

## GRADE 5

# *United States History: Making A New Nation*

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## Overview

The fifth grade history-social science curriculum centers on **United States History and Geography: Making A New Nation**, with an emphasis on the period up to 1850. Expanding on the students' knowledge about the impact of westward expansion and colonization, the course places particular attention on the traditions and values that immigrants from all parts of the world brought to the new nation.

As students discover the excitement that inspired such a grand “experiment” in governance, they should place particular importance on the experience of each of the groups of people who contributed to our nation: explorers, American Indians, colonists, free blacks and slaves, children, and pioneers. Only as they see the individual contributions can they appreciate the creativity that went into the formation of this new nation.

## Coordination with Instructional Materials

The lessons and activities in this unit coordinate well with the fifth grade social studies textbook *America Will Be* (Houghton Mifflin). The Focus Lesson provides students with an excellent introduction to the concept of *separation of powers*. Through a simulated activity, the focus lesson helps students to understand “good use of power” versus “abuse of power” as concepts which led to the separation of powers in our government. The Extension Lessons help students relate a common student problem to the concepts that are the foundation of our constitution. They also explore the implications of *freedom of expression*.

The Grade 5 text, *America Will Be*, includes many readings that relate to the lessons.

- Chapter 8, Lesson 3, "Challenging Authority" (pp. 191-195) introduces the complexities of the relationship between religion and government in Puritan New England. It also explores the issue of dissent amidst the turmoil engendered by the Salem Witch Trial.
- Chapter 11, Lesson 1 (pp. 262-265) describes the meeting of the Continental Congress and the background of the Declaration of Independence.
- The Constitution is reviewed in Chapter 12, Lessons 1 and 2 (pp. 292-305), including a section on identifying fact and opinion.
- The rights of citizens are introduced in Chapter 20, Lesson 1 (pp. 510-513), including the importance of voting.
- Chapter 20, Lesson 3 (pp. 519-526), discusses the concept of citizenship and the efforts of an active, enlightened citizenry in initiating needed social reforms.
- A copy of the Declaration of Independence and the Constitution are included in the text's Databank.

## Framework Connections

The unit supports the goals and curriculum strands of the *History-Social Science Framework* while connecting to the fifth grade topic, **United States History and Geography: Making a New Nation** (see pages 50-56 of the *History-Social Science Framework*.)

### Topic Connection(s)

- Life in the Young Republic

## Goals and Curriculum Strand Connections

The chart below lists goals and curriculum strands from the Framework. The phrases printed larger and in **bold** type are History-Social Science Goals and Curriculum Strands that are addressed in the lessons and activities for grade five. The unit makes use of literature and simulated activities to help students understand the concepts of *separation of powers* and *checks and balances*. Students will be encouraged to discuss the rights and responsibilities that are important to citizens in a democracy. The thought-provoking lessons will challenge students to flex their thinking and communication skills as they work together to analyze the principles that shaped our nation's Constitution.

<b>Knowledge &amp; Cultural Understanding</b>	<b>Democratic Understanding &amp; Civic Values</b>	<b>Skill Attainment &amp; Social Participation</b>
<b>Historical Literacy</b> <b>Ethical Literacy</b> <b>Cultural Literacy</b> <b>Geographic Literacy</b> <b>Economic Literacy</b> <b>Sociopolitical Literacy</b>	<b>National Identity</b> <b>Constitutional Heritage</b> <b>Civic Values, Rights and Responsibilities</b>	<b>Basic Study Skills</b> <b>Critical Thinking Skills</b> <b>Participation Skills</b>

## *Selected Topic: Life in the Young Republic*

### **Focus Lesson: Separation of Powers**

#### **BACKGROUND**

At the Constitutional Convention, thoughtful leaders of our country, after extensive debate and compromise, created a strong central government powerful enough to be effective. Concerned about the excesses of power that the delegates had experienced under English rule, they created a federal form of government in which powers were distributed between the state and national governments (*federalism*). They also *separated the powers* of the central government among three branches (executive, judicial and legislative), and designed a system of *checks and balances* to prevent any one branch of government from becoming too powerful. These are difficult concepts for fifth graders to understand. The lesson and extensions are included to assist in the introduction. Additionally, this is a good opportunity to introduce a lawyer or other resource person (political scientist, judge, legislator, etc.) to your class to provide practical community examples of the advantages of separation of powers.

