

The following instructional plan is part of a GaDOE collection of Unit Frameworks, Performance Tasks, examples of Student Work, and Teacher Commentary for the American Government/Civics Social Studies Course.

American Government/Civics - Unit Number 9- The Judicial Branch and the Criminal Justice Process

Elaborated Unit Focus	<p>In this unit, students will examine the United States judicial branch and criminal justice system. Students will focus on the operation of the judicial branch including: the selection and approval process for federal judges, original and appellate jurisdiction, the concept of judicial review and judicial activism, and the responsibilities of the Supreme Court. Students will investigate key Supreme Court cases throughout United States history. Furthermore, students will also examine due process of rights, the different categories of crime, criminal versus civil cases, and the processes and procedures involved with criminal proceedings.</p>
Connection to Connecting Theme/Enduring Understandings	<p>Distribution of Power:</p> <p>The student will understand that distribution of power in government is a product of existing laws and documents combined with contemporary values and beliefs.</p> <ul style="list-style-type: none"> • Approval Process for Judges • Jurisdiction of courts • Judicial Review <p>Rule of Law:</p> <p>The student will understand that in a democracy, rule of law influences the behavior of citizens, established procedures for making policies, and limits the power of government.</p> <ul style="list-style-type: none"> • Supreme Court Operation • Due Process • Criminal Justice Process <p>Beliefs and Ideals:</p> <p>The student will understand that the beliefs and ideals of a society influence the social, political, and economic decisions of that society.</p> <ul style="list-style-type: none"> • Judicial Activism • Judicial Restraint
GSE for Social Studies (standards and elements)	<p>SSCG13- Demonstrate knowledge of the operation of the judicial branch of government.</p> <ol style="list-style-type: none"> a. Describe the selection and approval process for federal judges. b. Explain the jurisdiction of the Supreme Court, federal courts and the state courts. c. Examine how John Marshall established judicial review through his opinion in <i>Marbury v. Madison</i> and relate its impact. d. Describe how the Supreme Court selects and decides cases. e. Compare the philosophies of judicial activism and judicial restraint and provide relevant examples (e.g., marriage, 2nd Amendment, death penalty, etc.) <p>SSCH14- Demonstrate knowledge of the criminal justice process.</p> <ol style="list-style-type: none"> a. Explain an individual's due process rights (e.g., 4th, 5th, 6th, and 14th Amendments). b. Categorize different types of crimes. c. Analyze the procedures in the criminal justice process. d. Examine the different types of sentences a convicted person can receive. e. Contrast the procedures related to civil suits with criminal proceedings.

<p>Connection to Literacy Standards for Social Studies (reading and/or writing)</p>	<p>L9-10RHSS4- Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social or economic aspects of history/social science.</p> <p>L9-10WHST1- Write arguments focused on discipline-specific content.</p> <p>L9-10WHST5 Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.</p> <p>L9-10WHST6- Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.</p>
<p>Connection to Social Studies Matrices (information processing and/or map and globe skills)</p>	<p>Information Processing Skills:</p> <ol style="list-style-type: none"> 1. Compare similarities and differences 3. Identify issues and/or problems and alternative solutions 4. Distinguish between fact and opinion 6. Identify and use primary and secondary sources 14. Formulate appropriate research questions 17. Interpret political cartoons <p>Map and Globe Skills:</p> <ol style="list-style-type: none"> 4. Compare and contrast the categories of natural, cultural, and political features found on maps 7. Use a map to explain impact of geography on historical and current events 10. Compare maps of the same place at different points in time and from different perspectives to determine changes, identify trends, and generalize about human activity 12. Use geographic technology and software to determine changes, identify trends, and generalize about human activities.

Essential Questions and Related Supporting/Guiding Questions

Enduring Understanding 1 (Distribution of Power)	<p>How is the distribution of judicial power a product of existing laws combined with values and beliefs?</p> <ul style="list-style-type: none"> • Why is the Supreme Court involved in the judicial review of legislation? • Why does the approval process for federal judges involve other branches of government? • How is judicial jurisdiction distributed between the local, state, and federal governments?
Enduring Understanding 2 (Rule of Law)	<p>How does the Rule of Law influence judicial procedure?</p> <ul style="list-style-type: none"> • How does the Supreme Court select and decide cases? • How does the Rule of Law protect the rights of accused persons? • Why does the Rule of Law explicitly define the criminal justice process?
Enduring Understanding 3 (Beliefs and Ideals)	<p>How do the beliefs and ideals of a society influence the judicial system and its operation?</p> <ul style="list-style-type: none"> • How does judicial activism reflect the beliefs and ideals of American society? • How does judicial restraint reflect the beliefs and ideals of American society?

Sample Instructional Activities/Assessments

Concepts in American Government/Civics: Selection and Approval of Federal Judges

This unit examines the distribution of power among the branches of government as it pertains to the selection and approval of federal judges. Students will complete a flowchart highlighting the procedure for selecting and confirming Supreme Court judges. Students will also analyze a political cartoon related to the vacancy on the Supreme Court during the 2016 Presidential election.

GSE Standards and Elements

SSCG13- Demonstrate knowledge of the operation of the judicial branch of government.

- a. Describe the selection and approval process for federal judges.

Literacy Standards

L9-10RHSS4-

Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social or economic aspects of history/social science.

L9-10WHST1-

Write arguments focused on discipline-specific content.

L9-10WHST5

Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

L9-10WHST6-

Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.

Social Studies Matrices

Information Processing Skills:

- 1. Compare similarities and differences
- 3. Identify issues and/or problems and alternative solutions
- 4. Distinguish between fact and opinion
- 6. Identify and use primary and secondary sources
- 14. Formulate appropriate research questions
- 17. Interpret political cartoons

