

Teacher _____

Date of Lesson _____

Subject/Course/Period AP Government/ Period 3

Grade(s) 12

Student Data [TCRP 1.4]

Current Achievement	# students	Testing Data (Source: Unit 5 exam)	# students	Populations	# students
"A" Advanced (90-100)	4	Advanced	4	SPED	3*
"B" Proficient (80-89)	5	Proficient	4	ELL	1*
"C" Basic (70-79)	7	Basic	7	RFEP	13
"NP" Below (60-69)	2	Below	3	Other	3
"NP" Far (below 60)	0	Far Below			

Content Area Standards (Source: AP College Board) [TCRP 1.4]

Institutions of National Government: Federal Courts.

A. The major formal and informal institutional arrangements of power

VI. Civil Rights and Civil Liberties

A. The development of civil liberties and civil rights by judicial interpretation

B. Knowledge of substantive rights and liberties

Prerequisite Knowledge [TCRP 1.5a]

Students must understand the role the Supreme Court plays in interpreting laws and amendments.

Students need to be able to explain judicial review

Students will need to have a basic understanding for what civil liberties are as well as be able to explain at least 50% of the amendments in the Bill of Rights.

Student Learning Objectives [TCRP 1.1a,b; 3.1a]

Explain the effects of the 5th, 6th, 7th, 8th amendments on our rights as prisoner

Apply knowledge of civil liberties to real life scenarios

Explain the characteristics a president looks for when picking at Supreme Court Justice and why those Justices are then given life tenure

Describe the process used by the Supreme Court when hearing a case

Mastery Level Expectation & Evidence [TCRP 4.1]

Basic (warm up)

Basic (Fight for your rights activity)

Proficient (Supreme Court wrap up)

Proficient (Supreme Court wrap up)

Explicit connections within and across content areas to enhance student learning [TCRP 1.2b, 3.1]

AP Government Connections: Students will need to connect the work they did the previous day on Civil Liberties with

practical application they will be expected to demonstrate in this lesson.

Students will also need to make connections between our lecture on the Supreme Court and judicial review with how that impacts ruling on civil liberties cases.

English 12: Common Core writing standard 1. Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

Anticipated "global" student misconceptions & plan for adjusting to meet learning objectives [TCRP 1.4a, 1.5b]

Students will struggle to pinpoint a court case that aligns with the violated amendment. Working in pairs and then groups, using their books, PPT notes, and asking me for help will allow students to make the correct connection. I will also let students know that this will be difficult and to challenge themselves on that part. Any amendments I see were a global struggle I will address when we come back together and debrief

Students will struggle with Part 2 and creating a court case. I will verbally reassure them that just like on the AP exam they can make up a plausible court case or use one they know

Accommodations for special needs populations [TCRP 1.4b]

Preferential front row seating

Paired seating

Manipulatives

Guided PPT notes

Graphic organizers

Activity/project broken into manageable parts

Assessments [TCRP 4.1, 4.2]

Civil Liberties hwk quiz (teacher created)

Civil Liberties PPT debrief (teacher created)

Warm up: Explain the effects of the 5th, 6th, 7th, 8th amendments on our rights as a prisoner (teacher created)

Fight for your rights activity and debrief (teacher created)

- In what way does the Supreme Court make sure our rights are being protected?
- Describe a time in which the Supreme Court defend our rights but the majority of the public may not agree with their ruling
- The Supreme Court is the end of the line for many laws. If the Supreme Court finds a law unconstitutional what can Congress do to check that power?

Supreme court wrap up activity (teacher created)

THE LESSON

Instructional Agenda (2.1 2.4, 3.1, 3.2):

Civil Rights hwk quiz pgs

Warm up: Explain the ways in which the 5th, 6th, 7th, 8th affect our rights as a prisoner

Fight for your rights activity (application of the Bill of Rights)

Supreme Court wrap up project

Civil Rights PPT lecture (10 slides)

**Instructional Content
& Strategies (Teacher)**

Timing

Learning Activities (Student)

