

The Rule of Law in American Govt: Due Process

Middle/ Junior High School

Objectives: Students will be able to:

- analyze & synthesize evidence from primary source documents;
- use evidence to draw conclusions and make generalizations;
- identify the rights & responsibilities of citizenship;
- access a variety of media, including online media;
- investigate and research to develop products orally and in writing.

Standards

Virginia SOL: CE.3b The student will apply social science skills to understand citizenship and the rights, duties, and responsibilities of citizens by describing the rights guaranteed by due process and equal protection of the laws. The Fifth and Fourteenth Amendments outline due process.

Fifth Amendment

- The Fifth Amendment protects citizens from being held for committing a crime unless they have been charged by the police. It also guarantees due process, which means that the state and the country have to respect a citizen's legal rights.

Fourteenth Amendment

- The Fourteenth Amendment declares no state may deprive persons born or naturalized in the United States of life, liberty, or property, without due process of law or equal protection of the laws.

CE.9d The student will apply social science skills to understand the judicial systems established by the Constitution of Virginia and the Constitution of the United States by explaining how due process protections seek to ensure justice.

Due process protections

- The 5th Amendment prohibits the national government from violating due process.
- The 14th Amendment prohibits state and local governments from violating due process.

The Supreme Court has extended the guarantees of the Bill of Rights, based upon the due process clause.

National: NSS-C.5-8.3, C.9-12.1 Principles of Democracy

Approx. Time: Two 90 minute blocks or four 45 minute blocks.

Hook: Start by saying it is time for a little fun. They have been working so hard recently you thought you would like to give them a little break, but still do something educational.

The Rule of Law in American Govt: Due Process

Today they will be making paper boats. Some students may already know how to make a paper boat, but many will not. So, you will give instructions on how to make a paper boat, because you want them to do a really good job making them. You will even have a contest to see who can make the best boat. The winner should be promised some sort of prize (candy, homework pass, extra credit, etc.).

Print out and copy the directions, "Version A" and "Version B." You will need to give "Version A" to half of the class, and "Version B" to the other half, preferably randomly and mixed.

ADVICE: Practice making the paper boat FIRST, so you know how to do it. Here is a great video on how to make a boat:

https://www.google.com/search?q=youtube+make+a+paper+boat&rlz=1C1SQJL_enUS811US811&oq=youtube+make+a+paper+&aqs=chrome.2.0j69i57j0l4.8352j0j7&sourceid=chrome&ie=UTF-8#kpvalbx=1

You should notice that "**Version B**" is actually missing one step, making it more difficult for students to actually make a paper boat.

After working at this for a few minutes, students with incomplete directions should become frustrated. It should be obvious that they will not be able to complete the boats or do as well as those who have complete instructions. Nevertheless, allow them to continue. To build their frustration, you can even comment on how nice the completed boats are and how some should definitely get a prize.

When you feel like the frustration level is high enough (students giving up, getting angry, etc.), ask them why they are so upset? Eventually, point out that the task was unfair because some students had complete directions and others had incomplete directions. In other words, students with incomplete directions **COULD NOT COMPLETE THE PROCESS AND WERE BEING TREATED UNFAIRLY.**

Explain that today they will be learning about the concept of due process. In America, everyone is guaranteed due process, which, in its most basic form, means that all legal procedures ***created by the government*** must be followed equally and fairly.

To ease their frustration, you may want to give out complete instructions to the students who had incomplete ones, let them make a paper boat, and reward ALL of them for putting up with this activity!

Struggling Learners: Have students work in pairs to answer the questions about due process.

Advanced Learners: Have students find a corresponding Supreme Court case for one of the rights listed in the student handout chart and add that to their presentations to show examples of how the Court has defined due process over time.