#### **OBJECTIVES**

1. To understand the concept of power.
2. To understand why our Constitution separates governmental power into three divisions -- the executive, legislative and judicial.

#### **MATERIALS**

- Copy of *Move Over, Twerp* by Martha Alexander (Dial Press Books, 1981)
- Copies of "He Does It All!" Handout #1
- Chalkboard and chalk or chart paper and pens
- Photos and pictures of national leaders (President, Vice President, Members of Congress, Supreme Court Justices)
- Class set Summary of the Constitution
- Invitation to resource person (lawyer)

#### **TIME NEEDED**

Approximately two to three hours

#### **PROCEDURE**

##### **Into**

1. Read aloud the story *Move Over, Twerp* by Martha Alexander. (When a little boy rides the school bus for the first time, he encounters a bully who won't let him sit where he chooses. After several days of worry and frustration, he solves his problem in a creative way.) Review the story with your students and then ask how the bully got his control (power) over the other children.
2. The bully in the story was an example of a fellow student who used his power badly. Ask the class to tell about fellow students who use their power wisely or to help other students (student body president, hall monitor, crossing guard). Ask students to list adults who have power over their lives in any way (parents or teacher, policeman, coach, babysitter, etc.).
3. Distribute Handout #1 "He Does It All!" After the class reads it silently, have students read it as a role play with a student narrator and two other students reading the *officer* and *student* parts.

4. Discuss:

- What did the officer do? (He *made* a new law, he *enforced* his new law, he *applied* his law.)
- Could this happen in the United States? (Not legally. Power is separated in our country and city/state.)
- How much *power* should the police officer have? What would be an example of the police officer exceeding his power? Give an example of a police officer using his power in a lawful and helpful manner.
- Why are responsibilities divided in the United States?

### Through

1. The teacher or a visiting speaker can discuss how the legal system works in this country. How is power divided within the system? What is the role of the police officer? What happens *after* the officer makes an arrest? What is his role in a trial? What is the role of the lawyers on either side? The role of the judge? The jury? Who makes the law that the police officer enforces? Examples from actual cases or a walk-through of a typical case would be helpful.
2. Throughout history there has always been the problem of governmental leadership (kings, dukes, governors) having too much power. This is a real dilemma. You need your government to be powerful enough to rule effectively and keep order; yet you do not want them to abuse their power. Ask students to work in groups to complete the following chart:

Good Use of Power	Abuse of Power

3. Explain that our government separated power into three divisions:

- The rule-makers: The Legislative Branch
- The rule-enforcers: The Executive Branch
- The rule-interpreters: The Judicial Branch

Review and outline the powers of each branch of government.

- *Legislative* (Congress)  
Who works there: Senators in the Senate; representatives in the House of Representatives. Explain that the Senate and House make up *Congress*. What they do: make, change and repeal laws; pass laws after a president's veto, with a two-thirds vote; approve president's choices for judges.
- *Executive* (President)  
Who works there: President, Vice President, cabinet members and people who work in departments and agencies. What they do: carry out laws, recognize foreign countries, handle foreign affairs, make treaties. The federal agencies and departments make federal regulations and see that laws are enforced; can veto laws; appoints Supreme Court judges.
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*Judicial (Supreme Court)*

Who works there: Supreme Court justices and federal judges. What they do: interpret and define what laws mean in specific cases. Determine if any laws go against the Constitution.

**Beyond**

1. Using pictures of national leaders and the chalkboard, try to place the public officials into the legislative, executive and judicial categories.
2. Give each student a copy of a summary of the Constitution, pencil or crayons and paper. On the chalkboard, draw the trunk of a tree and write "U.S. Constitution" on or by it. Also write "Three Branches of Government" at the top of the chalkboard. (Have students do the same.)
3. Have students read Article I or read it with them and have them decide how they would title the article. Draw a branch on your tree and label it "Legislative or Congress" and put an I (one) on this branch. Discuss with students the main points in Article I.
4. Follow the same procedure for the next two Articles, labeling the branches: II, Executive or President, and III, Judicial or Judges.
5. Review with students the title of each article, comparing them to the three branches they drew on their paper.
6. Summarize by stressing the names of the three branches, their functions, the concept of separation of powers and why this concept is essential to our form of government.

