 1st Amendment protection, this view has eroded to the point where profanity is now considered ordinary speech; thus, profanity prosecutions are extremely rare.
- Symbolic speech refers to nonverbal communication that is deemed entitled to 1st Amendment protection
- The determination of whether a particular symbol is accorded constitutional protection depends on the circumstances surrounding its display
- The Supreme Court has accorded 1st Amendment protection to the burning of the American flag as a form of nonviolent protest
- Although public nudity in general is not recognized as symbolic speech, nudity as a form of artistic expression may under some circumstances be granted protection

- Participate in class discussion using an Essential Question as a topic

- Complete a KWL chart on the freedoms of expression, assembly and association
- Analyze Supreme Court case excerpt and participate in class debate
- Participate in a Socratic Seminar
- Research the use of freedom of press in the context of student newspapers
- Visit websites that release classified information and determine whether the information should be public
- Take effective notes on PowerPoint and lecture presentation
- Read and analyze Supreme Court case excerpts
- Answer critical thinking questions regarding the case excerpts
- Participate in class discussion on Supreme Court case excerpts and critical thinking questions
- Analyze hypothetical fact patterns and determine whether the expression in each example is barred under the "clear and present danger" test
- Analyze hypothetical fact patterns and determine whether the expression in each example is barred as fighting words, hate speech or profanity
- Participate in class discussion on Supreme Court case excerpts and critical thinking questions
- Prepare and draft hypothetical statutes
- Review and analyze the statute written by the other sections of Constitutional Law
- View video footage of public demonstrations and analyze whether 1st Amendment rights were infringed
- Contact local government officials regarding rules for public demonstrations
- Draft a state regulation which includes a definition of "indecent" and determine whether they violate the law
- Participate in class debates

**Assessment Evidence (Stage 2)**

**Performance Task Description**

This unit has provided you with an analysis of major issues involving the freedom of expression, assembly, and association under the 1st Amendment. Although these rights are guaranteed by the Constitution and form the basis of a democratic society, the Supreme Court has consistently ruled that these rights are not absolute. In deciding difficult 1st Amendment cases, the Court attempts to accommodate legitimate government interests in maintaining peace, order, security, decency, and overall quality of life with an open society's vital interest in maintaining a free marketplace of ideas. You will be presented with a difficult 1st Amendment case, and you will have to participate in a Moot Court.

**Part I:** Separate the class into the following three groups: Appellant, Respondent, and Supreme Court. Nine students will form the Supreme Court group; one of the nine will be elected Chief Justice by the group. Four to five students will be assigned to each of the party groups.

**Part II:** Activity materials and procedures can be found at <http://www.cesqd.org/mootcourt.html>. The following website [www.streetlaw.org](http://www.streetlaw.org) also contains strategies for conducting a Moot Court. Groups will follow the directions found at the websites and prepare for the Moot Court. For example, party groups will review the facts/procedural history of the case presented and prepare a short legal brief which summarizes their arguments. Students in the Supreme Court group will then review the briefs and draft questions to use during oral argument. Party groups must also prepare themselves for possible questions during oral argument.

**Part III:** Conduct the Moot Court Oral Argument activity as directed by <http://www.cesqd.org/mootcourt.html> and [www.streetlaw.org](http://www.streetlaw.org). Specifically, each of the two sides will present its arguments and the Supreme Court will follow up with questions which need to be answered.

**Part IV:** At the conclusion of oral argument, Supreme Court justices will discuss what occurred during oral argument, and vote for which side should win. Each justice will write a short opinion which includes their ruling and reasoning.

**Part V:** The vote and each of the opinions will be presented to the entire class. The class as a whole will then determine which of the opinions should be 1) the majority opinion, 2) concurring opinions, and 3) dissenting opinions.

