

## Unit 2: The Court System and Grassroots Movements as Methods of Social Change / Introduction to PAR

### Narrative Introduction

Building on the foundation in American government that students have gained in Unit 1, Unit 2 guides students to consider the different strategies available to individuals and groups to help establish broader access or to protect the freedoms and rights promised in the American founding documents.

As stated in the course syllabus, the guiding essential questions for Unit 2 are:

- 1) How effective have the principles, structures and functioning of our government been in ensuring full access to the freedoms and rights established in the Constitution?**
- 2) How can the judicial system function as a method for the application and expansion of an individual's, or group of peoples,' civil liberties and civil rights?**
- 3) How do grassroots movements function as a method for social change?**

The first two weeks of the unit orient students to the overall themes of the full ten weeks, an overview of the structure and function of the judicial system, and the rule of law and principles of precedence. Week 3 focuses on a closer examination of the Bill of Rights and the distinction between civil liberties and civil rights.

Weeks 4-6 focus on the judicial system as a means for broadening or testing the limits of Constitutional rights afforded to students in particular, by exploring key Supreme Court case studies related to issues of free speech, search and seizure and equal access to education.

Weeks 7-8 then move to the examination of grassroots movements as a method for social change, with visual examples of movements from the global to the local level.

The final week of the unit, stemming from their unit-long examination of political, social and economic issues, then formally introduces students to the participatory action research (PAR) process.

Note: While the focus of this unit is to examine the ways in which the judicial system and grassroots movements have been utilized to bring about social change, do know that the original youth curriculum writers did want to make sure that time was spent covering rights and student rights as well as the opportunity to closely follow related current events.

<p><b>Note on Sources</b></p>	<p>While the primary text for this unit is <i>Government Alive!</i> and <i>We the Students</i>, these texts should only serve as a starting point for teachers, with important preliminary background information, vocabulary, images, diagrams, and timelines for students to study. These texts should be supplemented with additional materials and resources, such as excerpts and summaries of major court decisions as well as news articles and web-based research on current civil liberties and student rights issues. There are also several good narrative and documentary films that can be used during this unit. Make sure to use the Unit 2 Course Packet (on the curriculum DVD) as well as the teacher and student guides that accompany <i>We the Students</i> (also on the curriculum DVD).</p>
<p><b>Unit Context / Connections to other Units in this Course</b></p>	<p>Building on the foundation in American government that students have gained in Unit 1, this second unit asks students to consider the different strategies and avenues available to Americans to help establish access and protect the freedoms and rights promised in the American founding documents, namely: 1) the judicial system and 2) grassroots movements.</p> <p>The following Unit 3 focuses on the continued development of the PAR project and an opportunity to closely examine local, national and global examples of youth who have made, and continue to actively make, history by participating in various social movements and activism of their own.</p>
<p><b>Essential Questions</b></p>	<ol style="list-style-type: none"> <li>1) How effective have the principles, structures and functioning of our government been in ensuring full access to the freedoms and rights established in the Constitution?</li> <li>2) How can the judicial system function as a method for the application and expansion of an individual's or group of peoples' civil liberties and civil rights?</li> <li>3) How do grassroots movements function as a method for social change?</li> </ol>

## Unit 2: Calendar at a Glance (AY 2011-2012)

	Monday	Tuesday	Wednesday	Thursday	Friday
<b>Week 1</b>	<b>NOVEMBER 14</b> Introduction and Connecting Unit 1 and Unit 2	<b>15</b> Courts and the Judicial System	<b>16</b> Courts and the Judicial System	<b>17</b> Courts and the Judicial System	<b>18</b> Courts and the Judicial System
<b>Week 2</b>	<b>21</b> Courts and the Judicial System	<b>22</b> Courts and the Judicial System	<b>23</b> Courts and the Judicial System	<b>24</b> <b>THANKSGIVING NO SCHOOL</b>	<b>25</b> <b>THANKSGIVING NO SCHOOL</b>
<b>Week 3</b>	<b>28</b> The Bill of Rights, Civil Liberties and Civil Rights	<b>29</b> The Bill of Rights, Civil Liberties and Civil Rights	<b>30</b> The Bill of Rights, Civil Liberties and Civil Rights	<b>DECEMBER 1</b> The Bill of Rights, Civil Liberties and Civil Rights	<b>2</b> The Bill of Rights, Civil Liberties and Civil Rights
<b>Week 4</b>	<b>5</b> Freedom of Speech Issues	<b>6</b> Freedom of Speech Issues	<b>7</b> Freedom of Speech Issues	<b>8</b> Freedom of Speech Issues	<b>9</b> Freedom of Speech Issues
<b>Week 5</b>	<b>12</b> Search and Seizure Issues	<b>13</b> Search and Seizure Issues	<b>14</b> Search and Seizure Issues	<b>15</b> Search and Seizure Issues	<b>16</b> Search and Seizure Issues
<b>Week 6</b>	<b>19</b> Equal Protection Under the Law issues	<b>20</b> Equal Protection Under the Law issues	<b>21</b> Equal Protection Under the Law issues	<b>22</b> <b>WINTER RECESS NO SCHOOL</b>	<b>23</b> <b>WINTER RECESS NO SCHOOL</b>
<b>Week 7</b>	<b>JANUARY 2</b> Equal Protection Under the Law issues	<b>3</b> Equal Protection Under the Law issues	<b>4</b> Grassroots Movements	<b>5</b> Grassroots Movements	<b>6</b> Grassroots Movements
<b>Week 8</b>	<b>9</b> Grassroots Movements	<b>10</b> Grassroots Movements	<b>11</b> Grassroots Movements	<b>12</b> Debate Assessment	<b>13</b> Debate Assessment
<b>Week 9</b>	<b>16</b> <b>MLK DAY NO SCHOOL</b>	<b>17</b> PAR overview	<b>18</b> PAR overview	<b>19</b> PAR overview	<b>20</b> PAR overview
<b>Week 10</b>	<b>23</b> Review & Assessment	<b>24</b> Review & Assessment	<b>25</b> Review & Assessment	<b>26</b> Review & Assessment	<b>27</b> Review & Assessment

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<b>Week 1</b>	<b>NOVEMBER 14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
<b>Week 2</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24 THANKSGIVING NO SCHOOL</b>	<b>25 THANKSGIVING NO SCHOOL</b>
<b>Week 3</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>DECEMBER 1</b>	<b>2</b>
<b>Week 4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>Week 5</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
<b>Week 6</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22 WINTER RECESS NO SCHOOL</b>	<b>23 WINTER RECESS NO SCHOOL</b>
<b>Week 7</b>	<b>JANUARY 2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>Week 8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
<b>Week 9</b>	<b>16 MLK DAY NO SCHOOL</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
<b>Week 10</b>	<b>23 Review &amp; Assessment</b>	<b>24 Review &amp; Assessment</b>	<b>25 Review &amp; Assessment</b>	<b>26 Review &amp; Assessment</b>	<b>27 Review &amp; Assessment</b>

## Unit 2: Suggested Pacing Guide

### Weeks 1-2

**Unit Introduction: Justice, Courts and the Rule of Law.** Students will first examine the first essential question of the unit: *How effective have the principles, structures and functioning of our government been in ensuring full access to the freedoms and rights established in the Constitution?* They will then gain familiarity of the function and role of the judiciary system and connect that to an understanding of the structure of the courts. Specific attention will be paid to the function of precedence in legal rulings and procedures.

Core Recommended Activity:

- **What is Precedence?** Teacher-ready lesson plans and materials (3 day session) for teaching principles of precedence.

<http://www.pbs.org/wnet/supremecourt/educators/lp4.html>

### Week 3

**The Bill of Rights, Civil Liberties and Civil Rights.** Students will take a closer look at core civil liberties found in the Bill of Rights, such as freedom of speech and the press, separation of church and state, the right against self-incrimination, the right to legal counsel, and the protection against unreasonable searches and seizures. Students will also become familiar with several historical court decisions involving civil liberties or civil rights issues, such as flag burning, publication of the Pentagon Papers, and Japanese internment during World War II.

Core Recommended Activity:

- **Bill of Rights Treasure Hunt:** Using a copy of the Bill of Rights (*Government Alive!*, pp. 393-393), students will work in pairs or small groups to identify which Amendment protects what rights.

#### Week 4

**Freedom of Speech Issues.** Students will take a closer look at the First Amendment and the free speech rights of students. They will study four landmark Supreme Court decisions that balance the rights of students with the need to maintain safe and orderly schools, and primarily focus on the *Tinker* case. As an extension, they might also learn about Massachusetts' Student Free Expression Act, which provides greater protection of student rights than the First Amendment and illustrates how federalism works.

Core Recommended Activity:

- **You be the Judge.** After studying the *Tinker* decision, students should consider the following case. In September 2008, middle school students in Aurora, Colorado were urged to wear red, white and blue to express their patriotism. One eleven-year-old decided to wear a homemade shirt with the message "Obama — a Terrorist's Best Friend." School officials, based on their belief that the shirt was being disruptive, gave the student the option of changing his shirt, turning it inside-out, or facing suspension. The student chose to be suspended, and he and his father sued, claiming a violation of the boy's First Amendment right to free speech. Students should work in small groups to brainstorm legal arguments on both sides as well as counter arguments. For more information, visit <http://www.fivefreedoms.org/>.

#### Week 5

**Search & Seizure Issues.** Students will explore the law of search and seizure, governed by the Fourth Amendment, which protects against unreasonable searches and seizures. The primary case study will focus on the *New Jersey v TLO* decision. They will also learn about the exclusionary rule, which requires judges to exclude evidence that was gathered illegally from a criminal trial. At the end of the week, students should understand what level of suspicion the government requires to conduct searches in the home, on the street, in a car, and at school. As an extension, they might debate the constitutionality of the Boston Police Department's Safe Homes Initiative and the MBTA's search policy.

Core Recommended Activity:

- **Search and Seizure Law Skit.** Prior to class, ask a student if s/he would mind if you looked inside their bag during class. Start class by saying the school has received an anonymous tip that a student is in possession of unlawful contraband. Then ask the student in on the skit, to give you his/her bag and look inside it. Then explain that this was just a skit and that the student was in on it. Lead discussion with associated questions.

## Week 6

**Equal Protection Under the Law Issues.** Students will study the history of the Fourteenth Amendment and its guarantee that states not deny any person “equal protection of the law.” They will see how the court’s interpretation of this provision had changed over time, from the separate but equal doctrine of *Plessy v. Ferguson* to its reversal in *Brown v. Board of Education*, and its current application in cases challenging affirmative action policies that seek to promote diversity.