**ASSESSMENT**

Have the students write an essay which outlines how the three divisions of governmental power work together.

**SOURCE**

*Utah Law-Related Education Elementary Lesson Plan Book*

## HANDOUT #1

### HE DOES IT ALL!

It's a beautiful April afternoon. You've just arrived home from school. Even before you get through the front door, your mother meets you with an armload of books. "Take these books back to the library, would you please? We've got to get them back today, or they'll be overdue." She then adds the magic words, "You may take the car, if you wish." Hey, that's all right! You just got your driver's license. Off you go.

When you come back to the car after dropping the books in the book drop, a police officer is standing by your car. Good grief, what could be wrong? He hands you a ticket! (With your new driver's license, you had been really careful. You were in a parallel parking place, just the right distance from the curb, and you had checked carefully for "No Parking" signs.)

"What did I do wrong, officer?" you ask. Then this dialogue takes place:

OFFICER: "You can't park here."

YOU: "But there isn't a 'No Parking' sign."

OFFICER: "I just made it no parking."

YOU: "But you can't do that!"

OFFICER: "I can now. You're under arrest."

YOU: "Arrest? How can I be under arrest when I didn't break a law?"

OFFICER: "You did break the law; my law. You are under arrest."

YOU: "What happens now?"

OFFICER: "I try you."

YOU: "Try me! You're not a judge!"

OFFICER: "I am now. You're guilty. I fine you \$25.00 and costs."

YOU: "Twenty-five dollars and costs! How much are the costs?"

OFFICER: "Another \$25.00."

YOU: "But, I'm not guilty."

OFFICER: "Pay me."

## *Selected Topic: Life in the Young Republic*

### **Focus Lesson: *Freedom of the Press in Colonial America***

#### **BACKGROUND**

The principles of freedom of the press have had a long evolution from colonial times to the present. The famous Zenger case was ahead of its time in its articulation of the principle that truth is a complete defense against charges of seditious libel (criticism of government officials). Seditious libel was clearly understood to be a crime in colonial America. This case study can be used when studying the colonial period, particularly when examining the roots of the First Amendment freedoms.

#### **OBJECTIVES**

1. To increase awareness of the limitations on speech and press during the colonial period.
2. To develop understanding of the emergence of the principle of freedom of the press.
3. To develop understanding of the meaning of "libel" and its legal defense.
4. To develop critical thinking skills.

#### **MATERIALS**

- Copies of "Freedom of the Press in Colonial America" Handout #2
- Copies of "Decision: The Zenger Case" Handout #3

#### **TIME NEEDED**

Approximately 45 minutes.

#### **PROCEDURE**

##### **Into**

1. Ask students to identify various public officials by name: mayor, governor, president. Ask them how these officials are discussed in the press (You may wish to use a continuum line to show range).

1	2	3	4	5
Total Disrespect				Total Respect

2. Explain that this range of opinion was not the case in early 18th century America and Europe. Public officials were not to be criticized in print.

##### **Through**

1. Distribute Handout #2. Read and discuss the introduction. Have students read the case.

2. After reading the case summary, discuss the following questions:
  - What did the judges say that seditious libel meant?
  - What did Andrew Hamilton say that seditious libel should mean?
  - How are these two meanings different?
  - Why did Governor Cosby feel that all criticism-both true and false-should be prohibited?
  - What dangers did Zenger's newspaper present to the security of the government?
  - Do you think a person should be allowed to print statements criticizing the government? Suppose you wrote a law about this. Would you punish the person who made the statements if they were true? Would you punish them if they were false? Why?
  - How do you think the jury decided the case of John Peter Zenger?

### **Beyond**

1. Take a vote to see how the students think the jury decided the case. Then ask students to vote on how they would decide the case.
2. Distribute Handout #3. Read and discuss the decision with students.

