

# THE CONSTITUTION & OUR RIGHTS

## WRITING PRODUCTS

### TIERED QUICK WRITES

- “If men were angels, no government would be necessary.” James Madison. Select a current news story involving someone breaking the law. Rewrite the story as if all the people involved were “angels.” Consider that even if you are not breaking a law, you still may not be acting like an angel. (Comprehension)
- Write a medical examiner’s report for the Articles of Confederation. First, you’ll have to analyze why the Articles of Confederation “died” and then report how these “diseases/injuries” (weaknesses) killed that plan of government. (Application)
- Select either the Federalist or the Anti-Federalist position on the ratification of the Constitution. Create a broadside (written poster) to convince citizens to vote according to your group’s beliefs. Remember that if you address assumptions and motivations, then you may be more convincing (persuasive). (Synthesis)

**ESSAY PROMPT**

**Discuss** under what circumstances and to what extent you would compromise (or give up) your three most inviolable rights (specify three amendments) as guaranteed by the Bill of Rights. Possible situations to consider are times of peace, the U.S. military fighting on foreign soil, terrorism, urban riots, civil war, and the U.S. military defending us from a foreign invasion.

**ESSAY PLANNING CHART**

	<b>Amendment I</b>	<b>Amendment IV</b>	<b>Amendment VI</b>	<b>Summary</b>
<b>Peace</b>	Unwilling to give up freedom of speech, press, religion, assembly, or redress of grievances during times of peace because this is the very definition of what it is to be an American citizen.	Unwilling to give up my protections against unreasonable searches and seizures because the government exists to serve me and has no need to violate my privacy without just cause.	Unwilling to give up right to speedy and public trial with impartial jury and defense counsel because we don't have a democracy if this doesn't exist.	Under conditions of peace, I am unwilling to give up any of my constitutional rights.
<b>Fighting on Foreign Soil</b>	Unwilling to give up freedom of religion, assembly, or redress of grievances. Willing to put some limitations on freedom of speech and press, but only to prevent injury to soldiers. This should only relate to future strategic plans for the duration of the shooting war. I will not give up my right to	Same as peace, except if have evidence that suspect is materially aiding enemy, then may search and seize per warrant. May tap phone, check records to establish relationship with enemy. Still need to produce justification for warrant. For duration of war only.	All detainees accused of materially aiding the enemy are to retain their 6 <sup>th</sup> amendment rights.	I am willing to give up some freedoms of expression to protect troops only and to loosen some search/seizure procedures to investigate suspects' relationship with enemy during time of war. However, no individual should lose his/her right to a public, jury trial with competent

	question or criticize the government.			counsel.
<b>Defending against an Invasion</b>	Same as Fighting on Foreign Soil. I will not give up my right to question or criticize the government even when the fighting is occurring here.	Since this is an extreme situation, I would agree the government has the right to search/seize anyone/thing who/that threatens the safety of the citizens for the duration of the shooting war only.	Since 6 <sup>th</sup> amendment rights will be difficult to provide while protecting citizens from an armed invasion, I would agree that the government had the right to detain suspects as prisoners of war until order can be established. They are to be treated according to the guidelines put forth by the Geneva Convention. No torture.	In this extreme situation, I would be willing to admit the government's need to institute martial law. Individuals suspected of aiding the enemy could be detained until order is restored. However, at that point their 6 <sup>th</sup> amendment rights should be honored.
<b>Summary</b>	I'm not willing to give up my 1 <sup>st</sup> amendment rights except to protect troops from direct action.	I'm willing to relax restrictions on search and seizure for the purpose of determining if a suspect is materially aiding the enemy. This would only be for the duration of the shooting war.	The only time I am willing to give up 6 <sup>th</sup> amendment rights is in the case of armed invasion since chaos would ensue. Suspects are to be detained and treated as prisoners of war. No torture.	Thesis Ideas: I am only willing to give up those rights that have a direct bearing on a shooting war. This should only be done where there is clear & present danger to American lives. No one loses their 6 <sup>th</sup> amendment rights except when the government is in disarray due to invasion. As soon as order is restored, then so should jury trials for detainees.