Core Recommended Activity:

- **Can Race and Gender Segregation Ever Help? The Frederick Douglass School Thought Experiment.** Reference the activity on page 188 of We the Students for the debate activity focusing on the movement of some schools towards ‘focus populations’ of high need (eg: at-risk African American teenage boys). Sample questions to consider: Would it violate equal protection as described in *Brown*? Would students be stigmatized? Does it go against the principles of the civil rights movement?)

## Weeks 7-8

**Grassroots Movements as a Method for Social Change.** Students will turn their attention to grassroots movements and how they have developed and manifested in global, national and local environments. They will examine the elements and principles of grassroots movements, successes and challenges, and discuss how technology now is shifting the way such movements develop and grow.

Core Recommended Activity:

- **Grassroots Movement Carousel.** Introduce students to the imagery and messages of grassroots movements by organizing a carousel walk-about with multiple stations. Possible stations might include: President Barack Obama’s 2008 election campaign, the Tea party movement, the Civil Rights movement, the democracy demonstrations of Tiananmen Square, selected video from the AFT Take a Stand DVD resource, and the Occupy Wall Street movement.

**Week 9**

**PAR Overview.**

In the context of the examination of issues addressed over the past weeks of study, students will revisit the overall course essential question: *What should I know about the way government and society works in order for me to have power and fully participate in public life and community change?* Students will learn the difference between traditional and PAR research, and become familiar with the PAR components and overview. They will also brainstorm personal and community issues of concern and work on the *introductory questions for you to consider* on the PAR project overview sheet.

Core Recommended Activity:

- **Class Brainstorm—Personal and Community Issues of Concern.** Spend a full class period or more allowing students to brainstorm out potential focus areas of interest for their projects. This can be broken down into two main activities: having students answer the introductory questions at the beginning of the PAR overview sheet and also having students create a web of interest areas through a whole class discussion, or perhaps a carousel activity.

**Week 10**

**Review, Reflection and Assessment.** Students will work on the group project: The Next Civil Rights case or the Next Grassroots Movement.

Core Recommended Activity:

- **Group Project: The Next Civil Rights Case or The Next Grassroots Movement.** Have the students organize in self-selected groups and have them choose one of the above methods of social change that have been reviewed this past unit.

## Week 1-2: Introduction to Themes of Unit & Courts, The Rule of Law and Precedence

### Learning Goals

Students will be able to:

- Explain and debate the function, structure and efficacy of the American judicial system;
- Describe the difference between common law, statutory law and constitutional law;
- Explain the principles and significance of precedence for the Supreme Court.

### Guiding Questions

1. How does our judicial system work? What purpose does it serve?
2. What are the principles of precedence and how do those principles apply to the interpretation of law?
3. What does the interpretation of law in the judicial system have to do with individual liberty?

### Curriculum Standards

USG.1.5 Explain how the rule of law, embodied in a constitution, limits government to protect the rights of individuals.

USG.2.6 Define and provide examples of fundamental principles and values of American political and civic life, including liberty, the common good, justice, equality, tolerance, law and order, rights of individuals, diversity, civic unity, patriotism, constitutionalism, popular sovereignty, and representative democracy.

USG.2.8 Evaluate, take, and defend positions on issues concerning foundational ideas or values in tension or conflict.

USG.3.4 Explain the functions of the courts of law in the governments of the United States and the state of Massachusetts with emphasis on the principles of judicial review and an independent judiciary.

<p><b>MA Literacy Framework / Common Core Standards</b></p>	<p>RI 2. Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text.</p> <p>RI 3. Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.</p> <p>RI 8. Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning (eg in U.S. Supreme Court majority opinions and dissents) and the premises, purposes, and arguments in works of public advocacy.</p> <p>RH 5. Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.</p> <p>SL 1. Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.</p>
<p><b>Teaching Materials</b></p>	<ul style="list-style-type: none"> <li>• <i>Government Alive!</i> Chapter 15: Courts, Judges and the Law</li> <li>• <i>Student-friendly overview describing function of judicial system</i> <ul style="list-style-type: none"> <li>○ Introduction chapter to <u>We the Students, 3<sup>rd</sup> Edition</u> ( Chapter 1 pgs. 1-12)</li> <li>○ <a href="http://people.howstuffworks.com/judicial-system1.htm">http://people.howstuffworks.com/judicial-system1.htm</a>.</li> </ul> </li> <li>• <i>Description of Sources of Law:</i> <a href="http://www.quickmba.com/law/sys/">http://www.quickmba.com/law/sys/</a></li> </ul>

**Vocabulary**

Supreme Court (SCOTUS)  
judiciary  
judicial review  
jurisdiction  
precedence / stare decisis  
landmark decision  
court opinion (majority and dissent)  
Legislate from the bench'  
criminal / civil law  
court of appeals / appellate court  
common law  
statutory law  
constitutional law  
trial  
judicial activism  
judicial restraint  
jury  
due process of law  
civil liberties  
civil rights

## Core Activities

- **Unit Introduction.**

At the beginning of a new unit, it's particularly important to provide a 'bridge' between the Unit 1 focus on the structure and principles of our representative government to the Unit 2 focus on the judicial system and grassroots movements as methods for social change and to ensure full participatory access in a democratic society.

[Note: We suggest you divide these two weeks into three focus areas: 1) Introduction to new term and transition, including addressing the first unit essential question: How effective have the principles, structures and functioning of our political system been in ensuring full access to the freedoms and rights established in the Constitution?, 2) examination of the function of the judicial system and the structure of the courts, and 3) in-depth study of the principle of precedence.]

Introduce the main unit essential questions:

- 1) How effective have the principles, structures and functioning of our political system been in ensuring full access to the freedoms and rights established in the Constitution?
- 2) How can the judicial system function as a method for the application and expansion of an individual's or group of peoples' civil liberties and civil rights?
- 3) How do grassroots movements function as a method for social change?

- **Word Association/Word Web.** Write the words 'Courts and the American Judicial System' on the board and have students brainstorm all ideas and thoughts that come to their mind. As a class, look for patterns, experiences and interpretations. Draw out questions and themes.
- **Precedence in the Supreme Court Lessons from PBS.** Teacher-ready lesson plans and materials (3 day session) for teaching principles of precedence.

<http://www.pbs.org/wnet/supremecourt/educators/lp4.html>

**Other  
Suggested  
Activities  
and  
Procedures**

- **Does Our Legal System Work?** Have students brainstorm a list of all the social problems and issues they can think of, and then pose the question: Is our legal system, or society, ‘broken?’
- **Designing a Legal System of Justice.** In order to have students get a sense of the complexity and the major issues related to the existing judicial system, have students design their own ‘ideal’ system of justice to address or fix some major problems that they identify. You can provide the students with ‘simplified’ guidelines by providing a list of ‘problems’ to be addressed, having students identify the major steps of the system, identify who’s in charge, etc.)
- **Human Barometer Activity:** To generate early discussion about the purpose of the judicial system, write two statements on opposite sides of the room, or on opposite sides of your whiteboard: Statement One: The purpose of the court system is to protect individual and group rights. Statement Two: The purpose of the court system is the solve problems in society. Have students move accordingly along the ‘spectrum’ where the stronger they feel about a statement, the closer they will stand to the corresponding statement. Have discussion/debate, and then let students reorder as they see fit.
- **Direct Teacher Presentation and Discussion:** After giving the students assigned background reading about the structure of the judicial system, give them structured notes of key concepts and vocabulary terms. Focus on dividing the presentation on both the structure and function of the judicial system for organizational clarity.
- **Quote Freewrite/Discussion.** Have students free write or discuss one or more of the following quotes or phrases. Multiple quotes can be used in a carousel activity if desired. Have them respond by whether they believe these statements, and how they may apply to the ‘real world’ of our society today. Possible quotes to use:
  - “**They who can give up essential liberty to obtain a little safety, deserve neither liberty or safety.**” Benjamin Franklin
  - “**We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.**” Thomas Jefferson in preamble to the Declaration of Independence

<b>Assessment Tools</b>	<ul style="list-style-type: none"> <li>• Editorial writing. Have a student write an editorial to a local newspaper that expresses their understanding or critique of the judicial system.</li> <li>• Short answer quizzes answering the week’s guiding questions.</li> <li>• Article analysis. Have students analyze an opinionated piece of writing through the lens of someone defending the structure and function of the American judicial system.</li> <li>• Article Response <ul style="list-style-type: none"> <li>○ (Challenging). Have students read selected sections of the following <i>NY Times</i> opinion article about the declining influence of the Supreme Court. Have students respond to its implications domestically.  <a href="http://www.nytimes.com/2008/09/18/us/18legal.html">http://www.nytimes.com/2008/09/18/us/18legal.html</a></li> </ul> </li> </ul>
<b>Resources for Further Study</b>	<p>Strongly worded editorial pieces critiquing the American justice system:  <a href="http://www.helium.com/items/232268-critique-of-americas-justice-system">http://www.helium.com/items/232268-critique-of-americas-justice-system</a></p> <p>Restorative Justice information as alternative justice paradigm:  <a href="http://restorativejustice.org/">http://restorativejustice.org/</a></p> <p>Interesting specific questions posed about aspects of judicial system and its workings:  <a href="http://www.jimloy.com/issues/justice.htm">http://www.jimloy.com/issues/justice.htm</a></p> <p>About the case study teaching method.  <a href="http://www.answers.com/topic/case-teaching">http://www.answers.com/topic/case-teaching</a></p>

## Week 3: The Bill of Rights, Civil Liberties and Civil Rights

<b>Learning Goals</b>	<p>Students will be able to:</p> <ul style="list-style-type: none"> <li>• identify the rights protected by the Bill of Rights,</li> <li>• understand the Incorporation doctrine,</li> <li>• explain how core liberties have been established through historical case studies,</li> <li>• understand how individual and group action are essential to protect civil liberties,</li> <li>• debate the relative merits between individual rights and society’s needs.</li> </ul>
<b>Guiding Questions</b>	<ol style="list-style-type: none"> <li>1. How can the courts be used to change law and policy?</li> <li>2. How are your rights defined and protected under the Bill of Rights?</li> <li>3. What role do individuals and groups play in protecting civil liberties?</li> <li>4. How have historical cases shaped the evolution of rights we have today?</li> </ol>
<b>Curriculum Standards</b>	<p>USG.1.5 Explain how the rule of law, embodied in a constitution, limits government to protect the rights of individuals.</p> <p>USG.1.9 Examine fundamental documents in the American political tradition to identify key ideas regarding limited government and individual rights.</p> <p>USG.2.2 Analyze and interpret central ideas on government, individual rights, and the common good in founding documents of the United States.</p> <p>USG.2.8 Evaluate, take, and defend positions on issues concerning foundational ideas or values in tension or conflict.</p> <p>USG.3.4 Explain the functions of the courts of law in the governments of the United States and the state of Massachusetts with emphasis on the principles of judicial review and an independent judiciary.</p> <p>USG.3.11 Compare core documents associated with the protection of individual rights, including the Bill of Rights, the Fourteenth Amendment to the United States Constitution, and Article I of the Massachusetts Constitution.</p> <p>USG.5.7 Analyze and evaluate decisions about rights of individuals in landmark cases of the United States Supreme Court such as <i>Whitney v. California</i> (1927), <i>Stromberg v. California</i> (1931), <i>Near v. Minnesota</i> (1931), <i>Brandenburg v. Ohio</i> (1969), <i>Texas v. Johnson</i> (1989), and <i>Reno v. American Civil Liberties Union</i> (1997).</p>