### **ASSESSMENT**

1. Ask students to write approximately one page on the Zenger decision from the point of view of a member of the jury explaining his/her decision.
2. If time permits, divide students in teams to present a mock trial of the Zenger case.
3. As a follow-up activity, students might research recent libel cases, paying special attention to their relationship to the Zenger case.
4. Ask students to write a code of responsibility, for the press, based on their understanding of libel.

### **SOURCE**

Smith, Melinda, Editor. *Law in U.S. History: A Teacher Resource Manual*. Bolder, Colorado: Social Science Education Consortium, 1983.

## HANDOUT #2

### FREEDOM OF THE PRESS IN COLONIAL AMERICA

#### Introduction

Many colonial leaders distrusted the views of the general population and believed that government officials knew best how to govern the English colonies. Criticizing the government was considered dangerous. Spreading this criticism outside was even worse. As a result, there was little freedom of speech and the press in those days.

During the early 1700's, general weekly newspapers began to be printed in the English colonies. At first they carried mostly old news from Europe. Then they began to report on local business and government. Much of the news was dull and tame. But more and more, the papers began to criticize--or find fault with--harsh English rule in the colonies.

Newspaper owners had to be careful. They were not free to print stories that attacked the government. Newspapermen who did so were often thrown into jail. Their printing presses were closed down. It was against the law of seditious libel to publicly criticize the king or his government officials. They were supposed to be the source of all justice. They were thought to be above criticism. The following case is about a colonial editor who dared to print such criticism.

#### The Case of John Peter Zenger (1735)

The New York court was packed. The colonists inside were looking forward to an important and exciting trial. Newspaper editor John Peter Zenger had been in jail for nine months. Now, finally, he was being brought to trial.

At that time New York was an English colony. The colonists did not have the right to elect their own governor. The King of England chose him. In 1734, the King sent William Cosby to be governor of New York.

John Peter Zenger was the printer of the *New York Weekly Journal*. Zenger printed articles in his newspaper attacking the governor. The paper stated that Cosby put his favorites in office and that he let French ships spy on New York Bay defenses. The governor believed that Chief Justice Lewis Morris, a friend of Zenger's, was responsible for the ideas expressed in *The Journal*, so he fired him. Articles in the newspaper attacked Cosby as a lawbreaker and referred to him as an "idiot" and a rogue. The governor had Zenger arrested. Zenger was accused of breaking the law against **seditious libel**. At that time, libel meant criticizing the government in a way that put it in danger. Criticizing the government was against the law; *even if what a person said was true*.

At Zenger's trial Andrew Hamilton of Philadelphia defended him. Hamilton was the best lawyer in all the colonies. He admitted that Zenger had printed the articles. But he argued that Zenger was guilty **only if the articles were false**. Hamilton believed there should be more freedom of the press to expose those who use power in an arbitrary or tyrannical manner. He told the jury that in this country a man should be free to print the truth.

The judge disagreed. He instructed the jury members that, under the seditious libel laws, they were merely to decide whether Zenger had published the statements and, if so, to find him guilty.<sup>1</sup>

<sup>1</sup>Adapted from *Law in a New Land* (Boston: Houghton Mifflin Co., 1972). Used with permission.

### **HANDOUT #3**

#### **DECISION: THE ZENGER CASE**

A courageous jury reached a verdict of "not guilty" and set Zenger free. Rather than accepting the judges' interpretation of the law, they listened to defense attorney Hamilton. Hamilton had told the jury:

I cannot think it proper for me (without doing violence to my own principles) to deny the publication of a complaint, which, I think, is the right of every free born subject to make, when the matters so published can be supported with truth... I do (for my client) confess that he both printed and published the two newspapers set forth in the information, and I hope in so doing he has committed no crime.

The verdict in this case showed that (1) the truth of a printed statement is a complete defense in a libel case, and (2) a jury may decide on the truth of the statement.

The decision of the jury was unusual. It was many years before the idea of truth as a defense against libel became a valid principle in American law. The Zenger case was an early victory for freedom of the press in colonial America.

## EXTENSION LESSONS

### A. Miller School Student Council

#### BACKGROUND

This lesson continues to discuss with students the importance of Separation of Powers. Through class discussion, the students are asked to compare the functions of a student council with the functions of the government.