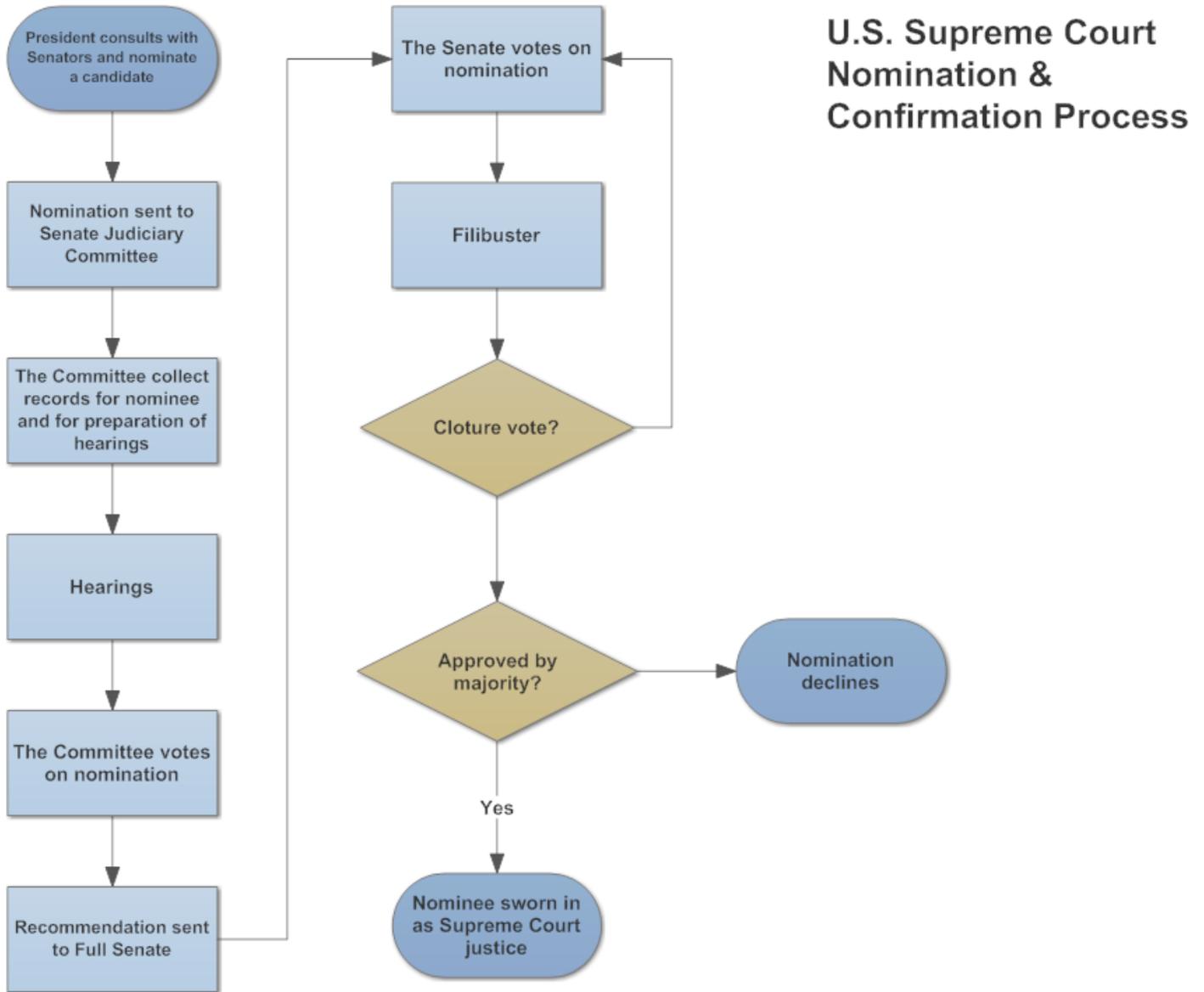
Map and Globe Skills:

- 4. Compare and contrast the categories of natural, cultural, and political features found on maps
- 7. Use a map to explain impact of geography on historical and current events
- 10. Compare maps of the same place at different points in time and from different perspectives to determine changes, identify trends, and generalize about human activity
- 12. Use geographic technology and software to determine changes, identify trends, and generalize about human activities.

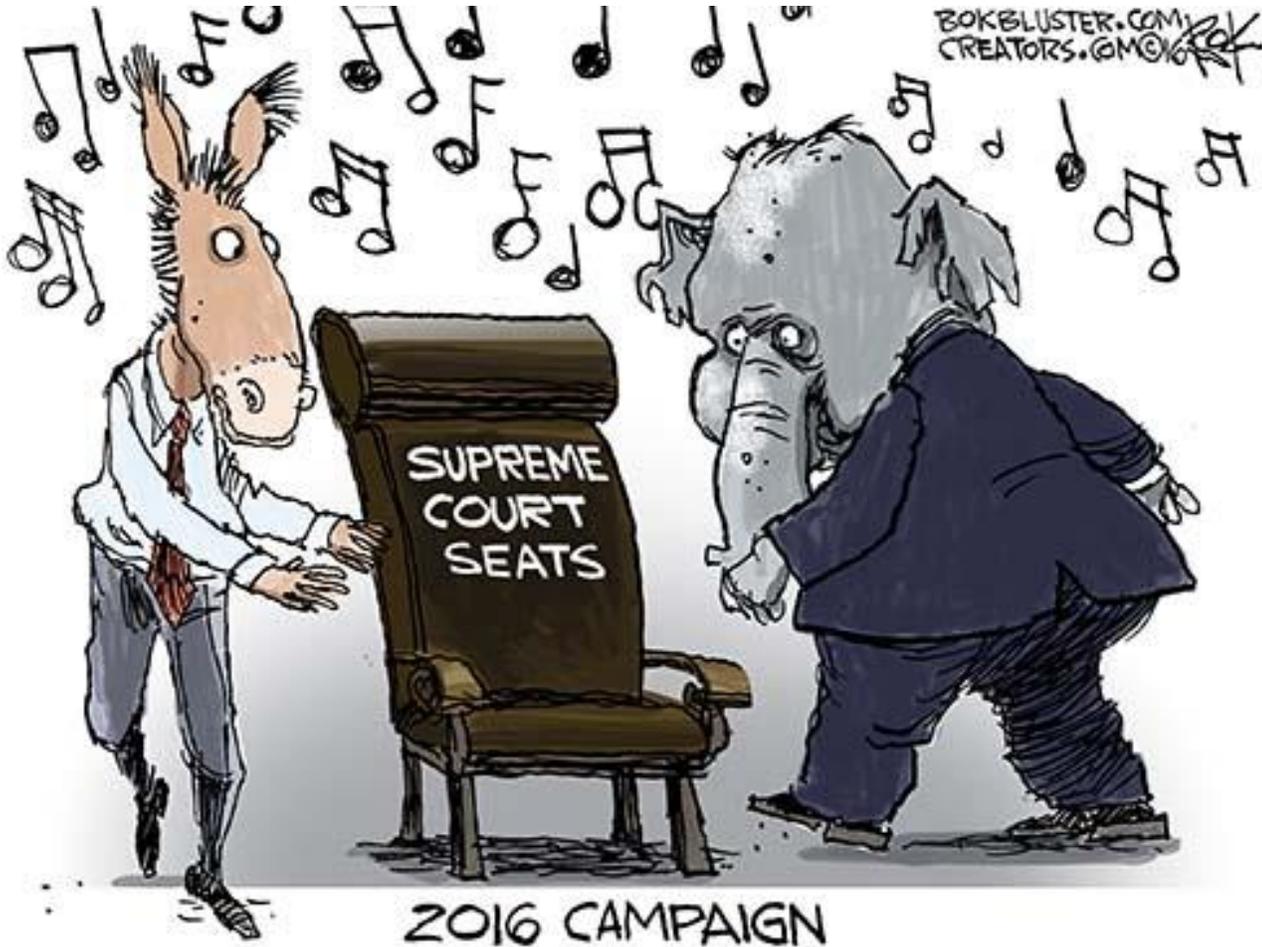
Enduring Understanding(s)

Distribution of Power

ACTIVITY #1 - VISUAL FLOW CHART – make a copy of the flow chart below, which outlines the nomination and confirmation process Supreme Court justices.