**Materials and
Resources**

I welcome students and read directions from board: 1. Take out hwk 2. Write down hwk	0-2	Student follow directions from board 1. Take out hwk 2. Write down hwk	-Agenda -Hwk pgs
I project Civil Liberties quiz pgs I go over answers with students	2-10	Students use notes to take quiz Student switch papers and we grade as a class	-Hwk pgs - scratch paper
I instruct students to open notebooks to warm up section and begin warm up walk the room and monitor progress and offer help to stuck students	10-18	students use notes, book, and their brain to complete warm up	warm up on board students own paper
Lecture with PowerPoint: Civil Liberties (10 slides)	18-40	Take notes/ record answers on guided reading notes (teacher created) During teacher lecture students listen/record notes as instructed Students complete check in questions	Guided notes
I will pass out Bill of Rights activity and explain directions Walk the room and monitor progress. Offer help to students and pairs	40-55	Students will work in pairs to complete the activity Pairs will be ready to share out amendment examples.	Bill of Rights graphic organizer
Distribute "Fight for your rights" activity Explain activity and instruct students to work in pairs to complete activity Circulate the room to field questions/clarify misconceptions Go over debrief questions as a class	55-80	Student read instructions together and begin activity Students will share out selected powers as a class Students complete debrief questions when done	Fight for your rights activity Textbook Amendments worksheet (previous lesson)
Distribute Supreme Court Wrap up Explain activity and instruct students to use notes to complete tasks	80-120	Students choose which part to complete first Use notes, readings, activities to complete activity	Supreme court activity sheet Notes from class and textbook

Circulate the room to field questions/clarify misconceptions

Students will finish for homework

Next steps [TCRP 1.3, 1.5, 3.3]:

Finish Civil Rights lecture
Days of our rights reading and discussion
Shouting fire documentary

Education, Voting, and Elections
 Overview for American History, Politics, and Policy
 Yearbook Edition

Chapter 4

Civil Liberties and Public Policy

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The Bill of Rights—
 Then and Now

- Civil Liberties: the legal constitutional protections against the government
- The Bill of Rights: first 10 amendments, which protect basic liberties, such as religion and speech

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The Bill of Rights—Then and Now

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The Bill of Rights—Then and Now

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Incorporation: 14th
 Amendment

- Bill of Rights was originally a protection against the National Government and did NOT apply to the states.
- When amendments are "incorporated" this means that through a court case states were told they have to uphold the freedoms in the Bill of Rights
- Not all amendments have been incorporated so we have "Selective Incorporation"

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The Bill of Rights—Then and Now

- The Bill of Rights and the States
 - Written to restrict the national government
 - "Congress shall make no law..."
 - *Barron v. Baltimore* (1833)
 - Most have been "incorporated" through the 14th Amendment, and now restrict state and local governments
 - First Amendment protection of speech first incorporated to states in *Gideon v. Wainwright* (1963)

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Freedom of Religion

- The Establishment Clause
 - "Congress shall make no law respecting the establishment of religion..."
 - *Lemon v. Kurtzman* (1971)
 - Secular legislative purpose
 - Neither advances nor inhibits religion
 - No excessive government "entanglement"

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Freedom of Religion

- The Establishment Clause (continued)
 - Are school vouchers constitutional?
 - *Zelman v. Simmons-Harris* (2002)
 - Prayer in public schools violates Establishment Clause.
 - *Engel v. Vitale* (1962)
 - What about displays of the Ten Commandments?

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Freedom of Religion

- The Free Exercise Clause
 - Prohibits government from interfering with the practice of religion
 - Some religious practices may conflict with other rights, and then be denied or punished
 - *Employment Division v. Smith* (1990)
 - Religious Freedom Restoration Act (1993)

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Freedom of Expression

- **Prior Restraint**
 - Definition: a government preventing material from being published; censorship; unconstitutional
 - *Roth v. Minnesota* (1957)
 - May be permissible during wartime
 - One may be punished *after* something is published.

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Freedom of Expression

- **Free Speech and Public Order**
 - Speech is limited if it presents a "clear and present danger."
 - *Schenck v. US* (1919)
 - Permissible to advocate the violent overthrow of government in abstract, but not to incite anyone to imminent lawless action
 - *Brandenburg v. Ohio* (1959)
 - Speech is generally protected in public places, but mostly not on another's private property.