#### OBJECTIVES

1. Give examples of how the checks and balance system controls power.
2. Explain and discuss the "Great Compromise".

#### MATERIALS

- Copies of "Miller School Student Council" Handout #4
- Newspapers

#### PROCEDURE

1. Distribute copies of Handout #4 "Miller School Student Council". If appropriate for your students' ability and grade level, read the material with your class. Otherwise, have class read silently.
2. Say: "As we read the story about the Miller School Student Council, try to pick out situations which may be problems. Keep in mind the idea of fairness."
3. Discuss:
  - a. What problems were mentioned? (Sally insisted everyone would go to the museum. Sally insisted everyone sell candy instead of T-shirts. No one would complain because Sally was on the committee. Sally set the price of the candy too high. Parents and students complained about the price. No field trip could be taken unless money was raised.)
  - b. Who was causing the problems? (Sally)
  - c. Why did Sally cause problems for the student council? (She had too much power.)
  - d. What could be done to change the situation? (Limit her power in the committee. Make her a non-voting member.)
  - e. Have you ever met someone like Sally?
    - What is wrong with someone having all the power to make decisions for a group?
    - What would be a way to keep a person from having too much power?
4. Explain to the students that the writers of the Constitution knew that our country needed a national leader (the President) but didn't want the position to be too strong. They wanted to make sure the lawmakers (Congress) were powerful, but not too powerful. Refer to Articles I and II in the summary of the Constitution to show that power was "separated" between Congress and the President.

Ask students to give examples of how power is "checked" and "balanced". (Congress makes laws, the President can *veto*. Congress can over-ride the President's veto by a two-thirds vote.)

**EXECUTIVE BRANCH**  
**President**

**LEGISLATIVE BRANCH**  
**Congress**

5. The writers of the Constitution were also concerned about the division of power between larger and smaller states so they divided Congress into two houses.

**CONGRESS**

SENATE  
(SENATORS)  
2 FROM EACH STATE = 100

HOUSE OF REPRESENTATIVES  
(REPRESENTATIVES)  
ACCORDING TO POPULATION = 435

- Which states would have been in favor of each house?
  - Why was this referred to as a "**Great Compromise**"?
6. Distribute copies of the newspapers and magazines. Ask the students to find pictures, articles or cartoons showing the President and members of Congress. Ask students to share photos and cartoons. Make a bulletin board using the materials.

**SOURCE**

Yeaton, Connie and Karen Braeckel. *A Salute to our Constitution and Bill of Rights: Grades 4-6*. Star and Independence News, 1986 (used with permission).

**B. Freedom of Expression**

**BACKGROUND**

Although most students are familiar with many of the rights guaranteed in the First Amendment to the Constitution, they often can gain greater understanding if they understand the value that the nation's founders placed on freedom of *expression*.

**OBJECTIVES**

The students will be able to:

1. Identify and explain the forms of freedom of expression.
2. Discuss the importance of freedom of expression.

**MATERIALS**

- Chalkboard and chalk
- Student copies of *We the People*

## PROCEDURE

1. Write the word *expression* on the chalkboard and explore its meaning with your students. Brainstorm with them the various ways young people express themselves through music, speech, art, actions, songs, word games, clothing, dance, movement, writing, etc.
2. Ask students to read the sections "Purpose of Lesson" and "What is freedom of Expression?" in Lesson 16 of the Elementary Edition of *We The People*. Review with them the four forms of freedom of expression. Also explore with them derivative forms of speech, i.e., buttons, clothing with slogans, bumper stickers, protest signs and picketing.
3. Ask students to read the short sections "What are the benefits of freedom of expression?" and "Why is it necessary to protect freedom of expression?" Review with them the benefits and historical incidents of intolerance. Explore with your students some of the possible costs of free expression-public disapproval, job loss, disruptive demonstrations. If the costs can be so great, why is free expression so protected?
4. Ask students to read the section "Should freedom of expression ever be limited?" Review the examples given other possible situations:
  - One student dislikes another in his class. He calls the other student offensive names whenever he has the chance. Should the offensive names be protected by freedom of expression?
  - A rock band practices at 2:00 a.m. out in the backyard or in the local neighborhood park. Is it reasonable to limit this "freedom of expression"? Is there a better time or location to practice?
  - The student newspaper prints lies and rumors about a student. Do the student reporters have a responsibility to tell the truth? Should they print both sides to a story? Should they be stopped from printing lies?
  - A group of students are angry at a store in the mall, which refuses to hire nonwhites as clerks. After being unsuccessful in persuading the store management to change its policy, they protest by sitting down in the middle of the shopping mall and at all entrances to the store. They all carry signs that explain their complaints. Their action effectively prevents business from being conducted. Is this a reasonable way to express their protest? What other steps could they have taken?
  - A group of students protest the bad food in the cafeteria by starting a food fight. Is this a reasonable way to express an opinion about the quality of the food? What else could the students have done?
  - A nationally known scholar is scheduled to speak at your school. A student group opposes his speech and pickets the Student Activities office. When the speaker starts to deliver his talk, the hostile students begin to interrupt his speech and stamp their feet. Is this a reasonable means of freedom of expression? What should they have done?
5. Organize the class into groups of two to three students and ask them to read the section "Problem-Solving: When should freedom of expression be limited?" Discuss, should groups of people be allowed to do what these students did? How are speaking and carrying signs the same? Should the public be allowed to stop people from speaking or carrying signs if the people watching them become angry? Ask each group of students to take the point of view of a participant in the problem-solving activity and then write their account of the incident defending their point of view. Points of view could include students, friendly bystanders, unfriendly bystanders, police, and people working in the State Capitol.

## SOURCE

Reprinted with permission. *We the People, Upper Elementary*. Center for Civic Education ©1988. Calabasas, CA.

## C. Two Slaves Win Their Freedom in Massachusetts

### BACKGROUND

During the years of the American Revolution, many Americans owned slaves. Particularly in the North, as more people became familiar with the Declaration of Independence and their new state Constitutions, they began to question slavery as an institution. To dramatize the issue of slavery, ask your class to read Story 7 "Mumbet," in the easy-reading series *America's Story* by David King and Margaret Branson. The story presents a dramatic background for the case *Brom and Bett v. Ashley* in 18th century Massachusetts. Aided by the young lawyer Theodore Sedgwick, two slaves claimed their right to be free and won their case in Massachusetts.

### OBJECTIVES

The students will be able to:

1. Discuss how the Declaration of Independence encouraged or discouraged slavery.

### MATERIALS

- Student copies of *America's Story*
- Student copies of the Declaration of Independence
- Paper and pencils

### PROCEDURE

1. In your history book, read the famous opening section of the *Declaration of Independence*. What do the opening words say about equality? What ideas did the men who wrote the Massachusetts Constitution borrow from the *Declaration of Independence*?
2. Plan a dramatization of the court scene in the case of *Brom and Bett v. Ashley*. Assign roles for Brom, Bett, Ashley, lawyers, the judge, the jury and others involved. Ask the students to use the lines from the story and other lines they may invent to act out the scene.
3. Ask the class to write a short newspaper editorial for or against the decision in this case. (Remember to include who, what, when, where, why and how.) Have half the class write it from the point of view of a newspaper in Massachusetts and the other half as if their newspaper were in Georgia or Alabama.

### SOURCE

King, David. *America's Story, Book 3*. ©1984 Sundance Publishing.

## **HANDOUT #4**

### **MILLER SCHOOL STUDENT COUNCIL**

Sally French was the most popular girl at Miller School. She also loved to be in control. Each school year, teachers were asked to select a student from the class to be a member of the student council. The council discussed problems, special projects and ways to raise money for field trips.

During the first meeting of the year, officers of the student council were elected. Sally was voted president. Council members served on the complaint committee, the special projects and the funding committees. As president, Sally was expected to be a member of each committee. Everything seemed to be working smoothly until October.

Sally's favorite trip was to the "Haunted House" at the Children's Museum. Sally insisted that no one would enjoy the zoo and she would not attend if the committee voted for it. Since everyone wanted to be Sally's friend, the committee voted for the Children's Museum.

