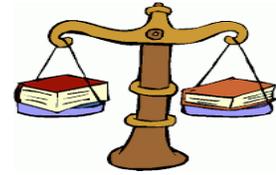


Literacy and the Law

Lesson Title: Lesson 8: Cut Eye Higgins in Court



Context of the lesson within the project: Cut Eye Higgins in Court: Students learn about the processes of court and how the Rule of Law is applied when arguments are presented in court. After applying the facts of the law to the case, they will use their written essays to write (in part), and perform a mock trial convicting Cut Eye Higgins of kidnapping. **(Podcast (E) closes the unit)**

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Standards Addressed

History-Social Science Content Standards for California Public Schools

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.

Suggested K-12 Pathway for College, Career, and Civic Readiness

Dimension 2, Civic and Political Institutions.

By the end of Grade 5:

D2.Civ.1.3-5. Distinguish the responsibilities and powers of government officials at various levels and branches of government and in different times and places.

D2.Civ.2.3-5 Explain how a democracy relies on people's responsible participation, and draw implications for how individuals should participate.

D.2 Civ.3.3-5: Examine the origins and purposes of rules, laws and key U. S. constitutional provisions

D2.Civ.4.3-5. Explain how groups of people make rules to create responsibilities and protect freedoms.

D2.Civ.5.3-5. Explain the origins, functions, and structure of different systems of government, including those created by the U.S. and state constitutions.

D2.Civ.6.3-5. Describe ways in which people benefit from and are challenged by working together, including through government, work- places, voluntary organizations, and families.

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Dimension 2, Participation and Deliberation

D2.Civ.8.3-5. Identify core civic virtues and democratic principles that guide government, society, and communities.

D2.Civ.9.3-5. Use deliberative processes when making decisions or reaching judgments as a group.

D2.Civ.10.3-5. Identify the beliefs, experiences, perspectives, and values that underlie their own and others' points of view about civic issues.

Dimension 2, Processes, Rules, and Laws

D2.Civ.10.3-5. Identify the beliefs, experiences, perspectives, and values that underlie their own and others' points of view about civic issues

English-Language Arts Standards for California Public Schools

California English Language Development Standards:

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.

1. 12. Selecting language resources

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

Common Core State Standards for Writing

Text Types and Purposes

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1. Write opinion pieces on topics or texts, supporting a point of view with reasons and information.

1. Introduce a topic or text clearly, state an opinion, and create an organizational structure in which related ideas are grouped to support the writer's purpose.
2. Provide reasons that are supported by facts and details.
3. Link opinion and reasons using words and phrases (e.g., *for instance, in order to, in addition*).
4. Provide a concluding statement or section related to the opinion presented.

Production and Distribution of Writing

4. Produce clear and coherent writing (including multiple-paragraph texts) in which the development and organization are appropriate to task, purpose, and audience. (Grade-specific expectations for writing types are defined in standards 1–3 above.) CA

5. With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, and editing. (Editing for conventions should demonstrate command of Language standards 1–3 up to and including grade 4.)

7. Conduct short research projects that build knowledge through investigation of different aspects of a topic.

8. Recall relevant information from experiences or gather relevant information from print and digital sources; take notes, paraphrase, and categorize information, and provide a list of sources. CA

Common Core State Standards for Reading Comprehension and Collaboration

1. Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on *grade 4 topics and texts*, building on others' ideas and expressing their own clearly.

- a. Come to discussions prepared, having read or studied required material; explicitly draw on that preparation and other information known about the topic to explore ideas under discussion.
- b. Follow agreed-upon rules for discussions and carry out assigned roles.
- c. Pose and respond to specific questions to clarify or follow up on information, and make comments that contribute to the discussion and link to the remarks of others.

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d. Review the key ideas expressed and explain their own ideas and understanding in light of the discussion.

2. Paraphrase portions of a text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.

Presentation of Knowledge and Ideas

4. Report on a topic or text, tell a story, or recount an experience in an organized manner, using appropriate facts and relevant, descriptive details to support main ideas or themes; speak clearly at an understandable pace.

a. Plan and deliver a narrative presentation that: relates ideas, observations, or recollections; provides a clear context; and includes clear insight into why the event or experience is memorable.

6. Differentiate between contexts that call for formal English (e.g., presenting ideas) and situations where informal discourse is appropriate (e.g., small-group discussion); use formal English when appropriate to task and situation. (See grade 4 Language standards 1 and 3 for specific expectations.)