<b>MA Literacy Framework / Common Core Standards</b>	<p>RH 1. Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.</p> <p>RH 2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.</p> <p>RI 9. Analyze seventeenth, eighteenth and nineteenth century foundational U.S. documents of historical and literary significance (including The Declaration of Independence, the Preamble to the Constitution, the Bill of Rights, and Lincoln’s Second Inaugural Address) for their themes, purposes, and rhetorical features.</p>
<b>Teaching Materials</b>	<p><i>Government Alive!</i> Chapter 5: The Bill of Rights and Civil Liberties, pp. 82 - 99.</p> <p>Web Resources:</p> <ol style="list-style-type: none"> <li>1. First Amendment Center: <a href="http://www.firstamendmentcenter.org">www.firstamendmentcenter.org</a></li> <li>2. First Amendment Schools: <a href="http://www.firstamendmentschools.org">www.firstamendmentschools.org</a></li> <li>3. Band of Rights: <a href="http://www.band-of-rights.org">www.band-of-rights.org</a></li> <li>4. Bill of Rights Institute: <a href="http://www.billofrightsinstitute.org">www.billofrightsinstitute.org</a></li> <li>5. Constitution Center: <a href="http://www.constitutioncenter.org">www.constitutioncenter.org</a></li> <li>6. Federal Judiciary: <a href="http://www.uscourts.gov">www.uscourts.gov</a></li> <li>7. Justice Learning: <a href="http://www.justicelearning.org">www.justicelearning.org</a></li> <li>8. Justice Talking: <a href="http://www.justicetalking.org">www.justicetalking.org</a></li> <li>9. Supreme Court Media Project: <a href="http://www.oyez.org">www.oyez.org</a></li> <li>10. United States Supreme Court: <a href="http://www.supremecourtus.gov">www.supremecourtus.gov</a></li> </ol>
<b>Vocabulary</b>	<p>civil liberties civil rights freedom of speech incorporation due process of law libel popular sovereignty slander prior restraint self-incrimination double jeopardy popular sovereignty slander prior restraint self-incrimination double jeopardy</p>

<p><b>Core Activities</b></p>	<p><b>Bill of Rights Treasure Hunt:</b></p> <p>The primary goal of the week is to give students a deeper understanding of the rights protected by the Bill of Rights by looking at both the text itself as well as some landmark Supreme Court decisions interpreting those provisions. The week should begin with activities, such as the “Treasure Hunt” below asking students to identify different rights protected by the Bill of Rights. Students should be able to connect the words in the text to certain rights and concepts they already know about from television or personal experience. Some examples include:</p> <ol style="list-style-type: none"> <li>1. “Pleading the Fifth”</li> <li>2. The Miranda Warning: “You have the right to remain silent, anything you say can be used against you in a court of law, you have the right to an attorney, if you cannot afford an attorney, you will be provided one by the state.”</li> <li>3. The Right to a speedy trial by an impartial jury</li> <li>4. Double Jeopardy</li> </ol> <p>Using a copy of the Bill of Rights (<i>Government Alive!</i>, pp. 393-393), students will work in pairs or small groups to identify which Amendment protects what rights. Some examples include:</p> <ol style="list-style-type: none"> <li>1. Right to not be tried twice for the same crime (5<sup>th</sup>)</li> <li>2. Freedom to practice your own religion (1<sup>st</sup>)</li> <li>3. Freedom from the establishment of an official government religion (1<sup>st</sup>)</li> <li>4. Right to assemble peacefully (1<sup>st</sup>)</li> </ol>
<p><b>Other Suggested Activities and Procedures</b></p>	<ul style="list-style-type: none"> <li>• <b>Do you Support the First Amendment?</b> Students will take the quiz on pp. 98-99 of <i>Government Alive!</i> developed by the First Amendment Center (<a href="http://www.firstamendmentcenter.org">www.firstamendmentcenter.org</a>)</li> <li>• <b>State Action Doctrine.</b> Students need to understand that Constitution is a set of rules placing express limits on the power of the government or “the state.” The Constitution itself does not reach private, non-governmental actors. Therefore, to bring a constitutional claim, one must have “state action.” (By way of contrast, civil rights legislation can reach private actors. For example, the Fair Housing Act is federal law that prohibits racial discrimination, among other things, by landlords, banks, mortgage brokers, etc. so you could file a suit against a private bank under the FHA, but you could not claim that they denied you “equal protection of the law” in violation of the 14<sup>th</sup> Amendment because the bank is not a state actor.</li> </ul>

**More  
Suggested  
Activities  
and  
Procedures**

The best way to illustrate state action doctrine is through examples:

1. Can you bring a First Amendment claim against your parents for grounding you for using foul language? No, mom is not the government.
2. Can you bring a 4<sup>th</sup> Amendment claim for unlawful search and seizure against a club for searching you for weapons when you entered? Not unless the club was run by the city, state, or federal government.

State Action doctrine should be reinforced throughout the unit using follow up questions, such as “What if this case happened in a private or parochial school”?

- **Incorporation Doctrine:** (See *Government Alive!* p. 86) The Bill of Rights was originally designed to place limits on the power of the *federal* government not the states. (Students should note that the First Amendment begins with the words, “Congress shall make no law.”) However, most of the protections of Bill of Rights have been *incorporated into* the due process clause of the 14<sup>th</sup> Amendment and therefore applied to the states, as opposed to just the federal government. One way of illustrating the “incorporation doctrine” is to ask students to compare and contrast the due process clauses found in the **5<sup>th</sup> Amendment** (“no *person* shall... be deprived of life, liberty, or property without due process of law...”) and the **14<sup>th</sup> Amendment** (“no *state* shall... deprive any person life, liberty, or property without due process of law...”).

Discussion Questions:

1. How are these provisions different? “no person” vs. “no state”
2. Why would the framers of the 14<sup>th</sup> Amendment add a second due process clause?
3. What part of government was the *Bill of Rights* meant to limit? The new federal government, which the framers feared would replace British Parliament as a new, distant source of power that would infringe on the rights of the people and the states.
4. What part of government was the *14<sup>th</sup> Amendment* meant to limit? The states, which the Radical Republicans in Congress who passed the Amendment feared would continue to trample on the rights of newly freed slaves. The 14<sup>th</sup> Amendment established and defined for the first time the idea of U.S. citizenship (“All persons born or naturalized in the United States... are citizens of the United States”) and protects their federal Constitutional rights against infringement by the states. This is a huge shift in our constitutional history and the explanation for why most of the Bill of Rights now apply to both the federal and state governments.

- **Supreme Court Cases: You Make the Call.** *Government Alive!* provides 10 case studies on selected Supreme Court cases (pp. 360 – 369), which provide students with a 1 page summary of each case, including “The Story Behind the Case,” “Relevant Cases,” and summaries of the arguments made by both sides. The book also provides students with the court’s decision on these 10 cases on pp. 370 – 373.

**More  
Suggested  
Activities  
and  
Procedures**

- **Rights are not Absolute.** A key concept that students need to understand is that rights are never absolute, and that courts must balance individual rights with the larger needs of society. One famous example, given by Oliver Wendell Holmes, is that the freedom of speech does not include the right to “shout fire in a crowded theatre.” Students should understand that rights, therefore, always depend on context.

Consider the following series of **“What if” scenarios**:

1. What if a group of students wants to hold a “Stop the Violence” protest rally in the Boston Common on a Saturday afternoon. Could the parks department deny the permit because they feel some of speakers are might spark “too much controversy”?  
What if other controversial speakers have been allowed to speak in the past? Who get to decide what is too controversial?
2. What if the parks department denied the permit because the park had already been reserved by a different organization that day? What if the students wanted to hold their rally until 2:00 AM with loudspeakers and live music? What if they wanted to hold their rally during the day but right in front of a hospital where patients were resting and recovering?  
How is Example No. 1 different from the Example No. 2? The first amounts to **viewpoint discrimination**, which is not allowed in a public forum such as a public park. The second is considered a **reasonable time, place and manner regulation**, which generally is allowed for legitimate public policy concerns.
3. What if the Boston City Council and Mayor Menino passed an ordinance (local law) prohibiting all stores in Boston from selling clothing with “messages that discourage people from cooperating with the police” with the stated goal of banning the sale of t-shirts and hats saying “Stop Snitching” or “Stitches for Snitches”?
4. What if a judge banned such clothing from his courtroom during a criminal trial? Is that a valid means of avoiding witness intimidation? Students should be able to distinguish between these two examples. The first example is likely **“void for vagueness”** because it is unclear exactly what messages are banned and is also **unconstitutionally overbroad** causing a **chilling effect** on constitutionally protected speech.

**More Suggested Activities and Procedures**

- **Constitutional Line Drawing.** Chapter 5 of *Government Alive!* offers some great summaries of landmark civil liberties cases, which can form the basis of good classroom discussions. Use masking tape on your floor to divide your classroom into two halves. Read aloud different “What if” scenarios and ask students to stand on one side of the room if they would find a constitutional violation and on the other side of the room if they would not. Students can then be asked to explain why they chose to be on one side or the other and, if they changed sides when the facts were changed, to explain why they switched sides.
  1. A protester is arrested for criticizing the War in Iraq and President Bush.
  2. A protester is arrested for burning a photograph of President Bush.
  3. A protester is arrested for burning the American flag at a rally.
  4. A protester is arrested for making anti-immigrant comments at a rally.
  5. A protester is arrested for saying all illegal immigrants should be arrested and deported.
  6. A protester is arrested for saying all foreigners should be round up and deported.
  7. A protester is arrested for blocking traffic at a protest march as a form of civil disobedience.
  8. A political activist is arrested for planning a protest in which civil disobedience will be used, such as sitting down in the street to block traffic.
- **Political Cartoons for Start Ups.** There are some great political cartoons involving civil liberties issues, like the one on the cover of the Unit 2 Packet for students. Such cartoons can be used as a great start up activity, with students identifying the issue being addressed, the viewpoint of the cartoonist, and how the imagery helps get the point across. See *Government Alive!* p. 91 for political cartoon about the 2<sup>nd</sup> Amendment.