ACTIVITY #2 : For the following activity, ask students to interpret the political cartoon depicted below:



<http://bokbluster.com/2016/02/19/supreme-court-seats/>

**Answer should address the challenge of appointing Supreme Court Justices during a presidential campaign year. On 2/1/2016, during an election year, conservative Justice Anton Scalia, passed away. Presidents have the power to nominate Supreme Court justices, although the nomination must be approved and confirmed by the Senate. The cartoon depicts the dilemma of former President Obama trying to nominate a liberal judge, while not having enough votes in the Senate to support the confirmation of a liberal judge. The nomination and confirmation process did not occur until after the election. In the political cartoon, this period of waiting until after the election, is similar to a game of musical chairs.

Sample Instructional Activities/Assessments

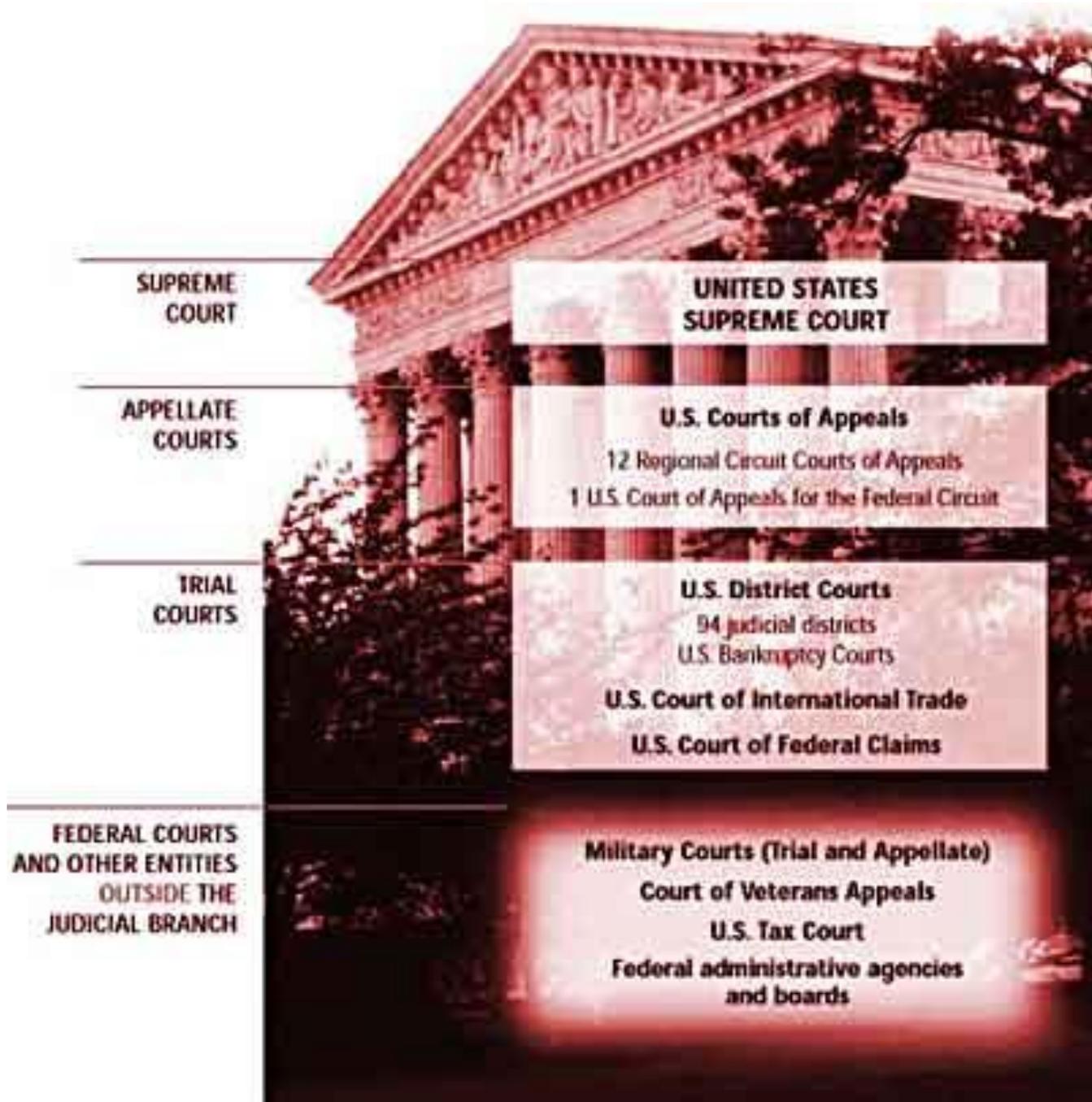
Concepts in American Government/Civics: Jurisdiction – Original and Appellate

This unit examines the function of local, state, and federal courts. Students will investigate various scenarios to determine which level court will hear the case.

GSE Standards and Elements	<p>SSCG13- Demonstrate knowledge of the operation of the judicial branch of government.</p> <p>b. Explain the jurisdiction of the Supreme Court, federal courts and the state courts.</p> <p>SSCH14- Demonstrate knowledge of the criminal justice process.</p> <p>b. Categorize different types of crimes.</p>
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Literacy Standards	<p>L9-10RHSS4- Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social or economic aspects of history/social science.</p> <p>L9-10WHST1- Write arguments focused on discipline-specific content.</p> <p>L9-10WHST5 Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.</p> <p>L9-10WHST6- Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.</p>
Social Studies Matrices	<p>Information Processing Skills:</p> <ol style="list-style-type: none"> 1. Compare similarities and differences 3. Identify issues and/or problems and alternative solutions 4. Distinguish between fact and opinion 6. Identify and use primary and secondary sources 14. Formulate appropriate research questions 17. Interpret political cartoons <p>Map and Globe Skills:</p> <ol style="list-style-type: none"> 4. Compare and contrast the categories of natural, cultural, and political features found on maps 7. Use a map to explain impact of geography on historical and current events 10. Compare maps of the same place at different points in time and from different perspectives to determine changes, identify trends, and generalize about human activity 12. Use geographic technology and software to determine changes, identify trends, and generalize about human activities.
Enduring Understanding(s)	Distribution of Power

The following visual outlines the organization of the federal courts, with the trial courts as courts of original jurisdiction and the U.S. Court of Appeals as the courts with appellate jurisdiction.



www.ushistory.org

Activity: The following activity presents various scenarios. Students are to work in groups of two or three to discuss the situation and come to a conclusion on which type of court the case would be heard. They will then share answers with the class; the instructor should encourage discussion.