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Freedom of Expression

- **Free Press and Fair Trials**
 - Is extensive press coverage of high profile trials (OJ Simpson; Martha Stewart) permissible?
 - The public has a right to know what happens; trial must be open to the public.
 - The press' own information about a trial may not be protected.
 - *Yet, some states have passed shield laws to protect reporters.*

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Freedom of Expression

- **Obscenity**
 - No clear definition on what constitutes obscenity
 - *Jacobus Potter Peck v. Clancy* (1805)
 - *Miller v. California* (1973) stated that restrictions were obscene if the work:
 - appeals to a prurient interest in sex
 - depicts "patently offensive" sexual conduct
 - lacks "serious literary, artistic, political or scientific value"
 - Decisions on obscenity are based on local community standards.

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Freedom of Expression

- **Label and Slander**
 - Likelihood of publication of false or malicious statements that damage someone's reputation
 - Slander: the new thing, only spoken instead of printed
 - *New York Times v. Sullivan* (1964): politicians about public figures are libelous only if made with reckless disregard for truth.
 - Private individuals have lower standard to meet to win libel lawsuits.

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Freedom of Expression

- **Symbolic Speech**
 - Definition: nonverbal communication, such as burning a flag or wearing an armband
 - Generally protected along with verbal speech
 - *Texas v. Johnson* (1969): Burning the American flag is symbolic speech protected by the First Amendment.

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Commercial Speech

- **Definition: communication in the form of advertising**
 - Generally the most restricted and regulated form of speech (Federal Trade Commission)
- **Regulation of the Public Airwaves**
 - Broadcast stations must follow Federal Communication Commission rules.
 - Regulation must be narrowly tailored to protect a compelling governmental interest.
 - *United States v. Playboy Entertainment Group* (2000)

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Freedom of Assembly

- **Right to Assemble**
 - Generally permissible to gather in a public place,
 - but must meet reasonable local standards, such as free police and apply for permits
 - Balance between freedom and order
- **Right to Associate**
 - Freedom to join groups or associations without government interference
 - *NAAACP v. Alabama* (1958)

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Defendants' Rights

- **Much of the Bill of Rights (Amendments 4, 5, 6, 7, and 8) apply to defendants' rights.**
- **Interpreting Defendants' Rights**
 - Criminal Justice personnel are limited by the Bill of Rights and failure to follow constitutional protections may invalidate a conviction.
 - Courts continually rule on what is constitutional and what is not.

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Right to Bear Arms

- **Common National, State, and Local Gun Laws**
 - Restrictives on owning and carrying handguns.
 - Background checks
 - Limited the sale of certain types of weapons.
 - Requirements that guns be stored in a fashion to prevent their theft or children from accessing and firing them.
- **Courts have usually upheld these.**

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Right to Bear Arms

- **Militia Clause:**
 - Many advocates of gun control argued that the Second Amendment applied only to the right of states to create militias.
- **Distric of Columbia v. Heller (2008)**
 - Individual right to possess a firearm unconnected with service in a militia.
 - Use that arm for traditionally lawful purposes, such as self-defense within the home.

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Right to Bear Arms

- **Incorporation?**
 - Does not directly incorporate the Second Amendment; D.C. is not a state.
 - Signals a likely future incorporation against the states.

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Defendants' Rights

THE 14th
The Extension and the Impact of the Criminal Justice System

...the right to a speedy trial, the right to a public trial, the right to a trial by jury, the right to the assistance of counsel, the right to confront witnesses, the right to cross-examine witnesses, the right to a fair and impartial judge, the right to a fair and impartial jury, the right to a fair and impartial trial, the right to a fair and impartial verdict, the right to a fair and impartial sentence, the right to a fair and impartial appeal, the right to a fair and impartial execution.

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Defendants' Rights

- **Searches and Seizures**
 - **Probable Cause:** when the police have reason to believe that a person should be arrested.
 - **Unreasonable searches and seizures:** evidence is obtained in a haphazard or random manner, prohibited by the Fourth Amendment.
 - **Exclusionary Rule:** the rule that evidence, no matter how incriminating, cannot be introduced into trial if it was not constitutionally obtained.
 - *Mapp v. Ohio* (1961)

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Defendants' Rights

- **Self-Incrimination**
 - Definition: when an individual accused of a crime is compelled to be a witness against himself or herself in court.
 - Police must inform suspects of these and other Fifth Amendment protections upon arrest.
 - *Miranda v. Arizona* (1966)
 - Protection from coerced confessions and entrapments.