Political Cartoons Websites:

  - Cartoon Stock: <http://www.cartoonstock.com/>
  - Comics.com: <http://www.comics.com/editoons/>
  - Danziger: <http://www.danzigercartoons.com/>
  - Bendib – Cartoons that Speak Truth to Power: <http://www.bendib.com/index.html>
  - Doonesbury: <http://www.doonesbury.com/>
- **Jeopardy Vocabulary Review.** Jeopardy is a great way to review vocabulary. To maximize student participation, students can be divided into three teams, but students on each team can rotate into the contestant seat after each question or set of questions.

<b>Assessment Tools</b>	<ul style="list-style-type: none"> <li>• <b>Ongoing Assessment:</b> Student understanding of core concepts covered this week can be assessed informally through participation in classroom activities, such as analysis of political cartoons, line drawing activity, and class discussion of “What if...?” scenarios.</li> <li>• <b>Quiz:</b> Students can be more formally assessed using a short quiz that requires them to demonstrate their understanding of key vocabulary and concepts found in the Bill of Rights. Quiz format can include a (1) matching section, (2) multiple choice questions asking students to correctly identify Constitutional provisions, (3) open ended/short essay questions asking students to analyze a fictional hypo similar to ones discussed in class.</li> </ul>
<b>Resources for Further Study</b>	<p>Websites:</p> <ul style="list-style-type: none"> <li>• The First Amendment Center: <a href="http://www.firstamendmentcenter.org">www.firstamendmentcenter.org</a></li> <li>• First Amendment Schools: <a href="http://www.firstamendmentschools.org">www.firstamendmentschools.org</a></li> <li>• Band of Rights: <a href="http://www.band-of-rights.org">www.band-of-rights.org</a></li> <li>• Bill of Rights Institute: <a href="http://www.billofrightsinstitute.org">www.billofrightsinstitute.org</a></li> <li>• Constitution Center: <a href="http://www.constitutioncenter.org">www.constitutioncenter.org</a></li> <li>• Federal Judiciary: <a href="http://www.uscourts.gov">www.uscourts.gov</a></li> <li>• Justice Learning: <a href="http://www.justicelearning.org">www.justicelearning.org</a></li> <li>• Justice Talking: <a href="http://www.justicetalking.org">www.justicetalking.org</a></li> <li>• The Five Freedoms: “A community of educators, students and citizens committed to First Amendment freedoms, democratic schools, and the idea that young people should be seen <i>and</i> heard.” <a href="http://www.fivefreedoms.org/">http://www.fivefreedoms.org/</a></li> <li>• Supreme Court Media Project: <a href="http://www.oyez.org">www.oyez.org</a></li> <li>• United States Supreme Court: <a href="http://www.supremecourtus.gov">www.supremecourtus.gov</a></li> </ul>

## Week 4: Freedom of Speech Issues

### Learning Goals

Students will be able to:

- Articulate the facts, holding, and reasoning of the Tinker case, and place the case in context of other landmark decisions involving the free speech rights of students.
- Synthesize a hypothetical case law governing the free speech rights of students as related to the analysis of constitutional issues in a fictional fact pattern using case precedents
- Understand that states are free to provide more rights than the federal constitution, as long as they do not provide less

### Guiding Questions

1. How have historical cases shaped the evolution of rights we have today?
2. Do students have Constitutional rights when they are inside school?
3. How have courts balanced the First Amendment rights of students with the need to maintain safe schools and promote positive values among students?  
How and why have the rights of students expanded and contracted over the last fifty years?

### Curriculum Standards

USG.1.5 Explain how the rule of law, embodied in a constitution, limits government to protect the rights of individuals.

USG.3.4 Explain the functions of the courts of law in the governments of the United States and the state of Massachusetts with emphasis on the principles of judicial review and an independent judiciary.

USG.3.11 Compare core documents associated with the protection of individual rights, including the Bill of Rights, the Fourteenth Amendment to the United States Constitution, and Article I of the Massachusetts Constitution.

USG.5.7 Analyze and evaluate decisions about rights of individuals in landmark cases of the United States Supreme Court.

<p><b>MA Literacy Framework / Common Core Standards</b></p>	<p>RI 8. Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning (e.g. in U.S. Supreme Court majority opinion and dissents) and the premises, purposes and arguments in works of public advocacy.</p> <p>RH 1. Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.</p> <p>RH 2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.</p> <p>WHST 1a. Introduce precise, knowledgeable claim(s), establish the significance of the claim(s) from alternate or opposing claims, and create an organization that logically sequences the claim(s), counterclaims, reasons and evidence</p>
<p><b>Teaching Materials</b></p>	<ul style="list-style-type: none"> <li>• <i>Government Alive!</i> Chapter 15 – Courts, Judges and the Law, pp. 281 - 297</li> <li>• Selected passages from Chapter 2 (pgs. 13-62) of <i>We The People</i></li> <li>• Accompanying <i>We the Students</i> Student Guide Resource packet (pgs. 21-42) and Student Workbook (selected activities)</li> </ul>

<b>Vocabulary</b>	plaintiff defendant petitioner respondent holding reasoning / rationale majority opinion dissenting opinion concurring opinion reverse affirm appeal discretion United States Supreme Court Supreme Court Justice Tinker Test “material and substantial disruption” lewd and vulgar school sponsored speech
<b>Core Activities</b>	<p><b>You be the Judge.</b> After studying the <i>Tinker</i> decision, students should consider the following case. In September 2008, middle school students in Aurora, Colorado were urged to wear red, white and blue to express their patriotism. One eleven-year-old decided to wear a homemade shirt with the message “Obama — a Terrorist’s Best Friend.” School officials, based on their belief that the shirt was being disruptive, gave the student the option of changing his shirt, turning it inside-out, or facing suspension. The student chose to be suspended, and he and his father sued, claiming a violation of the boy’s First Amendment right to free speech. Students should work in small groups to brainstorm legal arguments on both sides as well as counter arguments. For more information, visit <a href="http://www.fivefreedoms.org/">http://www.fivefreedoms.org/</a>.</p>

**Other  
Suggested  
Activities  
and  
Procedures**

- **Overview.** During this portion of the court, students will study a series of landmark Supreme Court decisions involving the First Amendment rights of students. Students will receive a supplemental court packet with 1-page case briefings (see Unit 2 Course Resource Packet) for each of these cases as well as hypothetical scenarios that can be used for class discussions and moot court activities in which students develop legal arguments for the school or for the student. After studying and synthesizing the relevant case law, students might prepare for a final moot court exercise in which students will role-play lawyers and judges in an oral argument before the First Circuit Court of Appeals.
- **Briefing a Case.** Chapter 15 of Government Alive! provides some good background on the U.S. Court system and key vocabulary. Students should be taught the way in which law students and lawyers, break down court decisions into different parts:
  1. **Name the Parties:** Who sued whom? A lawsuit begins when one person files a complaint in a **district court**, which is a **trial court**. The party that files the complaint is called the **plaintiff**. (In a criminal trial, the plaintiff is called the **prosecutor**.) The party that defends against the complaint is called the **defendant**. The party that loses at the trial level can appeal to the **Court of Appeals** and is then called the **appellant**. The appellant wants the appellate court to **reverse** the lower court opinion. The party that won in the trial court is called the **appellee** and wants the appellate court to **affirm** the lower court's decision. The party that loses in the court of appeals can **petition** for review by the U.S. Supreme Court if the case is in federal case or the state's highest court if it's in state court. The Supreme Court has almost complete **discretion** as to which cases it decides to review. The party seeking review in the Supreme Court is called the **petitioner**. The party responding to the petition is called the **respondent**.
  2. **Procedure:** How did this case make its way through the courts? What happened in the lower court? Who won? Who lost? The procedural history of the case is a very quick statement about the path the case has followed in the courts.
  3. **Facts:** What happened to the parties? What is the story between them? Who did what to whom? What happened of legal consequence, that is, what happened that is relevant to deciding the legal issues?
  4. **Issue:** What are the legal issues that the court must decide to arrive at a decision?
  5. **Holding:** What does the court hold or decide? What is the **rule of law** that it comes up with to resolve the issue?
  6. **Reasoning or Rationale:** Why does the court decide the way it does? What is the logic or reasoning that supports its holding? What is its analysis?

Additional Resource: For a good map of the federal judicial system, showing the geographic boundaries of the 94 United States District Courts and the 13 Circuit Courts of Appeals, please visit: <http://www.uscourts.gov/images/CircuitMap.pdf>

**More Suggested Activities and Procedures**

- **Case Study: *Barber v. Dearborn Public Schools*.** After studying *Tinker*, students will read the facts from a federal district court case filed by a student threatened with suspension for wearing a t-shirt with a photograph of President Bush and the words “International Terrorist.” In the real case, the district court ruled in favor of the student. Applying the *Tinker* standard, the judge ruled that the school had failed to demonstrate that the speech caused a material and substantial disruption. (For the 10-page U.S. District Court opinion, please visit <http://www.aclumich.org/pdf/briefs/barberdecision.pdf>.) In reality, that is where the case ended because the school district did not appeal. However, for class purposes, imagine that the school district appealed the decision to the 6<sup>th</sup> Circuit Court of Appeals.

Moot Court Procedure: Depending on class size, choose 5-9 students to serve as 6<sup>th</sup> Circuit judges and divide the remaining students into legal teams for Bretton Barber and the Dearborn Public Schools. The legal teams should elect a scribe to complete the 1-page moot court prep worksheet (in the case packet) as well as a lead attorney to present their case to the court. The judges should also discuss the case and brainstorm questions to ask both sides. For the moot court itself, set up your classroom as much as possible like a courtroom with a row of desks for the judges and one desk for each of the two lead attorneys. Be sure to include time for the judges to deliberate and announce their opinion, and for the class to debrief afterwards.

- **Case Study: *Henery v. St. Charles High School*.** After studying *Tinker* and *Fraser*, students will read a brief description of this real case involving a student who gave out condoms with his school approved campaign slogan, “Adam Henery: the Safe Choice.” There is a worksheet for students to complete asking them to compare and contrast the case to *Tinker* and *Fraser*. This case can be used for a class discussion or, time permitting, a moot court exercise.
- **Case Study: *Jones v. Farmingdale Public School District*.** This is a fictional fact pattern that students can debate after studying *Morse v. Frederick*, which explores potential gray areas regarding pro-drug speech. In *Morse*, the Supreme Court said that the Joseph Frederick’s “Bong Hits 4 Jesus” banner was at best “cryptic” and that there could be several different interpretations of the message. However, the court held that the school could censor the speech as long as *one reasonable interpretation* of the message was that it was advocating illegal drug use. It was irrelevant that there might be some other, non-pro drug interpretation as long as one reasonable interpretation was pro-drug.

