

# Literacy and the Law

**Lesson Title:** Lesson 4: Part of the Union: What Does it Mean?



**Context of the lesson within the project: (Podcast (B) precedes this lesson)**

Introduce the structure and functions of the new government, as described in the Constitutions: federal and state. Students will understand rule of law, and the limits on government powers, and more! They prepare to educate the settlers in San Francisco with this same understanding by creating posters or leaflets in readiness for a Town Hall meeting. *This lesson is preceded by Podcast B (with accompanying script).*

## Standards Addressed

### California History Social Science Content Standards

#### 4.5 Students understand the structures, functions, and powers of the local, state, and federal governments as described in the U.S. Constitution.

1. Discuss what the U.S. Constitution is and why it is important (i.e., a written document that defines the structure and purpose of the U.S. government and describes the shared powers of federal, state, and local governments).
2. Understand the purpose of the California Constitution, its key principles, and its relationship to the U.S. Constitution.
3. Describe the similarities (e.g., written documents, rule of law, consent of the governed, three separate branches) and differences (e.g., scope of jurisdiction, limits on government powers, use of the military) among federal, state, and local governments.
4. Explain the structures and functions of state governments, including the roles and responsibilities of their elected officials.
5. Describe the components of California's governance structure (e.g., cities and towns, Indian rancherias and reservations, counties, school districts).

### Common Core State Standards Reading Craft and Structure

4. Determine the meaning of general academic and domain-specific words or phrases in a text relevant to a *grade 4 topic or subject area*. (See grade 4 Language standards 4–6 for additional expectations.) CA

**CA HSS Analysis Skills (K–5):** Historical Interpretation

### California English Language Development Standards:

# Literacy and the Law

## Part 1: Interacting in Meaningful Ways

### A. Collaborative

**P1.4.1** Exchanging information and ideas with others through oral collaborative discussions on a range of social and academic topics

#### 11. Supporting opinions

a. Support opinions by expressing appropriate/accurate reasons using textual evidence (e.g., referring to text) or relevant background knowledge about content, with substantial support.

#### 12. Selecting language resources

a. Use a select number of general academic and domain-specific words to create precision while speaking and writing.

### Essential Questions:

Is the Rule of Law necessary for peaceful coexistence? Explain

How has the growth of the area affected the economic, social and political life of the citizenry?

Do rules protect freedoms? If so, in what ways?

Does a democracy require the participation of the people? Explain.

In what ways are people challenged to work together?

Does the structure of the government help to solve issues?

### Objective(s):

Students will analyze the structure, function, and power of the U.S. and California governments in the days of the Gold Rush.

**Assessment:** These objectives will be assessed through teacher observation and and the “choice” creation of a poster or leaflet created to define structures, function and power of the federal and state governments.



## Literacy and the Law

In 1847, the United States defeated (beat) Mexico in a two-year conflict known as the Mexican War. When the peace treaty was signed in early 1848, Mexico was forced to a “cession”, or to “cede” an enormous amount of territory, (meaning to *give it to California*). Neither the United States nor Mexico knew that gold had been discovered just days before they signed the peace treaty!

Why would the U.S. want to gain California as one of its’ states? James Polk, the U.S. President at the time believed in Manifest Destiny ~ what do you think that might mean? *America should own all of North America ~ would be good for the U.S. to be larger, gain more wealth, people, and economic (money) influence around the world*

Notice that this map shows territories, states that are “slave states” and states that are “non-slave” states. What does that mean? Could this be a problem? In what way? Keep these thoughts in mind.....

### Slide 21:

Have you ever seen this before? What is it and what does it represent? What does the Grizzly bear represent? The Red star? The red line? The white background?

One of the revolts California and Texas had against Mexico before the U.S. was involved was called the Bear Flag Revolt took place between the republics of Texas and California, against Mexico. After the Californians and Texans won the revolt, California made this their state flag.

**The star:** represents the Lone Star of Texas and “sovereignty” which means the right to govern yourself

**Grizzly Bear:** represents strength

**Red Color:** represents courage

**White Background:** purity, or “goodness”

### What are the Constitutions? (20 minutes)

**Slide 22 :** What is the US Constitution? Why is it important?

*The U.S. Constitution is a written document that defines the structure and purpose of the U.S. government., It describes the powers of different states and local governments. The Constitution establishes The Rule of Law, the laws we must all follow equally as a nation and as a state.*

The United States had a Constitution at this time ~ and it set the laws for the way the states would work together. Remember, California was not part of the United

## Literacy and the Law

States at first, but was hoping to become the 31<sup>st</sup> state!

**Slide 23:** The Constitution for the United States was set up with three branches. The U.S. Constitution must be followed by all of the states in the United States. Review the roles of the three branches using this slide.