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Defendants' Rights

- **The Right to Counsel**
 - The state must provide lawyers in most criminal cases (Sixth Amendment).
 - *Gideon v. Wainwright* (1963)
- **Trials**
 - Plea bargaining: a bargain between the prosecution and defense for a defendant to plead guilty to a lesser crime; 90 percent of cases end here and do not go to trial.
 - Juries generally consist of 12 people, but unanimity is not always needed to convict.
 - The Sixth Amendment also guarantees a "speedy and public" trial.

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Defendants' Rights

- **Cruel and Unusual Punishment**
 - The Eighth Amendment forbids cruel and unusual punishment.
 - The death penalty is not cruel and unusual. It is "an extreme sanction, suitable to the most extreme crimes."
 - *Oreg v. Oregon* (1976)
 - The death penalty's use and application varies by state.

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The Right to Privacy

- **Is There a Right to Privacy?**
 - Definition: the right to a private personal lives free from the intrusion of government.
 - Not explicitly stated in the Constitution, but implied by the Fourth Amendment.
 - *Griswold v. Connecticut* (1965)

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The Right to Privacy

THE ABORTION DEBATE

The Abortion Debate

Pro-life
Pro-choice

Legislative
Executive
Judicial

State
Federal

Supreme Court

- Controversy over Abortion
 - Roe v. Wade (1973)
 - Planned Parenthood v. Casey (1992)
 - Protections of those seeking an abortion
 - Rights of protesters

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Understanding Civil Liberties

- Civil Liberties and Democracy
 - Rights enshrined in the Bill of Rights are essential to democracy.
 - Courts typically protect civil liberties from encroaches of majority rule.
- Civil Liberties and the Scope of Government
 - In deciding between freedom and order, the United States generally chooses liberty.
 - Civil liberties limit the scope of government, even though government efforts are needed to protect rights.

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Summary

- Civil liberties are expressed in the Bill of Rights.
- These are the individual's protections—for religion, expression, assembly, and the accused—against the government.
- Legislatures and courts constantly define what the Bill of Rights protects in practice.

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Check-in

- Explain selective incorporation/ incorporation doctrine (pg 103-104)
- Explain the right guaranteed to you as a defendant by the 4,5,6,7,8 amendments
- SCOTUS has ruled several times that your freedom of speech is limited. Please explain the limits that have been placed on your freedom of speech.

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Fight for your rights!!

The Bill of Rights was designed by our Founding Fathers to protect basic American freedoms. At times in our history these freedoms have been infringed upon or denied. Work with your partner to determine what amendment has been violated and what corresponding court case reinforced your rights.

Constitutional Violation	Amendment (# and description)	Supporting court case
ex. Ms. McLaughlin is arrested for littering and sentenced to death by a judge	#8 No cruel and unusual punishment. The punishment must fit the crime	Gregg v Georgia

Debrief Questions

In what way does the Supreme Court make sure our rights are being protected?

Describe a time in which the Supreme Court defends our rights but the majority of the public may not agree with their ruling.

The Supreme Court is the end of the line for many laws. If the SC finds a law unconstitutional what can Congress do to check that power?

- A School police arrest a student for praying to himself during lunch time
- B Ms. McLaughlin is arrested for participating at a rally sponsored by PETA
- C Ms. Burgess is arrested and sentenced to 5 years in prison because the FBI found out she was going to publish information next month on how to assassinate the president
- D Ms. Perez was arrested after she gave a speech condemning police violence against minorities.
- E Ms. McLaughlin is arrested after she burned the United States flag outside of her house
- F Ms. Ramirez is arrested after she is found to be in possession of her licensed Colt .45
- G Mr. Vase had his home searched after police thought he looked like he could be a criminal
- H Ms. Rico is currently being held in jail. She has been there since 2007. No charges have been filed but she is suspected of murder.
- I Ms. McLaughlin was found innocent of murder in 2010 but when new evidence was found she was put on trial again for the same crime and convicted.
- J When Ms. Perez was arrested for her speech the police did not speak to her or read her her rights
- K After Ms. Ramirez was arrested she stated that she could not afford a lawyer. The police told her "To bad for you".
- L Ms. McLaughlin was arrested for participating in a rally for PETA. Her bail was set at 5 million dollars
- M Mr. Gallardo was arrested in March 2011 and his trial date was set for March 2015

Supreme Court

Part 1

You are POTUS. Write a 2-paragraph letter to your Chief of Staff outlining what you are looking for in a Supreme Court nominee.