**Thesis:** Since America is defined by its appreciation of a diversity of perspectives and its protection of privacy and due process, these rights should not be abridged during times of armed conflict except when there is an identifiable and immediate danger to the lives of Americans; and then only in those cases with a direct relationship to the shooting part of the conflict and only for the duration of that armed violence.

**Background:** Since September 11, 2001 some Americans have become increasingly willing to trade their constitutional rights for the comforting illusion of security.

**Plan of Attack:** Although Americans should never give up their constitutional rights during times of peace, they may need to give up some of their rights to expression, privacy, and due process for a limited period of time during situations of escalating violence, such as war on foreign soil versus an armed invasion of our country, in order to protect the lives of their fellow citizens.

## THE CONSTITUTION AND OUR RIGHTS

Name: \_\_\_\_\_

Teacher: Hanley

Date Submitted: \_\_\_\_\_

Title of Work: \_\_\_\_\_

	Criteria				Points
	4	3	2	1	
<b>Thesis</b>	Thesis is clear, correctly placed, and is restated and emphasized in the conclusion. Addresses which rights (Amend. 1-10), to what extent, and in what circumstances.	Thesis is either unclear or incorrectly placed, and is restated and emphasized in the conclusion. Does not mention one right OR one circumstance.	Thesis is unclear and incorrectly placed, and is restated in the conclusion. Addresses at least two rights and two circumstances.	Thesis is unclear and incorrectly placed, and is not restated in the conclusion. Addresses fewer than two rights or two circumstances.	___
<b>Supporting Evidence</b>	Three appreciably different rights and circumstances are described. How each of the three rights would be compromised is addressed.	Missing one right OR circumstance. OR how rights would be compromised is not described well for all three rights.	Two appreciably different rights and two circumstances are described. How each of the rights would be compromised is addressed.	Addresses fewer than two rights or two circumstances. OR mentions three rights in three circumstances, but does not explain how any of the rights would be compromised.	___
<b>Elaborating Detail Sentence(s)</b>	Clear explanation of why these rights compromised in this way under these circumstances for this period of time provided for all three rights in all three circumstances.	Missing one right OR one circumstance OR why has been explained in only two paragraphs.	Missing one right and one circumstance OR why has been weakly explained.	Missing more than one right and one circumstance OR why has not been explained.	___
<b>Legibility</b>	Legible handwriting, typing, or printing.	Marginally legible handwriting, typing, or printing.	Writing is not legible in places.	Writing is not legible.	___
<b>Mechanics and Grammar</b>	Essay has no errors in punctuation, capitalization, and spelling.	Essay has one to five punctuation, capitalization, or spelling errors.	Essay has five to ten punctuation, capitalization, or spelling errors.	Essay has ten or more punctuation, capitalization, or spelling errors.	___
				<b>Total----&gt;</b>	___

**Teacher Comments:**

Adapted from <http://teachers.teach-nology.com/cgi-bin/para.cgi> and Patti Harrold

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I'm experimenting with this type of rubric (below). I would find the previous rubric difficult to use.

Name \_\_\_\_\_ Period \_\_\_\_ Date \_\_\_\_\_ Amendments: \_\_\_\_\_

# The Constitution and Our Rights

## **Better Essays** (43-50 points)

- Clear thesis that takes a stand.
- Addresses three amendments from the Bill of Rights.
- Address three appreciably different situations/circumstances.
- Details to what extent rights could be compromised in which circumstances and why.
- Defines a period of time for the compromising of the rights in each situation/circumstance.
- Concludes with a strong restatement of the gist of the thesis and why this view is appropriate.
- Organization is clear and easy to follow.
- Spelling/grammar/punctuation is accurate.
- Writer's voice is clearly persuasive.