Reading Standards

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

Visual and Performing Arts Content Standards for California Public Schools

1.0 ARTISTIC PERCEPTION

Processing, Analyzing, and Responding to Sensory Information Through the Language and Skills Unique to Theatre

2. 1.2 Identify a character's objectives and motivations to explain that character's behavior.
3. 1.3 Demonstrate how voice (diction, pace, and volume) may be used to explore multiple possibilities for a live reading. *Examples: "I want you to go." "I want you to go." "I want you to go."*

2.0 CREATIVE EXPRESSION

Creating, Performing, and Participating in Theatre

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Students apply processes and skills in acting, directing, designing, and scriptwriting to create formal and informal theatre, film/videos, and electronic media productions and to perform in them.

Development of Theatrical Skills

2.1 Demonstrate the emotional traits of a character through gesture and action.

Creation/Invention in Theatre

2. 2.2 Retell or improvise stories from classroom literature in a variety of tones (gossipy, sorrowful, comic, frightened, joyful, sarcastic).
3. 2.3 Design or create costumes, props, makeup, or masks to communicate a character in formal or informal performances.

5.0 CONNECTIONS, RELATIONSHIPS, APPLICATIONS

Connecting and Applying What Is Learned in Theatre, Film/Video, and Electronic Media to Other Art Forms and Subject Areas and to Careers

Students apply what they learn in theatre, film/video, and electronic media across subject areas. They develop competencies and creative skills in problem solving, communication, and time management that contribute to lifelong learning and career skills. They also learn about careers in and related to theatre.

Connections and Applications

1. 5.1 Dramatize events in California history.
2. 5.2 Use improvisation and dramatization to explore concepts in other content areas.

Careers and Career Related Skills

5.3 Exhibit team identity and commitment to purpose when participating in theatrical experiences.

Essential Questions:

Is the Rule of Law necessary for peaceful coexistence? Explain.

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

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

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In what ways does the government get its power from the people?

In what ways are people challenged to work together and does the structure of the government help people to solve issues?

Objective(s):

Students will analyze the implications of the Compromise of 1850 and the Fugitive Slave Act as it relates to an authentic issue.

Students will write summarizing statements recounting relevant experience and using accurate facts and details in an organized manner.

Students will write persuasive/opinions supported by reasons and explanation.

Students identify a character's objectives and motivations to dramatize that character's behavior.

Students demonstrate their understanding of court processes through simulation and addition of dialogue to the mock trial.

Students demonstrate the ability to effectively collaborate and work together following agreed upon rules for group behavior.

Authentic Assessment: These objectives will be assessed through the student's contributions to the writing of a mock trial and their artistic performance of the same.

Quality Criteria:

Absolutely!

Almost!

Not Yet

"Character" was maintained and believable. Use of props and simple costume pieces were appropriate.

Effective collaboration including coming prepared, listening, speaking, and adding points to conversation in an organized manner and following agreed upon rules is evident.

Students understand the processes of a court trial as observed through their performance and addition to script.

Writing and group discussions reflect understanding That citizenship calls for civic responsibility for order and group survival.

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Essay supports student point of view with reasons and details.

The opinion is clearly stated using the organizational structure provided, and related ideas are grouped to support purpose.

Reasons are supported by facts based on the law and details of the case.

Linking words are used to support opinion such as (for instance, in order to, in addition)

A conclusion statement related to the opinion is included.

Materials and Resources Needed: Room for grouping of 8 students, and movement around the room, mock trial DRAFT scripts, student copies of prior handouts: Compromise of 1850, Fugitive Slave Act, California Kidnapping definition, Graphic organizer for writing, student draft persuasive essays.

Learning Activities: (50-60 minutes)

Hook (5 Minutes)

Slide: Ask yourself: What are the laws in this case that must be considered? Have students share out: *Compromise of 1850 – California is a free state, Fugitive Slave Act ~ if a fugitive slave escapes, even to a free state, he/she can be captured with a warrant, or without a warrant (if taken to the court), African Americans cannot testify in court, kidnapping: taking someone forcefully, aware that they were not fugitives. Proven beyond a reasonable doubt, all 12 jurors must agree.*

Whole Group: (10 minutes)

Slide

Under the Rule of Law, even Cut Eye Higgins, whom we have known to be a scoundrel in the past, is deserving of a fair trial. He is innocent until proven guilty. He is not “guilty” until proven so, beyond a reasonable doubt by the jury. Discuss (this means each juror may have a small amount of doubt, but are almost positive that he committed the kidnapping)

Who is the jury? (In most court cases, the jury decides on the verdict, and the judge

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decides on the sentence)

What if citizens did not show up, or refused to serve jury duty? Do citizens have a responsibility to get involved? What if it is not convenient for them?