Scenarios and Answers

- a. Martha shoots and kills her husband in the State of Georgia. The state prosecutor brings charges in which court?

Answer: Superior court. Since the state prosecutor is bringing the charges, the case is in a Georgia court that hears felonies.

- b. Larry's landlord refuses to return his damage deposit of \$450 when Larry moves out of his apartment, even though the apartment is in excellent condition. Larry wants to sue his landlord, but doesn't want to hire a lawyer. In which court can Larry file suit?

Answer: District court (small claims division). Landlord-tenant issues are state issues and when the amount in question is less than \$5,000, the case would go to small claims, a division of district court.

- c. Frank has been convicted of murder in superior court and his sentence is the death penalty. He appeals his case to which court?

Answer: Georgia State Supreme Court. Generally, appeals from state superior courts go to the Court of Appeals for the division that that specific superior court is in. However, because the most serious penalty, the death penalty, has been ordered, the case will skip the Court of Appeals and go directly to the State Supreme Court.

- d. Charlene is being tried for burning the American flag in front of the post office in Atlanta. The Assistant United States Attorney files charges against her in which court?

Answer: United States District Court. The Assistant U.S. Attorney is the federal prosecutor, so this case is being charged in the federal trial court. The case involves the federal issue whether free speech covers the burning of the flag.

- e. Charlene appeals her conviction of defacing an American flag to which court?

Answer: United States Court of Appeals or United States Supreme Court. The usual route of appeal from the United States District Courts is to the United States Courts of Appeals. In certain cases, such as the flag burning case, where a speedy resolution of an issue by the United States Supreme Court is warranted, the United States Supreme Court will hear and review the case directly.

- f. Martha appeals her conviction in superior court for murder in the second degree to which court?

Answer: Georgia State Court of Appeals. This is the normal appeals route in state court.

- g.** Alice Singer sues a famous band for stealing her song and violating her copyright in which court?

Answer: United States District Court. The federal court has exclusive jurisdiction over copyright cases, so the case will be filed in the federal court.

- h.** Kelly is cited for her disruptive behavior on a city bus. Which court will hear her case?

Answer: Municipal court. Her citation was issued within a city, so that the city court, the municipal court, will hear her case.

- i.** Mary was in a car accident in which she injured her neck. She sues the driver of the other car for \$80,000 in which court?

Answer: Superior court. Civil cases in which the amount is \$75,000 or greater must be brought in superior court.

- j.** Arnold was convicted of burglary in the first degree by a jury in superior court. He appeals his conviction to which court?

Answer: Georgia State Court of Appeals. This is the normal appeals route for state convictions in superior court.

- k.** The United States Courts of Appeals upholds the United States District Court's ruling that the state initiative to terminate mandatory busing is unconstitutional. The state asks which court to review the decision?

Answer: United States Supreme Court. The state may ask the highest court to review this decision. This is a discretionary on the part of the U.S. Supreme Court whether to take this case. The federal courts have jurisdiction in this case because it is an interpretation of the U.S. Constitution.

- l.** Jesse is arrested for driving while intoxicated within the city limits of a large city. In which court is he charged?

Answer: Municipal court or district court. Generally, if arrested within the city limits, the case will go to municipal court.

- m.** Disabled individuals appeal a jury verdict that a movie theater did not violate their rights under the federal Americans with Disabilities Act. In which court is the appeal filed?

Answer: United States Courts of Appeals or the State Court of Appeals. The federal courts have jurisdiction because the claim is being brought under a federal statute (law passed by Congress). However, state courts have concurrent jurisdiction with federal courts over ADA claims.

- n.** Inmates ask this court to review their case from the State's Supreme Court, claiming that the jail failed to provide them with basic human needs.

Answer: United States Supreme Court. The next level court from the state's highest court is the U.S. Supreme Court.

- o.** The State Court of Appeals overturns Austin's conviction for selling drugs, based on an illegal search and seizure. The state asks which court to review the decision?

Answer: Georgia State Supreme Court. The next level of review is with the Georgia State Supreme Court. However it is a discretionary court of review and does not have to hear the case.

- p.** Maya is cited for sitting on the sidewalk in violation of a local ordinance. In which court will her case be tried?

Answer: Municipal court. This is a violation of a local ordinance passed by a municipality, so her violation will be in municipal court.

- q.** Thomas, who is 14, is charged with theft in which court?

Answer: Superior court (juvenile division). Juveniles are generally tried in a division of the superior court, called the juvenile division. Some juvenile cases because of the age and seriousness of the offense may be tried as adults in the regular superior court.

www.courts.wa.gov/content

Sample Instructional Activities/Assessments

Concepts in American Government/Civics: Jurisdiction – Federal Courts vs. State Courts

This unit delineates the distribution of courts between the federal and state levels of government. Students will complete a graphic organizer charting the different courts within each level of government.

GSE Standards and Elements

SSCG13- Demonstrate knowledge of the operation of the judicial branch of government.
 b. Explain the jurisdiction of the Supreme Court, federal courts and the state courts.

Literacy Standards

L9-10RHSS4-

Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social or economic aspects of history/social science.

L9-10WHST1-

Write arguments focused on discipline-specific content.

L9-10WHST5

Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

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Social Studies Matrices

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1. Compare similarities and differences
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Map and Globe Skills:

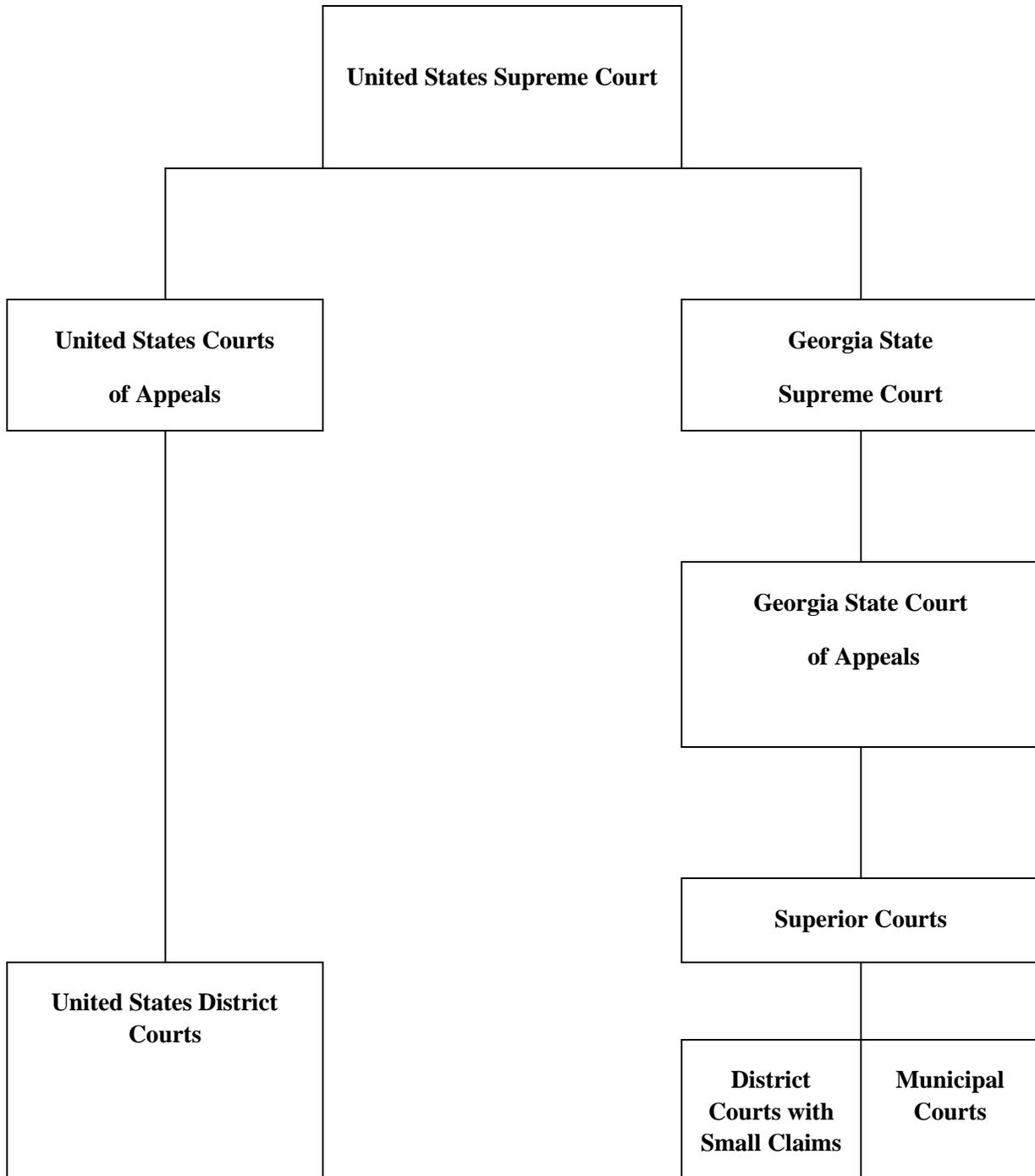
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Enduring Understanding(s)

Distribution of Power

Activity: Students will use the following graphic organizer to create a visual organizational chart of the federal and state court system in the United States.

FEDERAL AND STATE COURTS – OVERVIEW FOR GEORGIA



Sample Instructional Activities/Assessments

Concepts in American Government/Civics: Supreme Court- *Marbury vs. Madison* and Judicial Activism / Judicial Restraint

This unit examines the power of the Supreme Court to interpret laws and policies in their rulings. The concepts of Judicial Review, Judicial Activism, and Judicial Restraint will be examined through documents and excerpts of Court opinions.

GSE Standards and Elements	<p>SSCG13- Demonstrate knowledge of the operation of the judicial branch of government.</p> <ul style="list-style-type: none"> c. Examine how John Marshall established judicial review through his opinion in <i>Marbury v. Madison</i> and relate its impact. d. Describe how the Supreme Court selects and decides cases. e. Compare the philosophies of judicial activism and judicial restraint and provide relevant examples (e.g., marriage, 2nd Amendment, death penalty, etc.)
Literacy Standards	<p>L9-10RHSS4- Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social or economic aspects of history/social science.</p> <p>L9-10WHST1- Write arguments focused on discipline-specific content.</p> <p>L9-10WHST5 Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.</p> <p>L9-10WHST6- Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.</p>
Social Studies Matrices	<p>Information Processing Skills:</p> <ol style="list-style-type: none"> 1. Compare similarities and differences 3. Identify issues and/or problems and alternative solutions 4. Distinguish between fact and opinion 6. Identify and use primary and secondary sources 14. Formulate appropriate research questions 17. Interpret political cartoons <p>Map and Globe Skills:</p> <ol style="list-style-type: none"> 4. Compare and contrast the categories of natural, cultural, and political features found on maps 7. Use a map to explain impact of geography on historical and current events 10. Compare maps of the same place at different points in time and from different perspectives to determine changes, identify trends, and generalize about human activity 12. Use geographic technology and software to determine changes, identify trends, and generalize about human activities.
Enduring Understanding(s)	<p>Distribution of Power</p> <p>Beliefs and Ideals</p>

Activity #1: Students will be handed out a copy of the following political cartoon. They are to write a one-page interpretation of the cartoon.



Activity #2: The following activity examines the landmark Supreme Court case of *Marbury v. Madison* (1803) and the concept of judicial review. Judicial review was established with this court case. Students will read the case scenario below and write their opinion regarding whether or not they agree with the Supreme Court's decision. Students should provide support for their opinion.

Marbury v. Madison (1803)

So What?

Believe it or not, this is considered one of the most important cases the Supreme Court has ever decided. That's because it was the first time the Supreme Court struck down an act of Congress for being unconstitutional. The idea that the Supreme Court has the final say about what is constitutional is called **judicial review**. Judicial review lets the judicial branch do two things: 1) interpret the Constitution and decide what it means, and 2) stop the executive and legislative branches from doing things that go against the Constitution.

The decision in Marbury v. Madison helped cement the judicial branch as equal with the other two branches of government by giving it equal power.

“But the President Said I Could Be a Judge!”

In 1800, President John Adams ran to be re-elected as president, but he lost to Thomas Jefferson. During his last weeks in office, Adams appointed a bunch of men to be justices of the peace in the District of Columbia. Each man would receive a paper commission that was signed and sealed. The commissions were prepared, but they were not sent before Adams left office. When President Jefferson took over, he refused to send them.

One man, William Marbury, was upset. He wanted to be a judge! So he asked the United States Supreme Court to issue a legal order called a writ of mandamus. In this case, the writ would have required Marbury's commission to be delivered.