Does anyone know why the writers of the Constitution set up three different branches to do all of these jobs? Turn to a partner and talk this through. (*They wanted to be sure that one branch could not be too powerful ~ they remembered King George from Great Britain! Each branch balances each other, and checks on each other to be sure that the Rule of Law ~ the laws written in the Constitution, are followed.*)

**Slide 24:** In September of 1849 Californians were tired of waiting for the federal government or the United States, to make them part of the nation. They wrote their own State Constitution, just like all of the other states in the United States had done. The State Constitution makes laws for the state to follow that are not covered by the U.S. Constitution. State laws in the state Constitution set up the rule of law .

However, if they became a state of the United States, in union with the other states of the federal government, California must also follow the U.S. Constitution.

**Example of a state law:** *Driving laws (personal injury), criminal law happening in California , family laws.* **Example of a federal or U.S. law:** *Civil rights laws: protecting against racial discrimination, for example. The U.S. Constitution also has laws about crimes that take place between one state and another, for example: If someone smuggles drugs from one state to another.*

The structure is very similar in the state Constitution and United States Constitution.

**Legislators:** We have representatives from all areas of the state who write our laws ~ many of them, so that people in all areas of the state are represented (teachers: you may want to look up your Assembly representatives for the area by your school). Senator Toni Atkins represents SD County when she goes to Sacramento to work on making laws; when you are 18 years of age, you will vote for whom you want to represent you. Use a kinesthetic movement to represent the Legislators. (Ie: writing laws)

**Executive:** Who is our Governor? *Governor Jerry Brown.* Who helps him to carry out the laws? *Lieutenant Governor, the Attorney General, State Controller, State Treasurer, Insurance Commissioner, and State Superintendent of Public Instruction.* (*Most important that they know our Governor has help in carrying out the laws in areas of law enforcement, education, etc.*) Use a kinesthetic movement to represent

## Literacy and the Law

the Executive branch. (Ie: carrying out or enforcing laws)

**Judicial:** We have three different levels of courts in California who make sure the laws are legal, and decide if a law has been broken: Superior Courts. If a crime has been committed that breaks a California law, you would go to a Superior Court. If you are not happy with the outcome, you have the right to “appeal” the decision, and if so, would go to the Court of Appeal, or Appellate Court. Sometimes cases even go from the Appellate Court to the California Supreme Court. Use a kinesthetic movement to represent the Judicial Branch. (Ie: Explaining or interpreting laws in court)

All of these branches of government were organized in our California Constitution. Do you think that the people in California during the Gold Rush understood, or even knew about the Constitution, the Rule of Law and the structure of our government? Why or why not?

We are going to help them!

### **Further State Governance Structure** (5 minutes)

**Slide 25:** The United States is made up of states. Turn to a partner for each question I ask you (and then share out):

What is our state?

California is made up of counties: What is our county?

What is another county close by?

We have cities inside our counties: What is our city or town? What is another city in our county?

We have reservations for Native Americans in our county. What is a reservation nearby?

We have school districts for each county. What is our school district?

Counties, Cities, Reservations and School Districts are all part of our governance structure. We have representatives elected from each of these areas to help represent the people - we VOTE for these people to represent us.

### **Closure** (5 minutes)

## Literacy and the Law

**Slide 26:** Students are called upon from their groups to share an example of a social, political or economic problem. Ask how they felt the Legislative, Executive and or Judicial Branch might address this problem. For example: ***discrimination of foreign miners** - legislators write laws against discrimination (social problem), executive branch enforce the laws. If there is a conflict or a charge of breaking the law, the Judicial Branch decides. **Life of Miners:** Create and enforce a law against hydraulic mining, and enforce (legislators, executive and judicial). **Women:** Given the right to vote - which branch starts the action? Not discriminated against - jobs, etc.*

### **Additional class session: 40-50 minutes: Poster Guidelines**

**\*Slide 27:** (Handout provided and also refer to rubric). In order for us to help solve the problems we are having here in Gold Rush Country, people need to understand that there are laws we must follow. We have laws written in the U.S. Constitution, and state laws written in the California Constitution. We have other rules we must follow in our counties and school districts, but we will begin at the Town Hall meeting with educating all of the citizens here about the U.S. or federal government, and the State, or California government.

Either in groups or individually, students will create a poster (or leaflet) for the Town Hall Meeting and to post around town.

- The purpose of the California Constitution must be described for both the state and federal government .
- The branches and their roles must be explained for state and federal.
- Visual graphics must be included to help with the explanations for each branch.
- At least one social, political or economic problem during the gold rush must be given. An explanation of how each branch is organized to address this problem is to be included.

Leaflet foldable idea source: <https://www.teacherspayteachers.com/Product/Three-Branches-of-Government-Foldable-FREEBIE-2146659>

### **Closure: (5 minutes)**

The town hall meeting is coming up soon! Be sure you have your posters or leaflets completed (with the problem and possible solutions), and your tableaux performances perfected!

\* Students would enjoy putting pencil “smudges” on edges of the posters/leaflets. Or, if you use brown construction paper, a “Q” tip dipped in bleach and then “laced” around the edge would help give it an older appeal!