## **Mixed Essays** (35-42 points)

- Thesis is present, but may not be as clear as it could be.
- Addresses at least two amendments from the Bill of Rights.
- Addresses at least two appreciably different situations/circumstances.
- Does not clearly state how rights could be compromised.
- Does not explain why it would be acceptable to compromise the rights in this way.
- Does not define a period of time during which the rights may be compromised in each situation/circumstance.
- Does not come to a strong conclusion.
- Organization unclear at times.
- Spelling/grammar/punctuation errors present.
- Writer's voice is understandable, but not convincing.

## **Weaker Essays** (25-34 points)

- Thesis is attempted.
- Addresses fewer than two amendments from the Bill of Rights.
- Addresses fewer than two appreciably different situations/circumstances.
- Does not clearly state how rights could be compromised.
- Does not explain why it would be acceptable to compromise the rights in this way.
- Does not define a period of time during which the rights may be compromised in each situation/circumstance.
- Does not come to a strong conclusion.
- Organization is hard to follow.
- Spelling/grammar/punctuation errors are distracting.
- Writer’s voice is mechanical, uninvolved in topic.

Now I’m hearing we didn’t have to do the Integration Matrix, but since I already did it I’ll include it in case everybody else is wrong. Yes, I know – doubtful. ☺

## 2. Integration Matrix

*(This matrix is to contain at least 16 activities.)*

**Unit/Theme: The Constitution and Our Rights**

Bloom’s Taxonomy →	Knowledge	Comprehension	Application	Analysis	Evaluation	Synthesis
↓ Gardner’s Multiple Intelligences						
Verbal/ Linguistic		<u>Essay:</u> How does the Constitution prevent the abuse of power? (Writing)			Which Reconstruction Plan (Lincoln’s, Johnson’s, or Radical Republican’s) provided the most protection for the rights of African Americans? (Thinking)	Write a speech supporting the Reconstruction plan selected in V/L-E to be delivered to an audience of white Southern males. (Thinking & Writing)
Visual/ Spatial			Create an electoral map showing the results of the	<u>Graphic Organizer:</u> Break down a Supreme Court		

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			last presidential election. For those states having congressional races in November, compare the election results with your electoral map. Note quantity and location of states that voted Republican in 2004 and in 2006. (Thinking)	case into: constitutional question, plaintiff's argument, defendant's argument, court's decision and rationale, impact of case. (Reading & Thinking)		
<b>Logical/ Mathematical</b>	Research and graph: # of Americans killed in 9/11 attacks, # of Americans killed in Iraq during Iraq War, # of Iraqis killed during Iraq War. (Reading and Thinking)					<u>Essay</u> : Read information on Constitutional Rights cases, but not court's decision. Examine constitutional issue. How would you rule as a supreme court justice? (Reading, Thinking, Writing)
<b>Naturalist</b>	For the next week, collect news stories dealing with the Bill of Rights protections. (Reading, Thinking)			View a congressional campaign ad. Which constitutional rights did it appeal to or emphasize? (Thinking)		
<b>Musical</b>		Select a popular song. Identify which citizenship rights are protecting the singer and the subject of his/her song. (Thinking)		How is the violation of rights protested in the song "Strange Fruit"? (Thinking)		
<b>Bodily/ Kinesthetic</b>					<u>Philosophical Chairs</u> : President Jackson should	Create a skit in which no words are spoken or



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					have been impeached for refusing to enforce the Supreme Court’s decision in the case of Worcester v. Georgia. (Thinking)	written. Demonstrate the loss of three different Bill of Rights protections. Class will try to identify the appropriate amendment. (Thinking)
<b>Intrapersonal</b>			Create a list of your activities today. Identify the rights that made these activities possible. Now assume you were transported back in time to a war zone in Iraq during the war. Write a story describing your day trying to do the same activities except now as an Iraqi teenager. (Thinking & Writing)		What are the three most important amendments from the Bill of Rights? Defend your choices in an essay. (Thinking & Writing)	
<b>Interpersonal</b>			Research the arguments for and against the ratification of the Constitution. Create a magazine ad to try to convince readers to vote for the Constitution. Identify what the magazine is and who its readers are. (Reading, Thinking, Writing)			You are an attorney for one of the Arab American detainees. What constitutional arguments would you make in your closing statement to get your client released? (Thinking & Writing)