When the funding committee met to decide on ways to raise the money for the trip, Sally suggested that the school sell her favorite candy. Eric wanted to sell T-shirts. Sally told the girls that she would not play with them at recess if they voted for Eric's idea. The committee voted to sell candy.

When the complaint committee met, no one wanted to mention Sally's habit of forcing her ideas upon the group since Sally was sitting on the committee. No one wanted to be her enemy.

The candy bar company suggested the school charge \$1.00 for each bar, but Sally insisted that they sell for \$3.00 so the school could have more money. Parents complained about the high price, and the students were upset because they could not sell the expensive candy. The fall field trip for Miller School would be canceled unless something happened soon!

## **ADDITIONAL ACTIVITIES**

### **A. Hall of Fame Bulletin Board**

Students develop a class Hall of Fame Bulletin Board of famous men and women in American History. Each student should prepare a one-page biographical summary of his/her nominee, a character analysis describing important events and influences in his/her life, a timeline of the life of the person showing important events in history, a silhouette for the Hall of Fame Bulletin Board, and several important quotations from this person.

## **SOURCE**

*Law in a Changing Society: Upper Elementary Curriculum.* State Bar of Texas.

### **B. The Trial of William Penn**

William Penn was a very religious man who was jailed many times for his outspokenness concerning religious freedom. In 1670, Penn was put on trial for "unlawful assembly" on Gracechurch Street in England. During his trial, many of his rights were violated.

Teachers and students should read the chapter on "The Trial of William Penn" in *Penn* by Elizabeth Janet Gray (Viking Press, 1938). After the reading, guide the students in transforming the story into script form. Using the script, students should re-enact the trial. At the conclusion of the re-enactment, students should be able to identify all of the rights denied to Penn according to our Bill of Rights (no lawyer to advise, no books for assistance, no witnesses on his behalf, no knowledge of crime with which he was charged, unusual punishment). Later, when Penn was elected Governor of Pennsylvania, he drafted the "Great Body of Laws" to ensure that the people of Pennsylvania would always have basic rights. Students will need summaries of Amendments I, IV, VI, VIII and IX). See Garrison, Melvin and James Smith. *Discovering Our Fundamental Freedoms: The Bill of Rights in the Early and Middle Grades* (Teacher Resource Guide). University of Pennsylvania Law School, Philadelphia, Pennsylvania, 1991.

### **C. The Devil and Daniel Webster**

Have your students read, discuss and perform the short Stephen Vincent Benet play, *The Devil and Daniel Webster*. Set in New Hampshire in 1841, the play opens on wedding festivities, soon interrupted by the chilling arrival of Mr. Scratch, an agent of the Devil, come to collect the soul of the bridegroom. Jabez Stone had entered into a contract with the devil, trading his soul for riches and success years before; now, the devil has come to collect. Daniel Webster, a distinguished lawyer attending the celebration, steps into the discussion and persuades the devil to allow Stone's constitutional right to a jury trial. Mr. Scratch agrees to an evil jury of dead renegades, murderers and traitors, with a judge from the Salem Witch Trials. Daniel Webster's eloquent plea persuades even this jury to release Jabez Stone from his contract. Students will have an opportunity to discuss the constitutional issues of the due process clause of the fifth amendment, the sixth amendment's right to a trial by an impartial jury, and Article 1, Section 10 of the Constitution prohibiting states entering into contracts with foreign power. For ideas regarding production see Hanna, Jack. *Bravo Constitution*. South Carolina Bar Association, 1988.

#### **D. Important Historical and Legal Figures**

Each student, or pair of students, develops two, three or four line statements about an important historical or legal figure they are pretending to be from the present or past. Students should follow the same format:

"Hello, my name is \_\_\_\_\_,  
and I am \_\_\_\_\_."

Example: "My name is John Peter Zenger. I am the printer of a colonial newspaper in New York. I have been arrested and put on trial because my newspaper criticized the governor of New York, even though what we printed was true."

Other persons that students might research include: Thomas Jefferson, George Mason, James Madison, Ernesto Miranda, Thurgood Marshall, Elizabeth Cody Stanton, Clarence Gideon.

