

Lesson Template for James Madison Foundation

Recommended Grade/Ability Level

- This lesson is intended for 8th Grade Middle School students. However, it is also applicable for High School students in grades 9-12.

Recommended Lesson Length

- This lesson has worked best as a one block class of roughly 1 hour or 55 minutes.

Central Engagement Question/Essential Question

- How does the Bill of Rights protect you when you are accused of a crime?

Overview

- Students consider *Miranda v. Arizona* and the Bill of Rights to determine which rights protect them when they are accused of a crime.

Materials*

- Power Point Presentation: Rights of the Accused
- Rights of the Accused Reading (Attached- Activity A)
- Law Enforcement Officer (prearranged)

Objectives

- *Identify and explain* the rights of the accused
- *Apply* the rights of the accused to a “real-life” arrest

Standards

State/District Standard(s) Addressed:

6.1 U.S. History: America in the World. All students will acquire the knowledge and skills to think about how past and present interactions of people, cultures, and the environment shape the American Heritage. Such knowledge and skills enable students to make informed decisions that reflect fundamental rights and core democratic values as productive citizens in local, national, and global communities.

- The fundamental principles of the United State Constitution serve as the foundation of the United States government today.
- 6.1.8.A.3.b. Evaluate the effectiveness of the fundamental principles of the Constitution (i.e., consent of the governed, rule of law, federalism, limited government, separation of powers, checks and balances, and individual rights) in establishing a federal government that allows for growth and change over time.
- 6.1.8.A.3.g. Evaluate the impact of the Constitution and Bill of Rights on current day issues.

6.3. Active Citizenship in the 21st Century. All students will acquire the skills needed to be active, informed citizens who value diversity and promote cultural understanding by

working collaboratively to address the challenges that are inherent in living in an interconnected world.

- Collaboratively evaluate possible solutions to problems and conflicts that arise in an interconnected world.

Background Information/Homework/Pre-Learning

- Rule of Law; students must grasp that laws determine the boundaries for a rights' expression

Anticipatory Activity/Bell-Ringer

- As students enter the room, they receive a "Rights of the Accused" Article (contains elements of the Bill of Rights). As they read the article, they highlight, underline, or star rights that they have if they are accused of a crime. A class discussion creates a list of these rights. The teacher records student answers on the board or SMART board. (5 to 10 Minutes)

Activity (Activities)

1. *Miranda v. Arizona* (15 Minutes)
 - a. Students learn about this important Supreme Court case as well as how it impacts the rights of the accused through a Socratic Seminar.

Wrap-Up (10-15 Minutes)

- A local law enforcement officer arrives to class with a fake arrest warrant for the teacher (prearranged). The teacher can resist, be interrogated, or comply with the officer's demands. The officer arrests the teacher and leads them out of the room. After a brief pause, the teacher as well as the officer return to the class to discuss whether the previous arrest complied with *Miranda v. Arizona*. (Typically the law enforcement officer entertains additional questions regarding searches, use of force, etc.)
 - Interesting variations can include:
 - the principal to take over the class to "play up" the reality of the situation
 - Instructional aides could film the arrest and law enforcement could seize the film/phone. This addition leads into an excellent discussion on evidence and an officer's right to collect a phone video if it capture a crime.
 - Changing how the teacher interacts with the police officer or vice versa so every class has a slightly different interaction to analyze

Assessment

Homework: A short assessment for completion in class or for homework

- Students could write a reflection entry regarding the rights of the accused- do Americans have too many, too few, or an adequate amount of rights?

Extensions: A long-term assignment which would entail additional research, etc.
- Students could investigate a case of alleged police abuse and determine whether (or not) the police officer applied/ followed the law. Students could demonstrate their understanding with a Google Slides presentation or using a video clip of the arrest and adding their

commentary to it. (This type of activity requires knowledge of the class and their maturity level- if the community is struggling with protests, this activity may not be advisable.) On the other hand, if the community desires to know what constitutes a lawful arrest, this activity could be incredibly appropriate and helpful.

Additional Resources

(Websites are included in Activity A underneath reading)

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Name:

Date:

8th Grade Social Studies

Block:

(Activity A)

Rights of the Accused

Article III of the Constitution of the United States guarantees that every person accused of wrongdoing has the right to a fair trial before a competent judge and a jury of one's peers.

The Fourth, Fifth, and Sixth Amendments to the Constitution provide additional protections for those accused of a crime. These include:

- A guarantee that no person shall be deprived of life, liberty, or property without the due process of law
- Protection against being tried for the same crime twice ("double jeopardy")
- The right to a speedy trial by an impartial jury
- The right to cross-examine witnesses, and to call witnesses to support their case
- The right to legal representation
- The right to avoid self-incrimination
- Protection from excessive bail, excessive fines, and cruel and unusual punishments

Criminal proceedings can be conducted under either state or federal law, depending on the nature and extent of the crime. A criminal legal procedure typically begins with an arrest by a law enforcement officer. If a grand jury chooses to deliver an indictment, the accused will appear before a judge and be formally charged with a crime, at which time he or she may enter a plea.

The defendant is given time to review all the evidence in the case and to build a legal argument. Then, the case is brought to trial and decided by a jury. If the defendant is determined to be not guilty of the crime, the charges are dismissed. Otherwise, the judge determines the sentence, which can include prison time, a fine, or even execution.

Civil cases are similar to criminal ones, but instead of arbitrating between the state and a person or organization, they deal with disputes between individuals or organizations. If a party believes that it has been wronged, it can file suit in civil court to attempt to have that wrong remedied through an order to cease and desist, alter behavior, or award monetary damages. After the suit is filed and evidence is gathered and presented by both sides, a trial proceeds as in a criminal case. If the parties involved waive their right to a jury trial, the case can be decided by a judge; otherwise, the case is decided and damages awarded by a jury.

Adapted from: <https://www.whitehouse.gov/1600/judicial-branch>