**More Suggested Activities and Procedures**

- **Types of Court Decisions.** Students should also understand the different types of court decisions:
  1. **Majority Opinion:** Opinion written by a justice or judge indicating the court’s ruling in a case and providing an explanation for that ruling. In the Supreme Court, at least five out of the nine Justices must agree to form a majority.
  2. **Dissenting Opinion / Dissent:** Opinion written by a justice or judge that disagrees with the ruling of the majority opinion in a case. A judge can dissent without writing a dissenting opinion.
  3. **Concurring Opinion / Concurrence:** Opinion written by a justice or judge that agrees with the ruling of the majority in a case but that offers a separate explanation or process of reasoning.
  4. **Plurality Opinion:** An opinion that does not receive support from enough justices (or judges) to constitute a majority on a court but receives more votes than any other opinion. Such an opinion will usually state the “judgment of the court” and may be accompanied by other opinions concurring in the judgment or dissenting from it.
- **Legal Research Web Quest (time permitting):** To provide students with some legal research skills, students can be taken to the school’s computer lab where they must use several suggested websites to find some legal information about Supreme Court decisions and the court system.
- **Landmark Cases on Student Freedom of Expression.** Students will be studying the five following court decisions on student freedom of expression:
  1. **Tinker v. Des Moines Independent School District** (1969): Schools cannot limit or punish student speech inside school *unless* they can show that such speech caused or would likely cause a **material and substantial disruption** of school. (“Tinker Test”)
  2. **Bethel School District v. Fraser** (1986): Schools can punish students for **lewd and vulgar student speech** even if it does not cause any disruption.
  3. **Hazelwood School District v. Kuhlmeier** (1988): Schools can exercise editorial control over **school sponsored speech** that members of the public would reasonably believe bears the imprimatur of the school IF the restriction is reasonably related to a **legitimate pedagogical purpose**.
  4. **Pyle v. South Hadley School Committee** (1996, SJS): The Supreme Judicial Court held that Massachusetts’ **Student Free Expression Act** provides greater protection of student rights in our state than the First Amendment. Therefore, Mass. does not follow the *Fraser* decision so schools cannot censor even lewd and vulgar student speech without a showing of disruption.
  5. **Morse v. Frederick** (2007): Schools can censor student speech they reasonably interpret as advocating the use of illicit drugs.

**More  
Suggested  
Activities  
and  
Procedures**

- **Applying the Law to the Facts.** After reading and discussing each case briefing, students should be given the opportunity to “apply the law to the facts” of different cases and hypotheticals. This is the best way for students to really understand the key legal principals of each case (described above). Students should be encouraged to compare and contrast the facts of the hypos or **fact patterns** to the Supreme Court cases they have studied. They can **analogize** cases by pointing out factual similarities or **distinguish** cases by pointing out the differences. Here are some good discussion prompts:
  1. What case does this remind you of?
  2. How is this case factually similar to *Tinker*? ...*Fraser*? ... *Hazelwood*? ...*Morse*?
  3. How is this case different than *Tinker*? ...*Fraser*? ... *Hazelwood*? ...*Morse*?
  4. Do you think the speech here caused a “material and substantial disruption”? Why?
  5. Was the speech “lewd or vulgar”?
  6. Was this “school sponsored speech”? Would a reasonable person believe the speech bore the school’s stamp of approval?
    - a. Who paid for the newspaper/website/theatrical production?
    - b. Was the school’s name on the paper/program?
    - c. Was this part of a course curriculum or an after school program?
    - d. Was there a full time teacher involved or someone from the community?

Was the speech pro-drug? Could the school reasonably interpret the speech as advocating the use of illegal drugs?
- **The Gang Problem at Urban Academy.** This is a fictional fact pattern that can be used to apply the *Tinker* test to a school dress code stating that “students are prohibited from wearing any gang insignias, colors, or symbols inside school.” The case packet includes a more detailed story of student suspended for violating the rule and a worksheet asking students to develop legal arguments for both the school and the suspended student.

Follow up questions for class discussion:

1. What if Derek returned to school after serving his 3-day suspension wearing a t-shirt with the words “Stop Snitching” on it?
2. What if he returned to school wearing a t-shirt saying “stitches for snitches”?
3. What if 75 students came to school wearing blue socks on their right foot only to protest the school’s dress code and Derek’s suspension?

<p><b>Assessment Tools</b></p>	<ul style="list-style-type: none"> <li>• <b>Moot Court Exercises.</b> After students have studied the five landmark decisions involving the free speech rights of students, they should be able to synthesize the cases and develop legal arguments that apply the law from those cases to different fact patterns. Moot court exercises are an effective tool for ongoing assessment. Students should be assessed based on how well they articulate their answers and apply the relevant case law.</li> <li>• <b>Student Worksheets.</b> The case student packet includes several worksheets that can be used as an ongoing assessment tool.</li> <li>• <b>You be the Judge.</b> After any of the moot court exercises described above, ask students to write a 2-3 page court opinion giving their ruling in the case, whether they served as a judge or a lawyer. Students should include a brief summary of the relevant facts, the court’s ruling, and their reasoning citing the relevant case law and legal principals. Two strong examples from opposing sides can be photocopied and shared with the class (with the authors’ permission) for discussion and as a model for future assignments.</li> <li>• <b>Final Moot Court.</b> The student packet also includes a fictional 6-page U.S. District Court opinion in a case involving a student suspended for allegedly disrupting a student assembly by holding up a poster with a humorous political message. This case can be used as a final assessment for the free speech unit. The “General Outline for a Moot Court Argument” can be used as a guide for the students and as a grading rubric. Students can also brainstorm tips for making a strong oral argument, which can also be used for self-assessment and/or peer assessment.</li> </ul>
<p><b>Resources for Further Study</b></p>	<p>Websites:</p> <ol style="list-style-type: none"> <li>1. The First Amendment Center: <a href="http://www.firstamendmentcenter.org">www.firstamendmentcenter.org</a></li> <li>2. First Amendment Schools: <a href="http://www.firstamendmentschools.org">www.firstamendmentschools.org</a></li> <li>3. The Five Freedoms: “A community of educators, students and citizens committed to First Amendment freedoms, democratic schools, and the idea that young people should be seen <i>and</i> heard.” <a href="http://www.fivefreedoms.org/">http://www.fivefreedoms.org/</a></li> <li>4. Supreme Court Media Project: <a href="http://www.oyez.org">www.oyez.org</a></li> <li>5. Supreme Court Media Project: <a href="http://www.oyez.org">www.oyez.org</a></li> <li>6. United States Supreme Court: <a href="http://www.supremecourtus.gov">www.supremecourtus.gov</a></li> </ol>

## Week 5: Search and Seizure Issues

<b>Learning Goals</b>	<p>Students will be able to:</p> <ul style="list-style-type: none"> <li>• explain how the Fourth Amendment and the exclusionary rule protect against unreasonable searches and seizures;</li> <li>• compare and contrast the level of suspicion needed to search or arrest a suspect in a home or office, on the street, in a car, and in school; and</li> <li>• teach their peers about their Fourth Amendment rights in different situations</li> </ul>
<b>Guiding Questions</b>	<ol style="list-style-type: none"> <li>1. How have historical cases shaped the evolution of rights we have today?</li> <li>2. What is an unreasonable search and seizure and how does this vary depending on context?</li> <li>3. What is the exclusionary rule and what is its purpose?</li> <li>4. When can school authorities search students and their belongings inside school?</li> </ol>
<b>Curriculum Standards</b>	<p>USG.1.9 Examine fundamental documents in the American political tradition to identify key ideas regarding limited government and individual rights.</p> <p>USG.2.2 Analyze and interpret central ideas on government, individual rights, and the common good in founding documents of the United States.</p> <p>USG.2.4 Define and provide examples of foundational ideas of American government, including popular sovereignty, constitutionalism, republicanism, federalism, and individual rights, which are embedded in founding-era documents.</p> <p>USG.3.4 Explain the functions of the courts of law in the governments of the United States and the state of Massachusetts with emphasis on the principles of judicial review and an independent judiciary.</p> <p>USG.3.11 Compare core documents associated with the protection of individual rights, including the Bill of Rights, the Fourteenth Amendment to the United States Constitution, and Article I of the Massachusetts Constitution.</p> <p>USG.5.7 Analyze and evaluate decisions about rights of individuals in landmark cases of the United States Supreme Court.</p> <p>USG.5.10 Practice civic skills and dispositions by participating in activities such as simulated public hearings, mock trials, and debates.</p>

<b>MA Literacy Framework / Common Core Standards</b>	<p>RI 7. Integrate and evaluate multiple sources of information presented in different media or formats as well as in words in order to address a question.</p> <p>RI 8. Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning (e.g. in U.S. Supreme Court majority opinions and dissents) and the premises, purposes and arguments in works of public advocacy.</p> <p>SL 1. Initiate and participate effectively in a range of collaborate discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts and issues, building on others' ideas and expressing their own clearly and persuasively.</p>
<b>Teaching Materials</b>	<ul style="list-style-type: none"> <li>• Government Alive! Chapter 16 – The Criminal Justice System, pp. 299 – 319. (background)</li> <li>• Selected passages from Chapter 5 (pgs. 130-157) of We The Students</li> <li>• Accompanying We the Students Student Guide Resource packet (pgs. 70-78) and Student Workbook (selected activities)</li> <li>• Course Packet for Term 2 featuring worksheets and hypos about Fourth Amendment search &amp; seizure law.</li> </ul>
<b>Vocabulary</b>	<p>plea bargain  unreasonable search and seizure  probable cause  reasonable suspicion  exclusionary rule  New Jersey v TLO  Mapp v Ohio  Terry v Ohio  Terry stop  pat frisk  Miranda v Arizona  motion to suppress  suppression hearing  reasonable expectation of privacy  Burden of proof  magistrate  search warrant  arrest warrant</p>

<p><b>Core Activities</b></p>	<p><b>Introduction to Search and Seizure Law.</b></p> <p>Prior to class, ask a student if s/he would mind if you looked inside their bag during class. Start class by saying the school has received an anonymous tip that a student is in possession of unlawful contraband. Then ask the student in on the skit, to give you his/her bag and look inside it. Then explain that this was just a skit and that the student was in on it.</p> <p><u>Questions for Class Discussion:</u></p> <ol style="list-style-type: none"> <li>1. Was it wrong for me to search his/her bag? Why?</li> <li>2. What is so wrong about looking into someone’s bag?</li> <li>3. What is privacy so important?</li> <li>4. What would justify such a search? A tip that a student had drugs? A weapon? The answer key to a final exam? A bomb?</li> <li>5. Would such a search violate the student’s rights?</li> <li>6. What provision of the Constitution might be implicated by such a search?</li> </ol>
<p><b>Other Suggested Activities and Procedures</b></p>	<ul style="list-style-type: none"> <li>• <b>Introduction to the Criminal Justice System.</b> To get an overview of the criminal justice system and the role of the Fourth Amendment in the criminal process, students should read pp. 299-306 of <i>Government Alive!</i> Students should also have the opportunity to share their experiences with the criminal justice system and compare it to the ideals stated in the Bill of Rights:       <ol style="list-style-type: none"> <li>1. Describe one positive and one negative experience you have had with the criminal justice system.</li> <li>2. 95% of criminal cases never go to trial, but instead result in a <b>plea bargain</b> between the defendant and the prosecution. Does this undermine the Constitutional right to a trial by an impartial jury?</li> <li>3. Is the right to a “speedy trial” violated when defendants wait months before getting a trial?</li> <li>4. Do the police have too much discretion in enforcing the law? What are some examples of police discretion? What are some advantages to giving the police discretion?</li> </ol> <p>Students should look at the text of the Fourth Amendment (<i>Government Alive!</i> p. 392) which reads:</p> <p>The right of the people to be secure in their persons, houses, papers, and effects, against <b>unreasonable searches and seizures</b>, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.</p> </li> </ul>

**More  
Suggested  
Activities  
and  
Procedures**

- **The Exclusionary Rule.** In the 1960 case, *Mapp v. Ohio*, the Supreme Court held that evidence gathered in violation of the 4<sup>th</sup> Amendment must be excluded from trial. ([http://www.oyez.org/cases/1960-1969/1960/1960\\_236/](http://www.oyez.org/cases/1960-1969/1960/1960_236/)) Criminal defendants alleging 4<sup>th</sup> Amendment violations can file a **motion to suppress** the evidence. In many cases (like drug cases) the government often must drop their charges against the defendant if they lose such a motion.

Questions for Class Discussion:

1. What is the purpose of the exclusionary rule?
2. Is it to discourage police from violating the 4<sup>th</sup> Amendment?
3. Or to punish the police by forcing cases using illegally seized evidence to be thrown out of court?
4. Do you agree with the exclusionary rule?
5. Is it fair to victims of crime to let alleged criminal off based on the police's misconduct?

- **Arrest or Search in the Home:**

Students need to understand that the Constitution protects Americans against *unreasonable* searches and seizures. "Seizures" refer to the detention or arrest of those suspected of crime. "Searches" refers to the authorities looking for evidence. The Fourth Amendment itself has one definition of a reasonable search, namely: one that is justified by a **warrant based upon probable cause**. Probable Cause ("PC") exists when facts and circumstances within the police officer's knowledge are sufficient to warrant a prudent person to believe a suspect has committed, is committing, or is about to commit a crime (PC to arrest) or that the search will lead to the discovery of contraband (PC to search).

- **Arrest or Search on the Street:**

The Supreme Courts has recognized many **exceptions to the search warrant requirement**. For example, the police do not need to go to a magistrate to get a search or arrest warrant if they have probable cause to arrest a suspect on the street or in a car. The reason is that such a requirement would be highly impractical since any suspect and contraband would be long gone by the time the police returned with a warrant. In practical terms, if the police observe a crime occur, they have probable cause to arrest the suspect. If the police have probable cause to arrest a suspect, they can also conduct what is known as a **search incident to a lawful arrest**.

**More Suggested Activities and Procedures**

- **Terry Stop and Frisk:**

In the landmark 1967 case, *Terry v. Ohio*, a police officer observed three men walking suspiciously back and forth in front of a jewelry store, and believed they were trying to “case the joint.” The officer stopped and frisked the three men, and found weapons on two of them. Terry challenged this search claiming the police did not have probable cause to search him. The Supreme Court held that the police may conduct a brief stop and search if they have **reasonable suspicion** that the suspect has committed or is committing a crime *and* is currently armed and dangerous. A so-called *Terry* stop must be brief (i.e. – they can’t arrest the suspect and bring them to the police station) and the search is limited to a pat frisk of the outer clothing for weapons (i.e. – they cannot search inside pockets and bags as they would if conducting a search incident to a lawful arrest. (*Terry v. Ohio*: [http://www.oyez.org/cases/1960-1969/1967/1967\\_67/](http://www.oyez.org/cases/1960-1969/1967/1967_67/))
- **Not a Search:**

In order to claim a violation of the Fourth Amendment, you must first establish that you were “searched” or “seized.” If you have “**no reasonable expectation of privacy**,” then you have not been searched. For example, if the police observe contraband **in plain view** from a location where they are lawfully present, they do not need any level of suspicion because the suspect had “**no reasonable expectation of privacy**.” For example, if the police are in your doorway while investigating a crime and observe illegal drugs in plain view, they would be entitled to seize the drugs and make an arrest. The police do not need to have *any* level or suspicion because they did not conduct a “search” under the 4<sup>th</sup> Amendment. The Supreme Court has also found that police could search garbage placed curbside because one has no reasonable expectation of privacy in ones garbage.
- **Not a Seizure:**

The Court has also found that if “a reasonable person would feel free to leave” when being questioned by the police, you have not been seized for purposes of the 4<sup>th</sup> Amendment. For example, the police do not need any suspicion in order to approach someone on the street (say a witness) to ask them questions as long as a reasonable person in that situation would feel like they could refuse to talk to them and walk away.

**Note:** Students should realize that the level of suspicion that the police have can change during the course of a search. Here are some common examples:

  1. Observation of contraband in plain view can trigger probable cause to arrest and conduct a search incident to a lawful arrest.
  2. Discovery of an unlicensed firearm during the *Terry* pat frisk can trigger probable cause to search further.

<p><b>More Suggested Activities and Procedures</b></p>	<ul style="list-style-type: none"> <li>• <b>Searches of Students and their Belongings.</b> After getting this basic overview of search &amp; seizure law, students should read the case summary of <i>New Jersey v. T.L.O.</i> (1986) found in the Court Packet. In <i>T.L.O.</i>, the Supreme Court held that schools can conduct searches of students inside school if they have a <b>reasonable belief that the search will produce evidence that the student had violated a school rule.</b> After reading the <i>T.L.O.</i> case summary, ask students where on the Search &amp; Seizure Chart we should place searches inside school. Students should be able to see that the Court has allowed school authorities to conduct the equivalent of a search incident to a lawful arrest (a full investigatory search) with the lower level of suspicion: reasonable suspicion. In other words, had the type of search conducted in <i>T.L.O.</i> been conducted by the police as part of a criminal investigation, they would have needed probable cause since reasonable suspicion would only authorize a <i>Terry</i> pat frisk. But the search conducted in <i>T.L.O.</i> went far beyond a <i>Terry</i> pat frisk, since the principal looked inside her bag.</li> <li>• <b>Drug Testing on Students (Time Permitting).</b> In <i>Board of Education of Pottawatomie County v. Earls</i> (<a href="http://www.oyez.org/cases/2000-2009/2001/2001_01_332/">http://www.oyez.org/cases/2000-2009/2001/2001_01_332/</a>), the Supreme Court upheld drug testing for students in extra curricular activities.</li> </ul>
<p><b>Assessment Tools</b></p>	<ul style="list-style-type: none"> <li>• <b>Know your Rights Workshop and Poster/Pamphlet.</b> Students will work in pairs to create a “Know Your Rights” workshop for peers as well as a pamphlet or poster that helps students gain a better understanding of their Fourth Amendment rights in and out of school. This project should demonstrate the students’ understanding of the search and seizure road map, some of the landmark decisions, such as <i>Mapp v. Ohio</i>, <i>Terry v. Ohio</i>, and <i>New Jersey v. T.L.O.</i></li> <li>• <b>Search &amp; Seizure Roadmap.</b> Students should complete the blank roadmap based on class lectures and discussions.</li> </ul>
<p><b>Resources for Further Study</b></p>	<p>Web Resources on the Fourth Amendment:</p> <ol style="list-style-type: none"> <li>1. FindLaw: <a href="http://caselaw.lp.findlaw.com/data/constitution/amendment04/">http://caselaw.lp.findlaw.com/data/constitution/amendment04/</a></li> <li>2. Wikipedia: <a href="http://en.wikipedia.org/wiki/Fourth_Amendment_to_the_United_States_Constitution">http://en.wikipedia.org/wiki/Fourth_Amendment_to_the_United_States_Constitution</a></li> <li>3. Lectric’ Law Library: <a href="http://www.lectlaw.com/def/f081.htm">http://www.lectlaw.com/def/f081.htm</a></li> </ol>

## Weeks 6: Equal Protection Under the Law

<b>Learning Goals</b>	<p>Students will be able to:</p> <ul style="list-style-type: none"> <li>• Describe some of the key Supreme Court cases and human stories that tell the evolving narrative of race and public education in the US; and</li> <li>• Debate the merits and challenges of ‘racial balancing’ for achieving equal protection of the law in our schools and society as a whole.</li> </ul>
<b>Guiding Questions</b>	<ol style="list-style-type: none"> <li>1. What is the significance of the 14<sup>th</sup> Amendment and how has it been used to challenge discrimination on the basis of race in schools?</li> <li>2. What does race have to do with success and opportunity in our schools or society today? Should it?</li> </ol>
<b>Curriculum Standards</b>	<p>USG.1.6 Explain how a constitutional democracy provides majority rule with equal protection for the rights of individuals, including those in the minority, through limited government and the rule of law.</p> <p>USG.2.6 Define and provide examples of fundamental principles and values of American political and civic life, including liberty, the common good, justice, equality, tolerance, law and order, rights of individuals, diversity, civic unity, patriotism, constitutionalism, popular sovereignty, and representative democracy.</p> <p>USG.2.7 Identify and explain historical and contemporary efforts to narrow discrepancies between foundational ideas and values of American democracy and realities of American political and civic life.</p> <p>USG.2.8 Evaluate, take, and defend positions on issues concerning foundational ideas or values in tension or conflict.</p> <p>USG.5.7 Analyze and evaluate decisions about rights of individuals in landmark cases of the United States Supreme Court such as <i>Whitney v. California</i> (1927), <i>Stromberg v. California</i> (1931), <i>Near v. Minnesota</i> (1931), <i>Brandenburg v. Ohio</i> (1969), <i>Texas v. Johnson</i> (1989), and <i>Reno v. American Civil Liberties Union</i> (1997).</p>

<p><b>MA Literacy Framework / Common Core Standards</b></p>	<p>RI 1. Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.</p> <p>RI 7. Integrate and evaluate multiple sources of information presented in different media or formats (eg. visually, quantitatively) as well as in words in order to address a question or solve a problem.</p> <p>RI 8. Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning (e.g. in U.S. Supreme Court majority opinions and dissents) and the premises, purposes and arguments in works of public advocacy.</p> <p>RH 2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.</p> <p>RH 6. Evaluate authors' differing points of view on the same historical event or issue by assessing the author's claims, reasoning and evidence.</p> <p>WHST 4. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose and audience.</p>
<p><b>Teaching Materials</b></p>	<ul style="list-style-type: none"> <li>• <i>Selected passages from <u>We the Students (3<sup>rd</sup> edition)</u>. Chapter 7: Equal Protection against Race Discrimination—From Segregation to Multicultural Democracy</i> (select passages selectively to highlight the general narrative from Plessy v Ferguson to Brown v Board of Education to the recent court decisions.</li> <li>• <i>Rethinking Schools Magazine Edition focusing on Brown 50 Years Later</i> (use selected articles or editorials as either activating texts or for further discussion) <a href="http://www.rethinkingschools.org/archive/18_03/18_03.shtml">http://www.rethinkingschools.org/archive/18_03/18_03.shtml</a></li> <li>• Film—<i>The Intolerable Burden</i> by Constance Curry</li> <li>• Documentary footage—<i>Eyes on the Prize, The Keys to The Kingdom</i> (Boston Busing footage)</li> </ul>

<b>Vocabulary</b>	<p>Due Process  5<sup>th</sup> Amendment  14<sup>th</sup> Amendment  segregation  desegregation  integration  discrimination  Ethnicity  Nationality  Race  strict scrutiny  affirmative action  <i>Plessy v. Ferguson</i>  <i>Brown v Board of Education</i>  <i>Brown II</i> ('with all deliberate speed')  <i>Regents of University of California v Bakke</i>  Reverse discrimination  Boston Busing</p>
<b>Core Activities</b>	<ul style="list-style-type: none"> <li>• <b>Can Race and Gender Segregation Ever Help? The Frederick Douglass School Thought Experiment.</b> Reference the activity on page 188 of <u>We the Students</u> for the debate activity focusing on the movement of some schools towards 'focus populations' of high need (eg: at-risk African American teenage boys). Sample questions to consider: Would it violate equal protection as described in Brown? Would students be stigmatized? Does it go against the principles of the civil rights movement?)</li> <li>• <b>Web Research Activity.</b> Select two school districts in Massachusetts and compare the statistics (student population, test scores, teacher profiles, income level of parents, education level of parents, etc.) Have students draw conclusions based on similarities or differences perceived, and implications towards the state of our schools today. [Possible sources to use: <a href="http://civilrightsproject.ucla.edu/research">http://civilrightsproject.ucla.edu/research</a>, <a href="http://www.boston.com/news/education/k_12/mcas/">http://www.boston.com/news/education/k_12/mcas/</a>, <a href="http://www.bostonmagazine.com/articles/public_vs_private_the_best_high_schools/">http://www.bostonmagazine.com/articles/public_vs_private_the_best_high_schools/</a> (article describing rankings of Boston 'best' high schools)]</li> </ul>

**Other  
Suggested  
Activities  
and  
Procedures**

- **Quote Response/Free Write:** Respond to one of the following quotes and have follow up discussion. Emphasize the role and place of education, both in terms of its intention and/or its reality.

“Education either functions as an instrument which is used to facilitate integration of the younger generation into the logic of the present system and bring about conformity or it becomes the practice of freedom, the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world.” --Paulo Freire

Education is the transmission of civilization. --Ariel and Will Durant

"A community is democratic only when the humblest and weakest person can enjoy the highest civil, economic, and social rights that the biggest and most powerful possess." -- A. Philip Randolph

- **4 Corners Activity.** Prepare a number of short statements and have students position themselves in the room according to how they either strongly agree, agree, disagree and strongly disagree. Have ongoing discussion after students move in response to each statement. (Sample statements: I feel like I’m receiving an excellent education. I feel like the education I’m getting is as good as any other’s in this country. I feel the biggest problem in the schools today is funding/quality of teaching or curriculum/racial segregation of schools/lack of student and community involvement.)
- **Focus on Supreme Court Case studies and the stories.** Using the core text We the Students, Vol 3, take students progressively through the narrative of the movement towards ‘equal protection of the law’ in education. Focus on the progression of each successive seminal court decision and use follow up guiding questions from the chapter. Also, focus on the *stories* of the individuals around which the cases were actually built and decided.

<b>Assessment Tools</b>	<ul style="list-style-type: none"> <li>• <b>Write a history chapter.</b> Have students write a brief history chapter as if it were the year 2050, explaining how America’s schools have changed from the years 2000 to 2050. Include core requirements, including reference to court cases, due process principles and the stories of those individuals who brought about those changes.</li> <li>• <b>Pictorial and Narrative Timeline.</b> Have students create an overall timeline with images, and short narrative, that outlines some of the key events and people involved with the story of race and schools in America.</li> <li>• <b>Reflection piece.</b> Have students write about their core learnings from this unit’s focus on race and education, and its implications on how they view their own education, school experience and hope for possible change.</li> <li>• <b>Editorial piece.</b> Have students write a detailed editorial answering the question: <i>Should race matter in our schools?</i> Include specific writing and content requirements. (Question can be adjusted more specifically to issues of affirmative action, single-sex schools, the METCO program, etc.)</li> <li>• <b>Individual research.</b> Have students select, or assign them, a specific court decision that belongs in the narrative of equal protection of the law as related to race and education. Have students become particularly familiar with the story of the individuals behind the case names, or the nuances of the court decisions as related to core constitutional principles.</li> <li>• <b>Constitutional Convention.</b> Have students hold a Constitutional Convention on a proposed amendment to the US Constitution establishing ‘quality education as a fundamental right for all persons in the United States.’ Students will present collected evidence and present testimony for or against the Amendment.</li> </ul>
<b>Resources for Further Study</b>	<ul style="list-style-type: none"> <li>• Brief background reading (dense) on 5<sup>th</sup> Amendment and Due Process history and scope <a href="http://caselaw.lp.findlaw.com/data/constitution/amendment05/11.html">http://caselaw.lp.findlaw.com/data/constitution/amendment05/11.html</a></li> <li>• NAACP Legal Defense Fund. Issue focus on education and race with links to legal documents and summaries (school integration, educational equity and school to prison pipeline) <a href="http://www.naacpldf.org/issues.aspx?ProgramCategory=1">http://www.naacpldf.org/issues.aspx?ProgramCategory=1</a></li> <li>• NPR Overview of 2007 Supreme Court Case related to race and schools <a href="http://www.npr.org/templates/story/story.php?storyId=11507539">http://www.npr.org/templates/story/story.php?storyId=11507539</a></li> <li>• Brookings Institution op-ed in response to most recent Supreme Court school integration cases that makes the argument that school integration goals should be maintained <a href="http://www.brookings.edu/opinions/2007/0628education_price.aspx">http://www.brookings.edu/opinions/2007/0628education_price.aspx</a></li> </ul>

**More Resources for Further Study**

- PBS overview site with some audio and video footage, and documents, related to Boston Busing  
[http://www.pbs.org/wgbh/amex/eyesontheprize/story/21\\_boston.html](http://www.pbs.org/wgbh/amex/eyesontheprize/story/21_boston.html)
- Brown v Board of Education: A Civil Rights Milestone and Its Troubled Legacy by James Patterson. [Historical overview of pretext, context and uneven results of the historic Brown decision.
- Civil Rights Project—UCLA. A series of reports and briefs about school integration/desegregation issues and diversity, especially between urban and suburban school districts. <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity>

## Weeks 7-8. Grassroots Movements as a Method for Social Change

<b>Learning Goals</b>	<p>At the end of this area of study, students will be able to:</p> <ul style="list-style-type: none"> <li>• Define grassroots social change,</li> <li>• Identify how grassroots movements have been utilized to access the promises of the civil liberties and civil rights towards fuller participation in a society,</li> <li>• Analyze grassroots movements to identify effective elements that actually lead to social change, and</li> <li>• Discuss how technological tools and social forums have impacted the scope and development of modern-day grassroots movements</li> </ul>
<b>Guiding Questions</b>	<ol style="list-style-type: none"> <li>1. Why are grassroots movements essential to a healthy democracy?</li> <li>2. How have grassroots movements impacted social change in American history? And around the world?</li> <li>3. What is the current landscape of grassroots movements in America?</li> <li>4. How do effective grassroots movements differ from non-effective ones? How can technology impact grassroots movements?</li> </ol>
<b>Curriculum Standards</b>	<p>USG.2.6 Define and provide examples of fundamental principles and values of American political and civic life, including liberty, the common good, justice, equality, tolerance, law and order, rights of individuals, diversity, civic unity, patriotism, constitutionalism, popular sovereignty, and representative democracy.</p> <p>USG.5.5 Identify and explain the meaning and importance of civic dispositions or virtues that contribute to the preservation and improvement of civil society and government.</p> <p>USG.2.7 Identify and explain historical and contemporary efforts to narrow discrepancies between foundational ideas and values of American democracy and realities of American political and civic life.</p> <p>USG.5.6 Identify specific ways for individuals to serve their communities and participate responsibly in civil society and the political process at local, state, and national levels of government.</p>

<b>MA Literacy Framework / Common Core Standards</b>	<p>SL 1. Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups and teacher-led) with diverse partners on grades 11-12 topics, texts and issues, building on others' ideas and expressing their own clearly and persuasively.</p> <p>SL 1b. Propel conversations by posing and responding to questions that probe reasoning and evidence; ensure a hearing for a full range of positions on a topic or issue; clarify, verify, or challenge ideas and conclusions; and promote divergent and creative perspectives.</p> <p>SL 4. Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.</p> <p>RH 7. Integrate and evaluate multiple sources of information presented in diverse formats and media (eg. visually, quantitatively, as well as in words) in order to address a question or solve a problem.</p>
<b>Teaching Materials</b>	<ul style="list-style-type: none"> <li>• Overview “How To Guide” describing how to start a grassroots movement from the Alliance for Youth Movement Organization. <a href="http://info.howcast.com/youthmovements/fieldmanual">http://info.howcast.com/youthmovements/fieldmanual</a></li> <li>• Take A Stand: Student Activism Around the World (Video Resource from the AFT (<a href="http://www.aft.org/takeastand">www.aft.org/takeastand</a>) for video description and printable handouts/information sheets)</li> <li>• Barack Obama’s <i>Dreams from My Father</i>, Chapters 8-9</li> </ul>
<b>Vocabulary</b>	<p>Activism/activist  Movement  Branding  Messaging  Political pyramid  social justice  social networking  collective  internalize  publicity  capitalize  Flash mob  Grassroots  satellite organization  community organizer  blog / microblog</p>

<p><b>Core Activities</b></p>	<p><b>Carousel Activity.</b></p> <p>Introduce students to the imagery and messages of grassroots movements by organizing a carousel walk-about with multiple stations. Possible stations might include: President Barack Obama’s 2008 election campaign, the Tea party movement, the democracy demonstrations of Tiananmen Square and the Occupy Wall Street movement.</p>
<p><b>Other Suggested Activities and Procedures</b></p>	<ul style="list-style-type: none"> <li>• <b>Videos of Global, National and Local Rallies.</b> After showing students video clips of rallies from around the world have them complete a journal entry reflecting. They can address questions in this entry such as do they see people like that gather here in America? If no, why do think people don’t do that here? If yes, what do people here in America gather like that for?</li> <li>• <b>Guiding Questions and Context.</b> Give the students an overview of what will be covered for these two weeks; what is a grassroots movement and how does it impact social change? How are grassroots movements and community organizing related? Bring in examples from history, current examples of grassroots efforts, and an examination of how technologies impact on such movements in the present day.</li> <li>• <b>Researching Grassroots Leaders and Figures.</b> A two-day lesson where you select various articles about historical figures who were part of the major grassroots movements in American or world history and assign a different figure to each student or groups of students. Each student (or group) is then responsible for reading their article and taking Cornell notes on their figure. Students will then pair up and create a poster that represents who their figures are. The poster should have illustrations, a title, a clear narrative expressing who their person is and why the person was important to whatever social movement that they were part of. The narrative should also include what the student’s opinion on the person that they read the article on. The second day of this lesson should allow the students to finish their posters and present their work. The objective of this lesson is to drive the point home that although major figures such as MLK, Susan B. Anthony, etc. were major parts of movements they were only able to do what they did because of the grassroots efforts that preceded them.</li> </ul>

<p><b>More Suggested Activities and Procedures</b></p>	<ul style="list-style-type: none"> <li>• <b>The Grassroots Organizing of the Barack Obama 2008 Presidential Campaign.</b> Introduce students to the grassroots movement that got Barack Obama elected and the Tea party movement by having them do a carousel walk to analyze articles about the rise of both grassroots movement. Have students watch <i>By the People: The Election of Barack Obama</i> and footage of the Tea party movement and or the 30-minute video in the resources for further study section.</li> <li>• <b>Comparing and Contrasting Liberal and Conservative Grassroots Movements.</b> Do conservatives or liberals do a better job of stimulating action from its grassroots members? (To answer this question have students explore the issues around technology use, use of intimate institutions such as the church, fear tactics, etc. Also have students think about the ways that such movements or campaigns appeal to their targeted audiences and the messaging techniques that are utilized.</li> </ul>
<p><b>Assessment Tools</b></p>	<p>Structured Debate: Direct students in a debate in which the two major sides argue the relative effectiveness and importance of 1) the judicial system and 2) grassroots movements in achieving lasting and meaningful social change.</p>
<p><b>Resources for Further Study</b></p>	<ul style="list-style-type: none"> <li>• The Power of Grassroots Movements Lesson Plans from the American History Teacher Collaborative: <a href="http://www.usd116.org/ProfDev/AHTC/lessons/Kron10/Kron10.htm">http://www.usd116.org/ProfDev/AHTC/lessons/Kron10/Kron10.htm</a></li> <li>• Interactive Timeline of Arab Spring pro-democracy movements from The Guardian: <a href="http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline">http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline</a></li> </ul>

## Week 9. PAR (Participatory Action Research) Overview

<b>Learning Goals</b>	<p>Students will be able to:</p> <ul style="list-style-type: none"> <li>• Understand that the final term project is the culmination of the civics course experience and is about making an explicit connection between their learning through the first three units and their individual, or community, areas of interest.</li> <li>• Explain what the participatory action research process is and how it differs from traditional research.</li> </ul>
<b>Guiding Questions</b>	<ol style="list-style-type: none"> <li>1. What is the participatory action research process, how does it differ from traditional research, and what will the process look like for me and this class?</li> <li>2. What's the difference between traditional research and participatory action research?</li> </ol>
<b>Curriculum Standards</b>	<p>USG.5.5 Identify and explain the meaning and importance of civic dispositions or virtues that contribute to the preservation and improvement of civil society and government.</p> <p>USG.5.6 Identify specific ways for individuals to serve their communities and participate responsibly in civil society and the political process at local, state, and national levels of government.</p> <p>ELA 24.4: Apply steps for obtaining information from a variety of sources, organizing information, documenting sources, and presenting research in individual projects:</p> <p>ELA 24.5: Formulate open-ended research questions and apply steps for obtaining and evaluating information from a variety of sources, organizing information, documenting sources in a consistent and standard format, and presenting research.</p> <p>ELA 24.6: Formulate original, open-ended questions to explore a topic of interest, design and carry out research, and evaluate the quality of the research paper in terms of the adequacy of its questions, materials, approach, and documentation of sources.</p>
<b>MA Literacy Framework / Common Core Standards</b>	<p>SL 1b. Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.</p>

<b>Teaching Materials</b>	<ul style="list-style-type: none"> <li>• Use Course DVD to access prepared materials and resources related to the PAR project</li> <li>• Also, look at the participatory action research projects that are central to the Boston Community Leadership Academy (BCLA) capstone course. You can find more information about the structure of the PAR paper, as well as find a number of student samples online, through this link:  <a href="http://bcla.digication.com/BCLAcapstoneclass/Introduction%20to%20the%20Class/published">http://bcla.digication.com/BCLAcapstoneclass/Introduction to the Class/published</a> </li> </ul>
<b>Vocabulary</b>	<p>Traditional research  Participatory action research  Insider/outsider</p>
<b>Core Activities</b>	<p><b>Note: All of the following are necessary ‘Core Activities’ for this week.</b></p> <ul style="list-style-type: none"> <li>• <b>Formal Introduction to PAR Project.</b> Spend some time giving the students the broad framework and scope of the PAR project by revisiting the course essential question and putting the PAR project in the context of the preceding (and following ) units of study.</li> </ul> <p>Emphasize that the PAR project will be the culmination of the entire year of study. Go over the PAR assignment overview with them up front. Emphasize that as each term successively has been building upon the previous one so far in the year, their work on this project does the same; in other words, what they work on with each step of the PAR process directly relates towards building their final PAR project/paper.</p> <p>Note: In your description of the PAR project, make sure to also mention that there is a community-research component involved, as well as an opportunity to present their ideas and research to actual community leaders and advocates.</p> <ul style="list-style-type: none"> <li>• <b>PAR vs Traditional Research.</b> Spend some time introducing students to the approach of participatory action research. Create a simple T chart with students that breaks down the core differences (<u>Traditional Research</u>: often conducted by the ‘expert’, often an outsider to the community, collects information and data for its own end, often treats residents as subjects. <u>PAR</u>: conducted by ‘insiders’ who experience the issues firsthand, validates individual and community experiences, collects information and data with the focused intention of trying to address or ameliorate the problem)</li> </ul>

<p><b>Core Activities Continued</b></p>	<ul style="list-style-type: none"> <li>• <b>Examining Sample Participatory Action Research Projects/Papers.</b> Put students in small groups and have them look through sample PAR projects. Lead them through a process of what they notice, what questions they have and how it relates to the Civics course PAR project.</li> <li>• <b>Class Brainstorm—Personal and Community Issues of Concern.</b> Spend a full class period or more allowing students to brainstorm out potential focus areas of interest for their projects. This can be broken down into two main activities: having students answer the introductory questions at the beginning of the PAR overview sheet and also having students create a web of interest areas through a whole class discussion, or perhaps a carousel activity.</li> <li>• <b>Creating small groups.</b> Be deliberate about creating a process for students to form their PAR project groups. Groups should ideally be formed with three or four students, though exceptions can be made at the teacher’s discretion.</li> </ul>
<p><b>Assessment Tools</b></p>	<p>The key focus area of this week is about giving students the overview of the PAR process and an understanding of how the PAR project connects to the past, and upcoming, units of study. Formal assessment is not recommended for this week.</p>

## Weeks 10. Unit 2- Review, Reflection and Assessment

<b>Learning Goals</b>	The final week of the Unit allows students a practice opportunity to think about application towards beneficial social change, either through the means of the judicial system or through a grassroots movement. Through the means of a fictionalized imagining of legal cases or grassroots organizing scenarios, students will work in groups to create a compelling narrative and imagine what it would take for the chosen approach to be successful.
<b>Guiding Questions</b>	<p>Revisit the Unit 2 overall essential questions:</p> <p><i>How can the judicial system function as a method for the application and expansion of an individual's or group of peoples' civil liberties and civil rights? How do grassroots movements function as a method for social change?</i></p>
<b>Curriculum Standards</b>	(Review of Unit 2 Standards and materials)
<b>MA Literacy Framework / Common Core Standards</b>	<p>RH 7. Integrate and evaluate multiple sources of information presented in diverse formats and media (eg. visually, quantitatively, as well as in words) in order to address a question or solve a problem.</p> <p>RH 9. Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.</p> <p>SL 1b. Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.</p> <p>SL 4. Make strategic use of digital media (eg. textual, graphical, audio, visual and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest.</p>

<b>Teaching Materials</b>	<ul style="list-style-type: none"> <li>For The Next Grassroots Movement:  Overview “How To Guide” describing how to start a grassroots movement from the Alliance for Youth Movement Organization. <a href="http://info.howcast.com/youthmovements/fieldmanual">http://info.howcast.com/youthmovements/fieldmanual</a></li> <li>For the Next Civil Rights Case  Pgs. 15-20 of <i>We the Students</i> accompanying Teacher’s Manual describing the elements of a case brief and examples. Also, use Term 2 Course Packet materials for legal briefing examples and guidesheets.</li> </ul>
<b>Vocabulary</b>	(Review of Unit 2 Key terms and vocabulary)
<b>Core Activities / Final Unit Assessment</b>	<p><b>Group Project: The Next Civil Rights Case or The Next Grassroots Movement.</b></p> <p>Have the students organize themselves in self-selected groups and have them choose one of the above methods of social change that have been reviewed this past unit.</p> <p>Students will imagine that they are either civil rights lawyers or grassroots organizers building their next big case in either a court of law or the court of public opinion. Students will develop a fictional complaint – the legal document that begins a lawsuit – or general social scenario that illustrates the need for change in our legal or political system. The complaint will tell the story of a fictional plaintiff(s) or group of individuals in society representing the need for change. While the character(s) and facts of the case or social scenario are fictional, the complaint should place the character in political and historical context using primary source documents, news articles, data and statistics, statutes, policies, and court cases, as well as art, music, films, and cartoons. Students can also create fictional supporting documents, such as mock newspaper articles, interview transcripts, audio and videos clips, web pages, etc.</p>