Part 2

Based on the information given throughout this unit create a court case for the Supreme Court to hear. Trace that court case through the Supreme Court using a visual or mind map (similar to what you did with how a bill becomes a law). Make sure to use ALL government vocabulary words.

Part 3

Explain three pros and three cons for SC justices holding lifetime appointments. Please suggest at least one alternative to lifetime appointments (minimum two paragraphs)

Basic Student

J. F. [unclear]

4th Amendment

- Unreasonable searches and seizures: evidence is obtained in a unreasonable or random manner, prohibited by the Fourth Amendment
- Exclusionary Rule: the rule that evidence, no matter how incriminating, cannot be introduced into trial if it was not constitutionally obtained
- o Mapp v. Ohio (1961)

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The Right to Counsel

- The state must provide lawyers in most criminal cases (Sixth Amendment).
- o Gideon v. Wainwright (1963)

Trials

6th / 7th Amendment

- plea bargaining: a bargain between the prosecution and defense for a defendant to plead guilty to a lesser crime; 90 percent of cases end here and do not go to trial
- Juries generally consist of 12 people, but unanimity is not always needed to convict.
- The Sixth Amendment also guarantees a "speedy and public" trial.

Defendants' Rights

Cruel and Unusual Punishment

8th Amendment

- The Eighth Amendment forbids cruel and unusual punishment.
- The death penalty is not cruel and unusual. It is "an extreme sanction, suitable to the most extreme crimes."
- o Gregg v. Georgia (1976)
- The death penalty's use and application varies by state.

The Right to Privacy

Is There a Right to Privacy?

- Definition: the right to a private personal life free from the intrusion of Government
- Not explicitly stated in the Constitution, but implied by the fourth Amendment
- o Roe v. Wade (1973)

The Right to Privacy

Controversy over Abortion

- Roe v. Wade (1973)
- Planned Parenthood v. Casey (1992)
- Protections of those seeking an abortion
- Rights of protesters

Understanding Civil Liberties

Civil Liberties and Democracy

- Rights ensured in the Bill of Rights are essential to democracy.
- Courts typically protect civil liberties from excesses of majority rule.

Civil Liberties and the Scope of Government

- In deciding between freedom and order, the United States generally chooses liberty.
- Civil liberties limit the scope of government, even though government efforts are needed to protect rights.



Summary

- Civil liberties are expressed in the Bill of Rights.
- These are the individual's protections—for religion, expression, assembly, and the accused—against the government.
- Legislatures and courts constantly define what the Bill of Rights protects in practice.

- Selective Incorporation / incorporation doctrine - Supreme Court has nationalized the Bill of Rights, follows by the National Government, Application of Amendments to the States through SC.
- 4th Amendment
 - o Search and seizures
 - o the right people to be secure in their houses (papers) and against unreasonable searches,
 - o Probable Cause.
- 5th Amendment
 - o infamous crimes
 - o Grand Jury
 - o Double Jeopardy
- 6th/7th Amendment
 - o plea bargaining
 - o Public Trial.
 - o Suit if \$20 or more.
- 8th Amendment
 - o Death Penalty not an cruel punishment.
- The SCOTUS has rule that freedom of speech are limited in a way to protect others rights for example can't let someone in school yell or speak of next to a race, religious violence, or imminent danger.

Civil Liberties
The Bill of Rights + the 14th Amendment

Amendment #	Description	Example
#1	Freedom of speech, assembly, religion, press.	I am allowed to say what I want and believe what I want as long as I don't violate other rights.
#2	right to bear arms.	I am allowed to have a register weapon for my own protection.
#3	The government cannot force you to keep soldiers in your home.	If the U.S. was attacked by Iran off the coast of California the government could not force me to house marines in my apartment.
#4	Search & seizure - Some people against unreasonable search.	Cops can't search my house without a warrant.
#5	jury trial, Double jeopardy, self-incrimination, due process.	I can't be charged of murder 2 times. When I am innocent I have to be charged at a different crime than the first.
#6	Speedy trial, jury of peers, retrial, no self-incrimination, no suspended lawyers.	I was charged of killing a car and I can't afford a lawyer able to be provided with a lawyer.
#7	trial by jury \$20.	I was sold for drinking \$20 to a friend.
#8	no cruel & unusual punishment excessive fines or bailis.	Juan was punished to the death because he was in charge of running a little girl that was not in cruel/punish
#9	right that its not write in the cons provided in that doesn't mean that you don't have it like privacy.	
#10	every power that is not given to federal government its given to the state.	
#14	equal protection under law.	



Fight for your rights!!!

The Bill of Rights was designed by our Founding Fathers to protect basic American freedoms. At times in our history these freedoms have been infringed upon or denied. Work with your partner to determine what amendment has been violated and what corresponding court case reinforced your rights.

Constitutional Violation	Amendment (# and description)	Supporting court case
ex. Ms. McLaughlin is arrested for filtering and sentenced to death by a judge	#8 No cruel and unusual punishment. The punishment must fit the crime	Supporting court case Gregg v Georgia
A.) School Police arrest a student for pranking to him- self during lunch time.	#1 free dom of speech and religion.	NO COURT CASE.
B.) Ms. McLaughlin is arrested for participating out a rally sponsored by Beta.	#1 freedom of speech and religion and expression.	Texas v Johnson.
C.) Ms. Burgess is arrested and sentenced to 5 years in prison due to FBI founding out she published a letter in a newspaper in her town.	#1 freedom of speech and expression.	New v. maine so far.
D) Ms. Perez was arrested after she spoke at a student council meeting police violate civil rights.	#1 freedom of speech and assembly.	Brandenburg v. Ohio.

- Unreasonable searches and seizures: evidence is obtained in a haphazard or random manner, prohibited by the Fourth Amendment
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Application of Bill of Rights to the states through the 14th Amendment

#1 Selective incorporation is when the states where made to follow the Bill of Rights, under the Fourteenth Amendment. Must see first

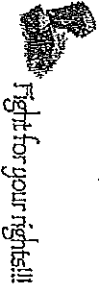
- #2
4. Search & Seizure → need a warrant → probable evidence (reason)
 5. Trial by jury, can't be accused twice for the same crime, right to remain silent
 6. can be provided with a lawyer, A jury of peers, speedy trial
 7. have a jury trial with an amount of \$20 ↑
 8. Balance crime & sentence.

#3

- can't promote religion in a federal building
- can't say something that puts ppl in danger
- can't lie about ppl

Civil Liberties
The Bill of Rights + the 14th Amendment

Amendment #	Description	Example
1	Freedom of speech, Assembly, Religion, Press	I can choose my religion and say what I want to say.
2	Keep arms	I can possess a gun with me but licensed
#3	The government cannot force you to keep soldiers in your home.	If the U.S. was attacked by Iran off the coast of California the government could not force me to house marines in my apartment.
4	Search & seizure	Police may search my house or take anything away without a warrant.
5	Jury trial, Double Jeopardy, self-incrimination, due process of eminent domain	If the government is building a freeway through my house it is on the way they have the right to take it away. If I am to go to court I have the right to a lawyer. If I want to fight to prevent a lawyer to be provided.
6	Speedy trial, Jury of peers, Charged with crime, provided lawyer	I can trial a lawyer to be provided.
7	Trial by jury. \$2000	because he owes me \$50
8	No cruel & unusual punishment, excessive fines or bail	I cannot be charged if I am in prison for stealing a bag of chips.
9	States that are not written	I have the right to privacy.
10	So the powers given by the constitution stay for the states.	
14	Equal protection under law	I cannot say that I am not a citizen.



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EX. Mrs. M. is arrested for driving while in jail. She has been there since 2007. No charges have been filed.	The most be arrested with a crime	Fleming v. Arthur
EX. School Police arrest a student for praying to himself during lunch time	Freedom of Religion	Korematsu v. United States
EX. Vase got sentenced because he was seen with a criminal.	#4 Search & Seizure	Mapp v Ohio
EX. Ms. Doree gave a speech about police violence against minorities	#1 Freedom of Speech	Schenck v. New York
EX. Ms. McLoughlin arrested for participating in a rally	#1 Freedom of Assembly	NAACP v Alabama
Mr. Gallardo		

Proficient

- Unreasonable searches and seizures: evidence is obtained in a haphazard or random manner, prohibited by the Fourth Amendment
- Exclusionary Rule: the rule that evidence, no matter how incriminating, cannot be introduced into trial if it was not constitutionally obtained

* Mapp v. Ohio (1961)

Defendants' Rights

Self-Incrimination

- Definition: when an individual accused of a crime is compelled to be a witness against himself or herself in court
- Police must inform suspects of these and other Fifth Amendment protections upon arrest.

* Miranda v. Arizona (1966) → "I plead the Fifth!"

- Protection from coerced confessions and entrapments

Defendants' Rights

The Right to Counsel

- The state must provide lawyers in most criminal cases (Sixth Amendment).

* Gideon v. Wainwright (1963)

Trials

- Plea bargaining: a bargain between the prosecution and defense for a defendant to plead guilty to a lesser crime; 90% of cases end here and do not go to trial
- Juries generally consist of 12 people, but unanimity is not always needed to convict.
- The Sixth Amendment also guarantees a "speedy and public" trial.

Defendants' Rights

Cruel and Unusual Punishment

- The 8th Amendment forbids cruel and unusual punishment.
- The death penalty is not cruel and unusual. It is "an extreme sanction, suitable to the most extreme crimes."

* Gregg v. Georgia (1976)

- The death penalty's use and application varies by state.

The Right to Privacy

Is There a Right to Privacy?

- Definition: the right to a private personal life free from the intrusion of government
- Not explicitly stated in the Constitution, but implied by the 4th Amendment

* Griswold v. Connecticut (1965)

The Right to Privacy

Controversy over Abortion

- Roe v. Wade (1973)
- Planned Parenthood v. Casey (1992)
- Protections of those seeking an abortion
- Rights of protesters

Understanding Civil Liberties

Civil Liberties and Democracy

-Rights ensured in the Bill of Rights are essential to democracy.

-Courts typically protect civil liberties from excesses of majority rule.

Civil Liberties and the Scope of Government

-In deciding between freedom and order, the United States generally chooses

liberty.

-Civil liberties limit the scope of government, even though government efforts are needed to protect rights.



Summary

-Civil liberties are expressed in the Bill of Rights

-These are the individual's protections—for religion, expression, assembly, and the accused—against the government.

-Legislatures and courts constantly define what the Bill of Rights protects in practice.

Check-In: → Application of Amend (BoFR) to the states through SC

1. The incorporation doctrine is when all states have to abide by the Bill of Rights and if not, case can go to the SC where the ruling will be incorporated to all states.

2. Rights by Amendment:

#4 - No unreasonable searches + seizures without probable cause and any evidence cannot be used in a trial if not obtained constitutionally.

#5 - You have the right to remain silent until you get a lawyer.
→ cops must recite Miranda Rights.

#6 - If not able to afford a lawyer, it must be given as well as a trial. Can... plea bargaining.

#7 - Sue for anything of value \$20 +

#8 - no cruel or unusual punishments

→ How is speech when limited?

3. Not all actions based on religion are protected

• FCC

◦ if it incites violence

◦ libel & slander

◦ obscenities

◦ clear & present danger

Civil Liberties
The Bill of Rights + the 14th Amendment

Amendment #	Description	Example
# 1	I have the freedom of speech, religion, press, and assembly.	I can go protest @ a public place) against abortion saying it is immoral and how it goes against Christianity.
# 2	I have the right to bear arms	In Texas, I would have the right to take my gun to Food 4 Less unlike in California.
# 3	The government cannot force you to keep soldiers in your home.	If the U.S. was attacked by Iran off the coast of California the government could not force me to house marines in my apartment.
# 4	No unreasonable searches & seizures without probable cause and any evidence not obtained constitutionally cannot be used in a trial.	A cop cannot go in my name and search if they just think I look suspicious.
# 5	I have the right to remain silent until you get a lawyer. Cops must read Miranda rights	If arrested, I have the right to not say a word till I get a lawyer.
# 6	If I can't afford a lawyer, it must be given to me as well as a trial or can plea bargaining.	If arrested I can ask a lawyer and that if I can't afford one and plea throtent.
# 7	I can sue for anything of value \$20 and up.	If Daisy steals my 1980 bike I can sue her.
# 8	No cruel or unusual punishments → punishment must fit crime	If I'm in jail, I can't be tortured.
# 9	Any right not listed is given, when fought for.	I can dye my hair rainbow cut of the 9th Amend.
# 10	Any power not given to fed govt and not denied to states, is given to the states.	
# 14	Equal protection under the law of citizenship when born here	If state of Cali say I can't assemble or violate my freedom to bear arms, my rights are violated.



Fight for your rights!!

The Bill of Rights was designed by our Founding Fathers to protect basic American freedoms. At times in our history these freedoms have been infringed upon or denied. Work with your partner to determine what amendment has been violated and what corresponding court case reinforced your rights.

Constitutional Violation	Amendment (# and description)	Supporting court case
ex. Ms. McLaughlin is arrested for littering and sentenced to death by a judge	#8 No cruel and unusual punishment. The punishment must fit the crime	Gregg v Georgia
Student arrested for praying to himself @ lunch	#1 Freedom of religion	
McLaughlin arrested & participating in rally by PETA	#1 Right to Assemble	NAACP v. Alabama
Burgess arrested b/c FBI said she was going to publish even to kill piece	#1	Near v. Minnesota / Schenk v. U.S.
Perez arrested & giving speech condemning police violence against minorities	#1 freedom of speech	

Teaching Observation Reflection

Respond to following prompts/questions regarding your lesson observation. Please type your reflection and include the following information in the "header" of your document (send as a pdf):

Teacher Name	Course Title/Class Period	Observation Date
Mclaughlin	AP Government/ 5	3/25/11

I. Focus on Teaching

- o Discuss what went well and what did not. (What changes would you make (and why) if you had the opportunity to teach the observed lesson to the same group of students over again? What might you change to present the lesson tomorrow to a new group?)

Well	Not well
<ul style="list-style-type: none">- lesson had a nice flow and built upon material covered in a logical way- students were able to begin to apply knowledge of the bill of rights to violations- students were able to ask logical questions about their civil liberties	<ul style="list-style-type: none">- lecture went longer then I would have like due to student questions- would have them write down questions after a certain point to stay on time

- o Reflecting on your lesson, were your students cognitively engaged in the work? How do you know?

Yes students were cognitively engaged. I know that from questions that were asked, conversations I heard with their partners and evidence from the assessments.

- o Were the instructional strategies and level of engagement you saw consistent with rigorous expectations for all students?

Yes. Even students on the highest end were finishing at the same time as students lower skilled. By pairing students and having them work together it pushes low skilled students to grapple with difficult concepts and it pushes high skilled students to explain concepts they know

II. Focus on Student Learning

- o Did the students learn what you planned for them to learn? How do you know?

Yes. See attached evidence from assessments

- o Did they demonstrate mastery at the level you expected? How do you know?

Yes. See attached evidence from assessments. Even my lower skilled students were able to identify liberties in the bill of rights and apply that knowledge to real life scenarios.

- o What student feedback did you receive indicating they achieved goal(s)/objective(s) you set in the lesson?

Questions asked during lesson, peer conversations and assessments. See attached evidence from assessments

- o Did you adjust the goals or plan as the lesson was being taught? Why? How?

Yes. I was supposed to get through another activity but as I started to lecture and based on the results from their reading quiz I could tell there were some gaps in their understanding. I reviewed many of the points I saw they were confused about.

III. Student Work Samples

(Please attach and label THREE student work sample copies as 'proficient', 'basic', 'not proficient')

Discuss what these samples tell you about your instruction and how you should adapt instruction to better meet student needs.

My three samples all show students worked at a high basic or proficient/ advanced level. JF is an ELL/IEP student with low skills. From his assessment I can see that he is understanding the amendments but with difficult concepts he tends to copy from the book. I need to monitor and encourage/push him in class to put concepts into his own words. From the other two samples you can see that these students are able to meet the mastery standards set and exceed them as well. They are able to put complex concepts into their words. For these students I need to continue to build into my lesson high level thinking they can engage in.