#### **E. Create a Mural**

After discussing the freedoms protected by the Bill of Rights, students can plan how they would portray these rights and responsibilities in a class collage or mural. Long lengths of paper are the most readily available surfaces for these murals. Butcher paper, newsprint and computer paper come in a variety of sizes. Rolls of paper are also available in many colors and widths from school supply stores.

#### **F. I Pledge A Lesson to the Frog**

Use the chapter "I Pledge A Lesson to the Frog" from Betty Bao Lord's *In The Year of the Boar and Jackie Robinson* located. *Acting Together: Readers' Theatre* (Arlene Gallagher, Editor) to dramatize the idea of being a citizen in this country. Shirley Temple Wong moves to Brooklyn from China. She speaks very little English, and as a result, one day at school she stands with her class and "pledges a lesson to the frog of the United States of America and to the wee puppet for witches' hands. One Asian, in the vestibule, with little tea and just rice for all." She has no friends until a miracle happens...baseball. In this chapter, her teacher tells the class about Jackie Robinson, grandson of a slave and the first African-American to play baseball in the major leagues. Using sports as a metaphor, Shirley's teacher gives the class a civics lesson on what it means to be a citizen of the United States.

## RESOURCES

Brady, Sheila, Carolyn Pereira and Diana Hess. *It's Yours: The Bill of Rights*. Steck-Vaughn Co., Austin, Texas, 1993. These materials are especially important for teachers of English as a Second Language or sheltered English classes. Each of the units presents an easy-to-read explanation of the amendments and their historical origin. Graphic organizers, vocabulary exercises and an emphasis on cooperative learning are used to assist students at various stages of language development.

*Elementary Lesson Plans on Law and Citizenship*. Utah State Office of Education, Salt Lake City, Utah, 1986. The intent of this Teacher's Manual is to integrate law-related and citizenship concepts into the regular social studies lessons. The manual is divided into three sections: K-3, 4-6 and K-6.

Garrison, Melvin and James Smith. *Discovering Our Fundamental Freedoms: The Bill of Rights in the Early and Middle Grades, Teacher Resource Guide*. University of Pennsylvania Law School. Philadelphia, Pennsylvania, 1991. A product of a 1991 Teaching the Bill of Rights month-long summer institute, this publication includes lessons, activities and selections from many primary sources.

King, David. *America's Story, Book 3*. Sundance Publishers and Distributors, 1984.

*Law in a Changing Society: Upper Elementary Curriculum*. State Bar of Texas.

Lord, Betty Bao. "I Pledge A Lesson to the Frog". *Acting Together Readers' Theatre*, edited by Arlene Gallagher. Social Science Education Consortium, Boulder, Colorado, 1991. A chapter from Betty Bao Lord's book *In The Year of the Boar and Jackie Robinson* is scripted so that students can act out the reading. Student discussion can focus on the meaning of citizenship, attitudes toward recent immigrants and the balance of individualism and community.

Smith, Melinda, Editor. *Law in U.S. History: A Teacher Resource Manual*. Social Science Education Consortium, Boulder, Colorado, 1983. Thirty-seven lessons using a variety of law-related instructional strategies are designed to be infused into U.S. history classes. The lessons are clustered in sections for elementary and secondary students.

*The Trial of John Peter Zenger*. Videotape. (Black and White, 95 minutes) Social Studies School Service, 1953. A dramatization of the 1735 trial that helped establish a free press and journalistic independence in the United States. This episode from Westinghouse Studio One includes the original commercials.

Turner, Mary Jane. *Law in the Classroom: Activities and Resources*. Social Science Education Consortium, 1979. A handbook for law and justice professionals who serve as resource persons for school and community groups.

*We The People* (Upper Elementary). Center for Civic Education, 1988. Elementary, middle and high school level popular texts present basic constitutional principles and values. *The Teacher's Guide* suggests a variety of learning strategies.

Yeston, Connie and Karen Braeskill. *A Salute to our Constitution and the Bill of Rights: Grades 4-6*. Indianapolis Newspapers, 1986. Section I in this booklet consists of a set of model lessons demonstrating the use of various parts of the newspaper to study the Constitution. Section II introduces the Constitution by first examining a current problem which relates to a Constitutional issue.