

# Literacy and the Law

## Lesson Title: Lesson 4: Creating a Good Argument



**Context of the lesson within the project:** After further analysis of the free exercise clause and questions that must be answered, students write arguments individually, synthesizing the language of the first amendment and definition of “free exercise”.(Power point slide 26)

**Note:** This lesson could take at least two class sessions to complete

### Standards Addressed:

#### California History Social Science Content Standards

**8.2 Students analyze the political principles underlying the U.S. Constitution and compare the enumerated and implied powers of the federal government.**

5. Understand the significance of Jefferson’s Statute for Religious Freedom as a forerunner of the First Amendment and the origins, purpose, and differing views of the founding fathers on the issue of the separation of church and state.

**12.2 Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured.**

1. Discuss the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured (e.g., freedom of religion, speech, press, assembly, petition, privacy).

#### College and Career Readiness Anchor Standards for Writing K-12

##### Text Types and Purposes\*

Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

#### College and Career Readiness Anchor Standards for Reading K-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.
2. Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
3. Analyze how and why individuals, events, and ideas develop and interact over the course of a text.

##### Craft and Structure

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4. Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone.
  5. Analyze the structure of texts, including how specific sentences, paragraphs, and larger portions of the text (e.g., a section, chapter, scene, or stanza) relate to each other and the whole.
6. Assess how point of view or purpose shapes the content and style of a text.

### Range of Reading and Level of Text Complexity

10. Read and comprehend complex literary and informational texts independently and proficiently.

### Essential Questions/Issues:

Why are the constitutional protections to Freedom of Religion essential to our democracy?

How can citizens ensure their religious liberty is protected?

Is argument important, why or why not?

### Objective(s):

Students will analyze and “interpret” the meaning of the three questions that must be considered when deciding upon the constitutionality of a case involving free exercise.

Students will write arguments as “briefs”, applying the questions to a specific case.

Students will orally argue and ask questions regarding the analysis of the case, and compare the facts presented to the law.

<b>Goal</b>	To represent your clients successfully in the case, Cheema v. Thompson (Principal of school)
<b>Role</b>	Attorneys from ACLU representing plaintiff, the Cheema’s, or attorney representing the defendants, Livingston School District ( <i>Principal Thompson</i> )
<b>Audience</b>	The justices of the US Court of Appeal
<b>Situation</b>	This case has been taken to appeal after a decision by the district court favoring the school district.
<b>Performance</b>	You will submit a written brief to the court and present oral arguments for the case in the U.S. Court of Appeal.
<b>Standards for Success</b>	Your brief and oral arguments will include claims, evidence, counter evidence, and cite the law.

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## Rubric Checklist

<b>Written Brief</b> Quality Criteria	<b>Absolutely!</b>	<b>Almost!</b>	<b>Not Yet!</b>
<b>Claims Evidence</b> I made a strong claim and supported my reasons very clearly with credible sources (law) and with details.			
<b>Counter claim</b> I recognized the counter claim and gave good arguments against them.			
<b>Transitions</b> I used transition words like <i>for example, another example, for instance, specifically</i> , when giving evidence. I also used <i>in addition to, also, and another</i> when I wanted to make another point			
<b>Oral Argument</b> I emphasized important points and provided valid reasons for my claims and counterclaims.  I also did this in a logical sequence, using transitions. I gave a conclusion, summarizing the argument.			

**Materials and Resources Needed:** Power point, room for students to group with a partner. Handout Graphic Organizer for Arguments, (from Lesson 1), Handout Summary Background of the Cheema Case, (from Lesson 1) Handout: Three Questions, Handout: Brief Form. Guiding Questions form (for the teacher)

(Depending on your student's writing experience, this could be 2-3 lesson blocks for editing, and allowing time for the writing process)

### Learning Activity Steps:

(Approximately three class sessions of 45-50 minutes)

**Hook:** (1 minute)

**Slide 26:** Tell students that they are now going to become attorneys, or teams of attorneys, and they will be assigned to represent either the plaintiff, or defendant in this case. Which is the plaintiff? Thompson). If the Cheema's are the plaintiff's,

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(complaining about an issue), what is the school district considered to be in this case?  
(defendants – defending their actions)

Writing Arguments (40 minutes, 2 sessions)

Students write their own briefs independently, and have them checked by the teacher. They make revisions, using the rubric and teacher comments. (Use Handout: Three Questions from lesson one, and Graphic Organizer from lesson one.) Students should be told that as attorneys, their role is to argue for their clients, and they must make the strongest most detailed arguments, **backed up by the law (in this case, the three questions used to interpret the free exercise clause).**

Depending on writing skills, this lesson will take a couple class sessions and homework time. Final copies of arguments are submitted to the teacher, using the Handout: Brief Form.

(5 minutes)

Closure: Checking in with the group, reminding them to use the three questions as they form their arguments on the Graphic Organizer form.