Our government depends on its' citizens to work together for it to be successful, just as you have worked together to make this unit successful.

Remember our civil discourse practice? Sentence starters? Roles in groups? Use all of these tools to be effective in helping to finish writing this mock trial.

Slide: Opening Statements (15 minutes)

The opening statements in this trial will give a summary of the facts of the case and what your position will be as one of the attorneys. You may use the summary of your own, one of your teammates, and/or a combination of some of your group's summaries. Discuss together and have your decision made for an opening statement. Write-in your group's very best opening statement.

Slide: Read Through up to the Court Recess: (10 minutes)

For this first read-through, you will be reading up until the judge calls a recess. A read-through is important in becoming familiar with the drama storyline. You are not on stage yet, acting it out, you are reading through the dialogue together in partners. In this case, the read-through is important to learn and become familiar with new vocabulary. We will discuss vocabulary after the read-through.

Your scripts will show additional missing dialogue, specifically the attorney's, opening and closing arguments. The opening gives a summary of the case to the jurors from the attorneys. We will work on this part first. After sharing one another's opening from your essays, decide on which summary you will use as a group (or combination). Stop at the recess called by the judge.

Slide: Recess

Pull group back to your attention:

After learning of new information at the trial, you must spend some time analyzing Exhibit A, the Warrant, and Exhibit B, the Free Papers. Examine them both very carefully. What do you notice that may have an affect on the arguments you make, or that the defense attorney might make?

Teachers: Delving questions as needed:

Which came first, the warrant, or the Free Papers? Would this make a difference? How? Do the exhibits look official? What do you know about the exhibits? In what way would this help the defense or the prosecution? Will Exhibit A and/or B influence your closing arguments?

Slide: Closing Arguments: (20 minutes) The closing arguments in a courtroom are very much like the three details and facts you used to persuade in your essay. After reading the remainder of the trial, and filling in what you think should be in the

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missing dialogue sections, decide upon the best closing arguments. Use the arguments from your essays, or change what you had written for the trial ~ after all, you have new evidence! And turn your final script to me.

Our next read-through will be using the most detailed scripts, so work carefully to consider the facts, the law, and solid persuasion based on both the evidence and law!

Closure:

You have heard a lot of new vocabulary during this unit. "Rule of Law" Turn to your neighbor and discuss the meaning of the rule of law. Discuss: *(Decisions are made, based on the law, not personal opinion. The laws from the Constitution, both federal and state, are used in court to guide decisions about the case.)*

Teacher Note: Groups of 8 will play roles in the next read through. Choose as many well-written versions of the trial (with student's arguments as the number of groups you will have. Make copies for students in each group (there are 8 parts). If you already know which roles each student will play, they may bring props from home for the read-through in character, and/or you can bring small items such as neck ties (Praiseworthy or defense attorney), or jackets for woman attorney, plaid shirts, funky hats (which Judge should ask them to remove in court), etc.

Part 2: (40 minutes)

Theatre exercise: Character (5 minutes)

Slide: I need a volunteer to come to the front and decide on a way to demonstrate the character of Cut Eye Higgins as he steals money from a person's back pocket. (Class discusses "character": motivation, objective, physical movements, emotional, facial expression, dialogue (if applicable) For example, Cut Eye might laugh in an evil way after slipping the money from the pocket –or say something such as, "Ha, they will never know what happened.")

Have everyone stand – walk about the room as Thomas, who has just discovered his family is gone! (no dialogue)

Pose or freeze as Mrs. Clapp, who is watching the Jacksons being driven away in the back of the wagon.

Walk as if you are Praiseworthy, entering court as the prosecuting attorney.

Everyone sits: Have a "review" discussion about staying in character, analyzing the individual's motivation, objective, looks, feelings, speaks, and moves. (In order to be believable)

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Read Through in Character: (15 minutes)

In groups of 8, have students read through the mock trial in character.

Vocabulary: (10 minutes)

Review vocabulary on slide: Prosecution, Defense, attorney/counselor/lawyer, judge, defendant, witness, bailiff, objection, jury, _____, _____,

Closing: (Podcast)

Pass out the podcast script for students to read along ~ and this time, Sing-a-long! After the song and laughter, the podcast closes the unit closes with a final letter from Louise Clapp. **This is an important closure and reflection for the unit.**

Letter:

Reflection questions for students:

****Teachers:

Please take photographs and send them to literacyandthelaw.com Also, please send your ideas, comments, samples of student work. With a parent "release" I can post some on our website. I will send the release on request.

***Bibliography of books for your Gold Rush Library: