

Literacy and the Law

Lesson Title: Lesson 1: For the Sake of Argument



Context of the lesson within the project: This first lesson introduces an actual court case through a drama vignette. The structure of the courts and the three branches of the government are reviewed as they relate to this case. In addition, the elements of “argument” writing are reviewed and applied to both sides of the conflict. (Slides 1-10)

Standards Addressed:

Visual and Performing Arts Standard for California

Theatre:

Creative Expression: 2.1 Participate in improvisational activities to explore complex ideas and universal themes in literature and life.

College and Career Readiness Anchor Standards for Speaking and Listening K-12

Comprehension and Collaboration

1. Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others’ ideas and expressing their own clearly and persuasively.
3. Evaluate a speaker’s point of view, reasoning, and use of evidence and rhetoric.

Essential Questions:

Is argument important, why or why not?

Objective(s):

Students will understand the elements of argument, as evidenced by their role-play, practicing their arguments through speaking and listening.

Assessment: This objective will be assessed through teacher observation and feedback as students practice.

Quality Criteria:

	Absolutely!	Almost!	Not Yet!
Active and productive engagement in role play. Staying in character.			
Detailed evidence of claims with			

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clear reasons including counterclaims, linking words and conclusion.			
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Materials and Resources Needed: Power point, room for students to group with a partner, Drama Vignette script, Cheema v Thompson, Background handout, Argument Organizer handout.

(Approximately 40 -45 minutes)

Learning Activities:

Introduction (2 minutes)

Slide 1: In this unit of study you will become attorneys and take a true case to court. We will be learning about the First Amendment and the Free Exercise of Religion in detail...

Slide 2: Hook: We are going to argue today...but we are not going to grab each other and scream...we are going to review the elements of an argument, and practice civil arguments with one another!

Elements of Argument (10 minutes)

Slide 3: These are the steps of an argument you have learned in English Language Arts, and are powerful when applied to a situation such as this court case!)You can pass out the Argument Organizer Handout)

Teacher Note: Obviously 12th grade standard asks for more detail, please check: <http://www.cde.ca.gov/be/st/ss/documents/finaelaccsstandards.pdf> to revise this slide.

Teacher may choose to give this verbal example or practice of an argument with all of the elements:

1. Parent will not allow their teenager to take the car to go out with friends on a Friday night:

- Parent **main argument with evidence (reasons)**: “You may not take the car out tonight, as it is wet, and **therefore**, the roads are very slick and it would be dangerous. **For instance**, cars often hydroplane in puddles, and it is more difficult to see due to the glare. **In addition and most important**, you are not an experienced driver.”
- Parent recognizes a **counter claim**: “You may say that you will be very careful, so there will not be any problems.” Teacher gives **supporting argument against the**

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counterclaim: “To be specific, even if you are more careful, you cannot control other cars on the road, who may run into to you, or cause an accident.”

- Parent gives **conclusion** for the claim: To take the car out tonight would be unsafe. **In order to** stay safe, and avoid problems, we will watch Netflix tonight.

2. Ask students to argue this issue above in answer to the parent, follow above slide:

Main Argument- I should be able to take the car out tonight. Specifically.....(three reasons which would actually be paragraphs in writing...with evidence)

Counter Claims- I know you say that I am inexperienced, however.....

Conclusion- Summarize and use the extra “punch”

Drama Vignette: (5 Minutes)

Slide 4: Setting up the case. Choose five students in advance and ask them to play out the “drama vignette handout” for lesson one. Have them do a short practice before class and see if they can re-enact the setting and incident that took place, without their notes. Note: The dialogue does not need to be exact, just have them re-enact the main conflict and issue.

Independent Reading and Summary (10 minutes)

Students read about the case: Inform students that this was a true court case that took place. Even though it has already been settled, it continues to be controversial today, and members of the law community say that they have no doubt that a case such as this will surface again. What will the outcome be?

Read the facts of the case, (Cheema v Thompson, Background handout). In this unit we will review the First Amendment and you will write your own arguments as attorneys representing either the Cheema’s or the school district.

Ask students to summarize what they have read.

Slide 5: Teacher’s Note: Cheema v. Thompson, Background, is a secondary source, partly from the actual court and from a newspaper article. Recap what students just read with this slide.

Background: One of the Cheema students was playing basketball when someone noticed that he was wearing a “kirpan”. He was suspended from school, along with his two brothers because the school district has a rule that bans all knives on its campuses. The students were not allowed to come back to school with their kirpans.

The Cheema’s took the school district to court, claiming that this school policy burdened their **free exercise of religion**.

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The court believed that the school district had an important interest in assuring the safety of its students, even though this school rule burdened, or limited the Cheema's free exercise of religion. **Therefore the Cheema's lost the case.**

Structure of the Courts: (5 - 10 minutes)

Slide 6: Where do the Cheema's go from here?

Slide 7: Which court? Which level?

The judicial branch has two different systems, federal, and state. (On this slide, note that Federal is on the left and State is on the right) Sometimes, depending upon the conflict, cases go to the **state court system**, and other times a case may be handled by the **federal system**. (Explain the structure of the two systems using the above slide).

Which court system would hear this case, federal or state? The Cheema's lost this case in which court? Check for understanding and hear student answers before going to the next slide.

Slide 8: So which is correct? Federal or state? (This case was heard in a federal court because it was about the U.S. Constitution, the First Amendment).

Review this slide for students, and have them play the iCivics game, Court Quest (designed for middle school; check it out in case you think it may be beneficial for your students at other grade levels). Simply type in icivics.com, (if you don't want to register, you do not need to), and click on "play", and then Court Quest.

This "game" can be played as a whole group (depending upon your technical options in class), or each student can play in a computer lab or with ipads. It helps to reinforce which court handles which cases and helps to lead up to the fact that this case on which they will be working will go to federal court because it deals with the U.S. Constitution, the first amendment.

Teacher Note: This is an important understanding (along with the Structure of the Courts), as students must identify which court system they will be engaged with in their trial.

Branches of the Government (5 minutes)

Slide 9: As a review, there are three branches of government, all designed to be equal. When we go to court, the rule of law is interpreted and applied, and opinions are heard on both sides of an argument. Which branch wrote the First Amendment? Now that it is going to court, what must the Judicial Branch do? (Make a decision, based on the law, and analyze the first amendment).

Ask what it means to be "**impartial**". When a judge and jury are impartial, they analyze all the facts and evidence in the case. They apply laws that relate to the case fairly,

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without bias, prejudice, or personal opinion.

Closure: 2 minutes

Slide 10: Closure: Our Constitution supports debate (argument), and in order to maintain respect for one another, **how** we debate is as important as **what** we debate. It is important that we learn to create respectful, civil arguments! We will do so in the next lesson!!