



Lesson Plan: Design and Empathy in the Constitution

Context of the unit:

This is the second part of a unit designed for 11th grade, based on the overall question: *Upon which democratic principles is the nation founded?* The first part of the unit asked, *What were the principles at the founding of the nation?* The second part is now asking, *How were the principles of the nation incorporated into its founding documents?* The next part of the unit will be *what tests to the Constitution did the early nation face?*

Context of the lesson within the unit:

Students already have a deep understanding of the powers of the three branches of government, of the Greco-Roman, Enlightenment, and English rights and influences on the Constitution, and of the Reasons and causes for the American Revolution. This lesson is an assessment piece that provides a little more depth and covers the Constitution thematically and falls before the unit exam.

Standards Addressed in the Unit: History Social Science

CA HSS-11.1 Students analyze the significant events in the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of independence.

Standards Addressed in this lesson: Content

CA HSS 11.1.2- Analyze the ideological origins of the American Revolution, the Founding Fathers' philosophy of divinely bestowed unalienable natural rights, the debates on the drafting and ratification of the Constitution, and the addition of the Bill of Rights.

Standards Addressed: Language

ELA 2.5 Analyze an author's implicit and explicit philosophical assumptions and beliefs about a subject.



Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects

College and Career Readiness Anchor Standards for Reading Grades 6-12

Key Ideas and Details

1. Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.

Higher Order Thinking Questions

What purpose does it serve to have rights for those accused of a crime, to have powers separated out, and to have an amendable government?

Does the possibility of an innocent person being sentenced the death penalty:

- a. reflect that the death penalty provides excessive government power anyway?
OR
- b. reflect an unfortunate flaw in an otherwise protective system of due process?

Objective(s):

Students will communicate their understanding of the democratic principles incorporated into the Constitution, in particular:

- a. rights of the accused and judicial independence (EMPATHY)
 - b. checks to unlimited powers and separation of powers (DESIGN)
- OR
- c. representative government and amenability (DESIGN AND EMPATHY)

Students will relate these concepts back to their 21st Century Skills (to be explained below) and to the case of a convicted arson offender on death row.



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Big Idea(s):

1. The strength of a democracy is equal to the strength of its citizens.

Essential Questions/Issues:

- What in American history has expanded and what has constrained the democratic principles upon which our nation was founded?



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Assessment: Students will write a summary of the democratic principles, their importance, and their location in the Constitution in a model museum exhibition. Students will design an exhibit that thoroughly explains one of the principles of the Constitution to the general public through pictures, captions, and quotes.

Museum Project Rubric:

	N/A	Agree	Neutral	Disagree
Meaning, Synthesis and Storytelling				
Provides an information summary of the topic. (45%)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Synthesizes all information about the topic and tells a story. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Explains the meaning and significance of the topic. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provides 3 images with captions. (25%)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Images are relevant and captions are informative 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Captions and images are related to the overall meaning of the principle. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provides a quote or slogan that encapsulates the topic. (5%)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design, Empathy, and Play				
Design of the project helps teach about the topic. (15%)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Is aesthetically pleasing and visitor-friendly 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Contains no or minor errors that do not distract from Meaning 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High quality elements are added into project. (10%)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Interactive station allows for play and further learning. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Element of quality added (mural, advertising, Brochure, etc) 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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Quality Criteria:

Within the curriculum, there is also an emphasis on what I have identified as “21st Century Skills.” Amongst these are design, empathy, storytelling, meaning, play, and synthesis. The project students complete at the end of this lesson project will include a rubric that assesses students based upon these skills. Also, we will draw connections between the creation of the Constitution and the use of these skills to emphasize the fact that they are timeless, though of crucial importance today.



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Activity Steps:

Hook: New Yorker Magazine cover (9/9/09) of youth teaching elderly “texting” language

- Students fill in “6 C’s” worksheet on what they see in the cover
- Discussion of purpose of magazine covers, of what liberal and conservative mean, of the need to identify bias; relate back to liberal and conservative perspectives on death penalty, to antifederalist and federalist positions on government
- Death Penalty Lecture
- Review the three main themes of the coverage of the Constitution: how does it separate powers, how is it or has it been amended, and what rights does it include for the accused.
- Discuss that death penalty relates to each of these themes
 - State criminal courts issue death penalty, people can appeal to the Supreme Court
 - Amendments protect death row inmates
 - Most states have a “super due process” that involves many stages before a death row inmate is executed
- Handout “Trial By Fire” and go over the “6 C’s” of the article
 - Understand that:
 - New Yorker is a somewhat liberal magazine; liberals tend not to favor the death penalty
- Begin to read the circumstances of the case for death row inmate, Tod Wilingham
- This will be used throughout the lesson to draw back to the themes of the Constitution and to give students a story to connect to



Hook: “What would BdM say?” Give the following scenarios and students have to identify if this is an example of powers being separated and powers being concentrated in one individual.

- A teacher must follow the school district’s rules of time limits on homework. (FEDERALISM)
- A teacher can make a class rule, decide if you have broken it, and give you a consequence when you do break it. (LEG., EX., JUD., concentrated powers)
- The school created the rule of no passes to lockers and security enforces it. (LEG., EX., separated)
- Ms. Baldwin can suspend you, but you have a hearing in front of the school board if you are going to be expelled. (FEDERALISM, JUD., separated)

– Separation of Powers Review

- Review the Enlightenment philosopher, Baron de Montesquieu, and his beliefs about liberty and separation of powers
- Have students diagram out the powers of each branch of government
- Incorporate into the diagram the way in which the branches check each other
- Federal or State?
 - List out the powers of the federal government and the state governments and have students guess which are given to which level
 - Discuss why the power would be given to the level of government
- “Trial By Fire” connection-
 - States investigate crimes like arson, not the federal government
 - Texas might assign the death penalty in a different way or for different reasons than other states
 - Question: Can we ever correct the mistake of putting an innocent person to death?



Hook: Police Officer Visit: arrange for a local police officer to come to the class and discuss with students the ways in which s/he is bound by the rights of those s/he investigates and/or arrests; have officer discuss how court and judges view officers (are they on the same side?)

- Rights of the Accused Review (Constitutional Protections of Justice PPT)
 - Review the Justinian Code from Ancient Roman times and its protection for the accused and how these accumulate to the English Bill of Rights
 - Review the 4th - 8th Amendments and how they protect someone being accused of a crime
 - “Trial By Fire” connection
 - Wilingham was given a lawyer
 - Had a jury trial
 - Prosecution used their evidence and investigative experts to convict Wilingham
 - Has an appeals process and clemency boards
 - Question: Use of jailhouse informants? Was he a sociopath as experts were claiming? Could he effectively use his power to appeal if he is in jail?



Hook: Be flexible or not? Provide students with the following scenarios and ask them if they think the teacher should be flexible or if they think the teacher should not budge.

- Student's phone rings in class. Teacher's policy is to confiscate phones used in class.
 - Student comes in late 3 days in a row. Teacher's policy is to give a detention on third tardy.
 - Student has an unexcused absence on a test day. Teacher's policy is no work can be made up on a day missed due to an unexcused absence.
 - Student curses at and calls another student names. Teacher's policy is to send students behaving inappropriately to the office.
-
- Discussion that policies are maybe like principles; some you are able to be flexible on, others not.

– Amendments Review (Amendability PPT)

- Review the philosophy of Federalists and Anti-Federalists and the subsequent compromise to include the amendments to the Constitution
- Have students connect pictures of the Bill of Rights amendments with the correct amendment and explain the connection
- Discuss claims that the Constitution is a flexible, or "living" document
- "Trial By Fire" connection
 - Death penalty supporters and opponents can form groups, write books
 - Center on Wrongful Convictions, Innocence Project
 - The Death Penalty by Stuart Banner
- Ability of Wilingham to investigate his case in jail
- Question: Is the death penalty "cruel and unusual"? Or were there sufficient protections in the other amendments to protect Wilingham?



- Museum Project Work (Museum Project Instructions and Rubric DOCs)
 - Review instructions for the Museum Project
 - Have students write an in-class summary on one of three topics: separation of powers, amend ability of Constitution, rights of the accused
 - This will be developed further by the groups for the final draft of the summary
 - Share with students the project model. Go through directions and have students identify whether or not the project fits the description of the instructions.

Special Needs of students are considered in this lesson:

Each of the lesson “hooks” provide for students who are not as academically inclined to have an experience to draw on that relates to the content. The teacher can use the New Yorker article “Trial By Fire” in whatever way will suit the reading level of his/her students best; a summary of the article might be required or students could be instructed to skip over certain parts of the article. Vocabulary could be front-loaded as well.

The museum project will appeal to a wide variety of skill levels and learning aptitudes. Most effective in reaching students of all learning needs will be to provide students with models of the project. In completing the project, kinesthetic learners (who tend to also be the students who struggle in the traditional educational environment) will enjoy the “interactive” piece of the project as this will allow them to create a relevant artifact or envision a computer program that would display the information they want to teach.

Extension Ideas:

Students can research the current status of the death penalty debate in California, particularly over the issue of whether or not lethal injection is “cruel and unusual.” Have students prepare to debate for and against California’s current practice of using lethal injection.



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Materials and Resources Needed:

- New Yorker Magazine cover and article, “Trial By Fire” (September 9, 2009 release)
- “6 C’s of Primary Source Analysis” Worksheet (available as a PDF file at: http://www.humanities.uci.edu/history/ucihp/wh/6cs_Primary_Source.pdf)
- Computer with Keynote or Powerpoint, printer
- Constitutional Powers and Debates, Constitutional Protections of Justice, and Amendability Powerpoint lectures (files 2, 3, and 4, respectively)
- Magazine Project Instructions, Rubric, and Model (files 5, 6, and 7, respectively)
- 1 foam board (28” x 30”) per group
- Accessible computer lab for student work time
- Scissors, construction paper, markers, glue sticks

References:

- The textbook used in my class is Prentice Hall’s United States History: Modern America California edition of 2008. Throughout this lesson project, charts on pages C3 (separation of powers), C9 (Federal System), and C13 (Checks and Balances) are utilized.
- The New Yorker magazine for September 9, 2009 is used for the first hook activity and for the “Trial By Fire” article connections. Your local library may have copies of this magazine edition.



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Student Handouts:



Evolving Principles Museum

At the start of the year, we said we'd be determining an answer to the question, **What in American history has challenged and expanded the principles upon which the nation was founded?**

Your group will design a model of a museum you judge will best educate the public on the history of the United States as it relates to the evolving "founding principles" found in the Constitution and the Declaration of Independence.

You will be adding a wall to the museum, one for each of the units covered in class. The instructions for each "exhibit" is on page 2. There will be one on-going timeline and a Declaration of Independence / Constitution review to be incorporated throughout the museum. The timeline will note important social, political, economic, and environmental events throughout American History. The "Evolving Documents" review will highlight four portions of the Declaration of Independence and/or Constitution that relate to the unit and will summarize how.

The goal for this project is to require the visitor to reflect on the principles considered to be essential to America. While doing so, the visitor will also be interpreting an era through the sampling of images and quotes, an interactive feature, and a synopsis provided by the group.

In the space below, write and sign a contract agreed upon amongst the group.



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Each wall should provide the following:

1. Title
2. Introduction and Summary
3. 2-3 Images with informative caption
4. Quote or slogan



Interactive Station (Pick One):

1. Touch-Screen
2. Real-Life Artifact Display



Quality Options (Pick One):

1. Brochure
2. Background mural
3. Exhibition Advertisement