**A scoring rubric for elements of Parts II, III and IV will be used. As to grade breakdowns, see the following possibility. Lawyers (25% group grade for legal brief & 75% individual grade on oral argument) Justices (20% individual grade on questions prepared for oral argument, 5% group grade on oral argument, and 75% individual grade on opinion prepared)**

- **Goal**
- **Role**
- **Audience**
- **Situation**
- **Product/Performance**
- **Standards**

## Other Evidence

- Analyze excerpt of *United States v. The Progressive* (1979) and hold a class debate on whether the government violates the doctrine of prior restraint if it bans publication of how to make a hydrogen bomb
- Socratic seminar on the war against terrorism, the doctrine of prior restraint and whether a journalist can be prosecuted for publishing classified information
- Research and legally brief a Supreme Court case involving the freedom of press and school newspapers
- View and analyze information released on Wiki Leaks and then discuss whether the information should be public
- Read and analyze excerpts from various 1st Amendment Supreme Court cases and then Think-Pair-Share critical thinking questions
- Jig-saw Activity using Supreme Court cases involving "fighting words", "hate speech", and "profanity"
- Use excerpts from the *Texas v. Johnson* (1989) case as well as secondary sources to hold a Socratic Seminar on the people's right to burn flags
- Cull and analyze media stories from the internet, newspapers, magazines, etc. for articles that might be considered defamatory and not afforded freedom of press protection
- Analyze and discuss hypothetical statutes prepared and drafted by another section of Constitutional Law students to determine if, how, and why they violate the Overbreadth Doctrine of the 1st Amendment
- View video footage of 1960s Civil Rights demonstrations and other expressive activities in the public forum to determine whether 1st Amendment rights were infringed by state actors
- Read Supreme Court cases regarding the Civil Rights Movement and public demonstrations and write an editorial critiquing the decisions
- Contact local government officials to determine the exact rules and regulations regarding obtaining a license for a public demonstration and then analyze whether the rules/regulations compromise 1st Amendment protections
- Group project in which 2/3s of the class prepare draft regulations which include a definition of "indecent" for purposes of public media and the other 1/3 will analyze the regulations and render decisions as to their constitutionality
- Class debate on applying the freedom of association to parades, men's only social clubs, and organizations like the Boy Scouts of America

## Learning Plan (Stage 3)

- **Where** are your students headed? **Where have they been?** **How will you make sure the students know where they are going?**
- **How will you hook** students at the beginning of the unit?

- **What events will help students experience and explore** the big idea and questions in the unit? **How will you equip them with needed skills and knowledge?**

- **How will you cause students to reflect and rethink?** **How will you guide them in rehearsing, revising, and refining their work?**
- **How will you help students to exhibit and self-evaluate** their growing skills, knowledge, and understanding throughout the unit?

- Introductory and Closing Activities will be done every day to pre-assess student knowledge and assess understanding of topics (Synthesis, Analysis, and Evaluation)
- Reflection essays on the unit's Essential Questions as prompts
- KWL CHARTS
- Interest questionnaires
- Include primary/secondary sources: US Constitution, Case Studies, US Supreme Court cases, Current Events, online resources, video resources.
- Assess students on rough/final drafts for writing assignments.
- Assessment rubrics for Open-Ended and Essay Responses, Research Papers, Student Journals/Reflections, Visual Presentations and Group Discourse.
- Students maintain journal entries/reflections writing a one-page summary/evaluation of unit big ideas.
- Reflections Peer-to Peer. Class share-outs. (Think-Pair-Shares, 3step interview cooperative learning activities)
- Group and individual work is assigned daily, from various sources (Synthesis, Analysis, and Evaluation).
- The following methods will be used to formatively assess student learning and progress: exit tickets, teacher observations and questions, writing prompts, Socratic seminars, student discussions, and student performances.
- Students will be routinely assessed in order to provide a brief review of the concepts and skills in the previous lessons.
- Students will also be given a unit assessment (multiple choice, short answer and open-ended questions) and/or a differentiated unit project (individual or group based; challenge or problem-based) to complete at the end of the unit.
- Modify some individual activities into cooperative learning activities so that students of varied abilities may assist each other during projects using strategies such as Think-Pair-Shares, 3step interview, Round Tables.
- Supply graphic organizers and prompt students to reflect on primary/secondary source analysis regarding law, order and justice.
- Include specific roles within groups for students. Incorporate visual and/or auditory stimuli to appeal to the different learning styles of the students in the class.
- Students will understand the origins and foundations of US constitutional Law



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