The Decision

The Supreme Court agreed that Marbury had a right to receive his commission, but disagreed that the Court had the power to issue the writ. Why? Because the Supreme Court gets its power directly from the Constitution, and the Constitution says only certain kinds of cases can start at the Supreme Court. That meant the 1789 law passed by Congress was unconstitutional. Congress did not have the power to allow more kinds of cases to start at the Supreme Court. Therefore, the Supreme Court said it could not help Marbury get his commission.

The Argument

Did you notice that Marbury didn't start in a regular, local court? He started at the Supreme Court. Normally, that would be backwards. But in 1789, Congress had passed a law saying people could start at the Supreme Court if all they wanted was a writ of mandamus. Marbury argued that he was entitled to the writ because his commission had already been created. He also argued that the Supreme Court had the power to issue the writ.

**James Madison was Jefferson's Secretary of State. He was told not to deliver the commissions. Thanks to Marbury v. Madison, today the three branches of government are equal.

**P.S. William Marbury never did receive his commission.

www.icivics.org

http://www.pbs.org/wnet/supremecourt/democracy/landmark_marbury.html

Activity #3: The following activity examines both judicial restraint and judicial activism. Students will read the following excerpt and decide how Supreme Court judges should use their power. You may choose to have students debate this topic, if time permits.

An Active Role for Today's Courts

In recent years the courts have begun tackling problems assumed in the past to be the responsibility of school boards, prison superintendents, hospital administrators, and legislators. Across the nation, far-reaching federal court decisions have reorganized prison systems, opened and closed schools, filled seats on school boards, determined routes for highways, influenced the choice of sites for nuclear power plants, and instructed state and local officials in how to do their jobs.

On what grounds have judges taken such actions? Sometimes a constitutional argument supports such court decisions. For example, judges have ordered changes in prison systems like Alabama's because the courts have found prison conditions so barbaric that they violated the Eighth Amendment's ban on "cruel and unusual punishment." At other times the courts interpret the meaning of laws or design remedies for violation of the law. For example, judges have ordered police departments to hire blacks and other minorities in compliance with federal civil rights laws.

Such decisions have raised questions about how judges use their power to interpret the Constitution. Should judges interpret the Constitution *liberally* or *narrowly*? In this lesson we look at the meaning of **judicial activism** and **judicial restraint**. Next we will look at arguments for and against judicial activism. Then you will decide: **How should judges use their power?**

Two Points of View-Activism and Restraint

The Constitution declares in *Article VI* that the "*Constitution and the Laws of the United States...and all Treaties made...should be the supreme Law of the land...*" This clause, known as the "**supremacy clause**," spells out the principles that no state law can violate any federal law and that no law, state or federal, can violate the Constitution.

As early as 1791, a federal circuit court declared a Rhode Island statute (law) unconstitutional because it violated a provision of the U.S. Constitution. In 1796, in *Ware v. Hylton*, the Supreme Court held a Virginia statute void because it violated the treaty of peace with Great Britain. In *Marbury v. Madison* (1803) the Supreme Court declared a federal law unconstitutional. **These cases established the power of "judicial review" in the Supreme Court. Judicial review is the power of courts to declare acts of legislative and executive branches of government null and void if they violate a provision of the Constitution.** Since the early nineteenth century, debate has continued over how federal judges should use their powers. **Should the courts practice restraint or should they expand the scope of the Constitution in their interpretations of laws and constitutional provisions?**

Judicial Restraint

Those advocating judicial restraint believe the courts should avoid constitutional questions when possible. The courts should uphold all acts of Congress and state legislatures except for those that clearly violate a specific section of the Constitution.

In practicing judicial restraint, the courts should defer to the constitutional interpretations of Congress, the President, and others whenever possible. The courts should hesitate to use judicial review to promote new ideas or policy preference. In short, the courts should interpret the law and not intervene in policy making.

Over the years famous Supreme Court justices such as Felix Frankfurter, Louis Brandeis, and Oliver Wendell Holmes called for judicial restraint. Frankfurter once said, “As a member of this Court I am not justified in writing my opinions into the Constitution, no matter how deeply I may cherish them.”

Judicial Activism

The principle of judicial activism encourages the courts to actively use judicial review to interpret and enforce the Constitution. Judicial activism envisions the courts playing a role equal to those of the legislative and executive branches in determining the meaning of the Constitution.

According to judicial activism, judges should use their powers to correct injustices, especially when the other branches of government do not act to do so. In short, the courts should play an active role in shaping social policy on such issues as civil rights, protection of individual rights, political unfairness and public morality.

Chief Justice Earl Warren (1954-1969) and many members of the Warren Court, such as Justice William O. Douglas (1935-1979), followed the principle of *judicial activism*. For example, they boldly used the Constitution to make sweeping social changes promoting such policies as school desegregation and to insure that all Americans had the opportunity to vote and to participate in American society.

1. Justice Charles Evans Hughes said: “*We are under a Constitution, but the Constitution is what the judge says it is.*” Would this statement support judicial activism or judicial restraint? Explain.
2. Justice John Harlan said: “*The Constitution is not a panacea (cure) for every blot upon the public welfare, not should this Court, ordained as a judicial body, be thought as a general haven for reform movement.*” Does this statement support judicial activism or judicial restraint? Explain.

Judicial Activism-Pros and Cons

The judicial activism of federal courts in recent years has stirred controversies over how much power judges should have. Many people have called for a return to judicial restraint. What do you think? Should the courts play an active, creative role in interpreting the Constitution? Or is greater judicial restraint needed? Read the following arguments for and against judicial activism.

Arguments for Judicial Activism

Supporters of judicial activism argue that it is necessary to correct injustices and promote needed social changes. They view the courts as institutions of last resort for those in society who lack the political power to influence the other branches of government.

hbhs.ecboe.org/UserFiles/.../Judicial_Activism_and_Judicial_Restraint_2010.doc

Sample Instructional Activities/Assessments

Concepts in American Government/Civics: Due Process Rights

This unit examines the rights guaranteed to accused persons through Due Process protections in the U.S. Constitution. Students will examine the text of the Amendments pertaining to Due Process Rights

GSE Standards and Elements	<p>SSCH14- Demonstrate knowledge of the criminal justice process.</p> <p>a. Explain an individual's due process rights (e.g., 4th, 5th, 6th, and 14th Amendments).</p>
Literacy Standards	<p>L9-10RHSS4- Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social or economic aspects of history/social science.</p> <p>L9-10WHST1- Write arguments focused on discipline-specific content.</p> <p>L9-10WHST5 Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.</p> <p>L9-10WHST6- Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.</p>
Social Studies Matrices	<p>Information Processing Skills:</p> <ol style="list-style-type: none"> 1. Compare similarities and differences 3. Identify issues and/or problems and alternative solutions 4. Distinguish between fact and opinion 6. Identify and use primary and secondary sources 14. Formulate appropriate research questions 17. Interpret political cartoons <p>Map and Globe Skills:</p> <ol style="list-style-type: none"> 4. Compare and contrast the categories of natural, cultural, and political features found on maps 7. Use a map to explain impact of geography on historical and current events 10. Compare maps of the same place at different points in time and from different perspectives to determine changes, identify trends, and generalize about human activity 12. Use geographic technology and software to determine changes, identify trends, and generalize about human activities.
Enduring Understanding(s)	<p>Rule of Law</p>

Activity #1: Small group activity on due process of rights, including the 4th, 5th, 6th, and 14th amendments.

Background to present to students:

Due process guarantees equality in the eyes of the law and ensures fair treatment from the federal and state governments.



The Founding Fathers of the United States were concerned with the deprivation of life, liberty and property in a time when tyranny was practiced by governments and rulers throughout the world. The United States Constitution was created to give protection to citizens from the government. It was extremely important to the Founding Fathers that there be fair and equal treatment under the law. Due process is included in the Fourth, Fifth, Sixth, Eighth (included in the Bill of Rights) and Fourteenth Amendments of the Constitution.

To begin the activity, students will be placed into 4 groups. Each group will be assigned one of the amendments that pertains to due process of rights. Students will research their amendment using the text of the U.S. Constitution. Each group will be given a large piece of poster paper, and they will each write their assigned amendment on the paper. The group members will then create a list of ways that their assigned amendment contributes to due process of rights. These will be listed on their respective posters. After 15 minutes of brainstorming, the posters will be placed around the classroom. Each group will have a leader who will explain the group's answers, and discussion should ensue by asking other class members to contribute additional ideas to the list.

After all groups have presented their ideas, students will individually write a one-page essay on the importance of due process of law in the United States. They should include references to each of the 4 assigned amendments that were part of the activity.

Sample Instructional Activities/Assessments

Concepts in American Government/Civics: Criminal Justice Process, Civil v. Criminal Procedures, and Criminal Sentencing

This unit examines the difference between Civil and Criminal cases in the judicial system. Students will compare news articles relating details of each type of case to determine the characteristics of each and the sentencing procedure in a criminal case.

GSE Standards and Elements	<p>SSCH14- Demonstrate knowledge of the criminal justice process.</p> <ul style="list-style-type: none"> c. Analyze the procedures in the criminal justice process. d. Examine the different types of sentences a convicted person can receive. e. Contrast the procedures related to civil suits with criminal proceedings.
Literacy Standards	<p>L9-10RHSS4- Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social or economic aspects of history/social science.</p> <p>L9-10WHST1- Write arguments focused on discipline-specific content.</p> <p>L9-10WHST5 Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.</p> <p>L9-10WHST6- Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.</p>
Social Studies Matrices	<p>Information Processing Skills:</p> <ol style="list-style-type: none"> 1. Compare similarities and differences 3. Identify issues and/or problems and alternative solutions 4. Distinguish between fact and opinion 6. Identify and use primary and secondary sources 14. Formulate appropriate research questions 17. Interpret political cartoons <p>Map and Globe Skills:</p> <ol style="list-style-type: none"> 4. Compare and contrast the categories of natural, cultural, and political features found on maps 7. Use a map to explain impact of geography on historical and current events 10. Compare maps of the same place at different points in time and from different perspectives to determine changes, identify trends, and generalize about human activity 12. Use geographic technology and software to determine changes, identify trends, and generalize about human activities.
Enduring Understanding(s)	<p>Rule of Law</p>

Activity: Students will read the two news articles below. They should be instructed to highlight and annotate each article. They will then work in pairs to complete the Q&A activity.

Article #1

BLAMING LACLEDE GAS, JURY AWARDS \$4.5 MILLION IN FATAL HOME EXPLOSION

The parents of a 20-year-old man killed in 1991 accused the utility of negligence
St. Louis - A St. Louis Circuit Court jury has ruled that Laclede Gas Co. owes a \$4.5 million judgment to the parents of a man who died of burns he suffered in a natural gas explosion at his home. The jury awarded Tommy and Rita Coggins \$4.38 million for the death of their son, Thomas Coggins, 20, and an additional \$120,000 for their wrecked home in the city's Lindenwood Park neighborhood. On April 7, 1991, an explosion leveled the house at 7016 Winona Avenue. Thomas Coggins was found outside the rubble; he had suffered burns over 90 percent of his body. He died 80 days later at Barnes-Jewish Hospital. Jurors awarded the judgment Wednesday after an eight-day trial before Circuit Judge Edward Peek. Laclede Gas plans to appeal. Fire investigators said the house blew up because of an accidental buildup of natural gas, which somehow ignited. The Coggins' suit alleged that Laclede was negligent in maintaining its underground gas lines, allowing the buildup inside the residence. Richard Hargraves, a spokesman for Laclede, said Friday that Coggins' death is a tragedy. "We have always believed and continue to believe that Laclede was not at fault in this incident," he said. "We're disappointed by the jury verdict against Laclede and believe it was wrong. Therefore, Laclede will advance its position through all appropriate legal channels." Fire Department investigators have never said the blast was anything but an accident. The explosion completely leveled the single-story frame house. Large sections of the roof landed on the roofs of both next-door neighbors, and some window frames were found 100 yards away, authorities said. The explosion occurred early on a Sunday morning; Coggins' parents normally would have been home but were away for the weekend. One neighbor, Kathy Billedo, testified that she first thought the blast was thunder. When she looked outside, though, "Everything was orange." Added St. Louis Police Sgt. Jack Huesgen, another neighbor: "I ran down to see if there was anything I could do, but there wasn't. There were little pieces of debris on fire all over the street. The whole house was four feet tall."

Bryant, Tim. "Blaming Laclede Gas, jury awards \$4.5 million in fatal home explosion." *St. Louis Post-Dispatch* 26 Jun. 1999, Five Star Lift, News: 11. *NewsBank*. Web. 1 Aug. 2012.

Article #2

MAN HELD IN ONLINE BANK HEIST PLOT

Suspect accused of ordering loot for pickup

ST. LOUIS - It would have been a new twist in bank robbery: going online to order delivery of the loot. Mario Darnell Smith, according to federal authorities, posed as the electric company in emails to try to arrange an armored car pickup of about \$180,000 from a bank in Chicago. What might have happened from there is conjecture, because Ameren caught on to the scam and the FBI nabbed Smith, 28, empty-handed. He is charged with bank fraud. The bank fraud case came to the attention of the FBI on May 31, when Ameren called to complain that someone tried to get money from U.S. Bank, according to an affidavit filed in court by FBI Special Agent Brian D. Jackson. The utility said the would-be thief pretended to be an employee and used email addresses set up to look similar to real Ameren addresses. The schemer contacted the bank again on June 13 and June 20, asking it to release about \$180,000 for pickup in Chicago by an armored car on June 21. It is not clear how the FBI came to target Smith. But he was being followed by a surveillance team that watched when he made a call June 20 at the same time one was received by the bank, Jackson wrote. Smith was then arrested at a Quizno's sandwich shop in St. Louis. A form used to request the money was filled out by someone using the

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name "Bigdaddyallday," according to data imbedded in the Microsoft Word document, the agent wrote. Smith is said to use that name on his YouTube channel. Agent Jackson also wrote that the June 13 contact with the bank had taken place at an unprotected Wi-Fi hot spot across the street from Smith's apartment. He noted that Smith, who is on supervised release from a prior conviction, requested permission on June 15 to travel to Chicago in the coming days. An Ameren spokeswoman did not respond Friday to requests for comment. Assistant U.S. Attorney John Bodenhausen and Mr. Smith's defense lawyer, Welby, declined to comment on the case. Smith has prior convictions on federal identity theft and firearms charges. In 2006, Smith was sentenced to 366 days in prison for identity theft. He had used a man's credit cards to set up other credit accounts in that name and taunted the victim during the course of the crime. In 2009, Smith, at this point a convicted felon, was caught with a gun and sentenced to 21 months in prison.

Excerpts taken from: Robert Patrick. "Man held in online bank heist plot - Suspect, who was in gallery at an ATM Solutions sentencing, accused of ordering loot for pickup." *St. Louis Post-Dispatch* 25 Jun. 2011, First Edition, News: A1. *NewsBank*. Web. 1 Aug. 2012.

Q&A: After students have finished reading both articles, hand out the Q&A activity below: (they will answer each question for both Articles 1 and 2)

Comparing Criminal and Civil Lawsuits

Article 1 (civil case)

Article 2 (criminal case)

Who are the parties on both sides of the case?

What happened?

Which party initiated or started the case?

What is this party asking the court to decide?

What penalty or remedy are they seeking?

Has the trial already happened? If so, what was the outcome?

Sample Instructional Activities/Assessments

Concepts in American Government/Civics: Criminal Justice Process

This unit examines the criminal justice process through a student led mock trial simulation. The mock trial will be based on the *Brunetti v. Georgia* case, which was a former state mock trial case. Students will also examine how the Supreme Court determines which cases it will hear through the mock trial process.

GSE Standards and Elements

- SSCG13- Demonstrate knowledge of the operation of the judicial branch of government.**
- d. Describe how the Supreme Court selects and decides cases.
- SSCH14- Demonstrate knowledge of the criminal justice process.**
- a. Explain an individual's due process rights (e.g., 4th, 5th, 6th, and 14th Amendments).
 - b. Categorize different types of crimes.
 - c. Analyze the procedures in the criminal justice process.
 - d. Examine the different types of sentences a convicted person can receive.
 - e. Contrast the procedures related to civil suits with criminal proceedings.

Literacy Standards

- L9-10RHSS4-**
Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social or economic aspects of history/social science.
- L9-10WHST1-**
Write arguments focused on discipline-specific content.
- L9-10WHST5**
Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.
- L9-10WHST6-**
Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.

Social Studies Matrices

- Information Processing Skills:**
1. Compare similarities and differences
 3. Identify issues and/or problems and alternative solutions
 4. Distinguish between fact and opinion
 6. Identify and use primary and secondary sources
 14. Formulate appropriate research questions
 17. Interpret political cartoons
- Map and Globe Skills:**
4. Compare and contrast the categories of natural, cultural, and political features found on maps
 7. Use a map to explain impact of geography on historical and current events
 10. Compare maps of the same place at different points in time and from different perspectives to determine changes, identify trends, and generalize about human activity
 12. Use geographic technology and software to determine changes, identify trends, and generalize about human activities.

Enduring Understanding(s)

- Rule of Law
- Beliefs and Ideals

Activity #1: The following website provides instructions for conducting a mock Supreme Court session where the justices decide which cases to hear and the process for selecting and hearing cases. Students will take on the role of justices and law clerks. Either the students or the teacher may decide which cases will be heard. The choices should consist of landmark Supreme Court cases. Students will decide the outcome of the case, and their decisions can be compared and contrasted to the real-life decision made by the Supreme Court. The teacher may also require that the students write a majority opinion or a dissenting opinion.

<http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/supreme>

Activity #2:

This activity requires that the class conduct a mock trial based on the Haley Brunetti case. For best results, every step of the criminal justice process should be done in mock fashion. There should be an arrest, booking, arraignment, etc. During each step, special attention should be given to the protections given to the accused and to the beliefs and ideals that are underpinning of those protections. The activity is based on *Brunetti v. Georgia*, which was a former State Mock Trial case. The case does not come with a verdict. To discuss sentencing, the teacher should either have students deliver a verdict and sentence or the teacher should inform the students of the sentence (made up by the teacher). In order for the activity to work as written, the teacher must inform the students that Haley Brunetti was found guilty and given a particular sentence at the end of the trial.

AFTER CONDUCTING THE MOCK TRIAL.....

Instructions for students: It has been years since the trial of Haley Brunetti. Since you were a major player in that case (witness/attorney/media), a publishing company has contacted you to write your memoirs so they can publish them. The requirements from the publisher are:

- **An introduction with a brief description of your role in the case** – this section should be no longer than one paragraph.
- **A section about the crime committed by Brunetti** – Include the type of crime, the causes of the crime in general, the effect that the crime had on its victim (intended and unintended). This section should be no more than 2 paragraphs.
- **A section analyzing the criminal justice process in America** – Include a step-by-step description of what Brunetti went through beginning with his arrest. Include AT LEAST 3 protections offered to Brunetti and which amendments and/or court cases describe those protections. This section should be no more than 2 paragraphs.
- **A section examining the defendant’s defense and sentencing** – describe the different types of courts this case went to (or could have gone to) on appeal. Describe Brunetti’s defense and other options he had. Describe the sentence Brunetti received and other options that were possible. This section should be no more than 2 paragraphs.
- **FINALLY, the MOST IMPORTANT section is on the role of beliefs and ideals in the process. The publisher would like for you to answer each of the following questions in a paragraph or two:** How is the criminal justice process guided by our beliefs and ideals? Have the beliefs and ideals practiced in this case changed since the passing of the Bill of Rights? If so, in what ways? If not, why?

The publisher has requested the following terms for the format: typed, double-spaced, Times New Roman, 12 point font, title page with your name and the title of your memoirs, and correct grammar and spelling.