

Proceed with Fairness

By Mimi Corcoran

Sections of this lesson were adapted to Delaware standards from
Justice: Foundations of Democracy (2002) Center for Civic Education. Calabasas, California.

Lesson Description:

In this lesson, students will learn the principle and purposes of due process then apply the principles to hypothetical cases. Students will create and use a due process “foldable” to analyze cases involving questions about fair treatment. Students should be able to explain the meaning and importance of due process in protecting the rights of all citizens.

Grade Level: 4

Standard: Civics Standard Two

Students will understand the principles and ideals underlying the American political system [Politics].

End of Cluster Expectations (Benchmarks):

Students will understand that the principle of “due process” means that the government must follow its own rules when taking actions against a citizen.

Essential Question: How does due process protect American citizens?

Assessments: see pp. 10 and 11

Objective(s): Students will be able to

- Identify the steps that our government is expected to use to gather information fairly.
- Recognize that these steps are considered elements of due process.
- Explain rights that due process secures and the importance of protecting these rights.

Prior Knowledge and Skills:

Students should understand the concept of fairness.

Vocabulary:

- Due process – the requirement that government officials act fairly in their interactions with people.
- Impartial – not favoring one side or person more than another.
- Testify – to make an official statement under oath.

Time to Complete: two 40-minute sessions

Materials/resources needed:

- Visual 1 (Transparency) – Roger’s Missing iPod
- Chart paper – Record students’ comments to the prompts found on Visual 1
- Marker
- Visual 2 (Transparency) – Directions to make a foldable

- Construction paper – One 8½"x11" piece of paper for each student
- Visual 3 (Transparency) – What Are the Goals of Due Process?
- Visual 4 (Transparency) – Protection of Our Rights
- Handout 1 – Extended Response Assessment: The Library Mess
- Handout 2 – Rubric for Library Mess
- *Justice: Foundations of Democracy* text (see bibliography)

Procedure Steps:

Day 1

1. Display *Visual 1*. This overhead presents an illustration of “Roger” – a student who thinks someone in class took his mini iPod. Roger went back into the classroom while the other students played outside on the playground and searched his classmates’ desks. Draw the students’ attentions to the visual and read the case story. Ask the students: *Did Roger behave in a fair manner?* Have students think-pair-share responses to this prompt. Then, ask a few volunteers to share their responses with the entire class.
2. Brainstorm with students. *What are some fair ways to gather information?* List their responses on the board.
3. Ask students to think back to Step 1 – Roger and the iPod. *Was Roger being fair to his classmates?* Could he have gathered information about his missing iPod in any other ways? Record the students’ alternatives on chart paper.
4. Introduce the term “due process.” Tell students that due process is a term used to describe the requirement that government officials act fairly in their interactions with people. Due process, or fair treatment, is required under the 5th Amendment to the Constitution. Explain to the students that they are going to make a foldable today that identifies some of the fair procedures that government officials must follow under due process requirements. Display the instructions for creating a foldable found on *Visual 2* (p. 7) while showing the students a model.

Distribute one piece of construction paper to each student. Ask students to fold the sheet of paper in half like a hot dog leaving a one-inch border on the bottom. Next fold the paper so that one-third is exposed and two-thirds are covered. Then, fold the two-thirds section in half. Next fold the one-third section (single thickness) backward to form a fold line. Cut on the top folds to make five flaps. Present a model to the students.

5. Have the students label the bottom border “Due Process.” Ask students to list the following rights and procedures separately on the five flaps:
 - A. Right to tell your side of the story.
 - B. Right to have a friend or lawyer help tell your side of the story.
 - C. Right to have a witness who supports you.
 - D. Right to question a witness who testifies against you.
 - E. Right to impartial judge and jury.

6. Display *Visual 1* – Ask the students to think back to Roger’s situation and draw cartoons that illustrate how Roger might have followed each of the due process procedures listed above (Step 5) in his interactions with classmates. The students should create 5 separate cartoons under each of the five flaps – one for each of the five steps that appear on their due process foldable. Each cartoon should illustrate the five steps in the context of Roger’s iPod investigation. Encourage students to discuss what Roger might have said under the guidelines of due process as he searched for his iPod. Have the students use speech bubbles to illustrate conversations between Roger and his classmates. You may need to provide and discuss definitions for the following words:
 1. impartial – not favoring one side or person more than another.
 2. testify – to make an official statement under oath.
7. Have students share their due process foldables with a partner. Students should keep their foldables as a reference for future activities.

Day 2

1. Mini Lecture: Display *Visual 3* (p. 8) – Review the definition of due process with the students. Then, describe the goals of due process as they appear on *Visual 3*.

Three important goals of due process are to:

- A. Increase the chances of getting the information needed to make a wise and fair decision.
- B. Ensure the wise and fair use of the information in making the decision.
- C. Protect important rights.

Discuss the importance of these goals. How important are they to the students in class?

2. Display *Visual 4* – Protection of Rights Is Important.

Present the following scenario to the students: *Suppose the police know that stolen property is being held in a house on your street, but they don’t know in which house it is being held. Suppose the police were allowed to search all the houses whenever they wanted.*

Engage the class in a think-pair-share around the following questions:

- Would the searches increase the chance that the police would get the information they needed?
- Would the searches endanger important rights? Which rights would they affect?

Invite a few groups to share their answers with the class. Guide them to the understanding that rules have been set up so that our rights are protected from those in power. Explain to students that, according to the scenario, the community’s rights to privacy and freedom were violated by the police. Mention that we give great power to people in authority. They make important decisions that affect our lives and property.

We need rules to limit that power and how they use it. We set these rules to protect our rights.

3. Have students read “Custis Learns Justice” in *Justice: Foundations of Democracy* (Chapter Four, pp. 72-75) with a partner. Then, ask the students to use their foldables to answer the *Take a Closer Look* prompts on page 75. Then, raise the following questions:
 - What was unfair about the way *Custis* gathered information?
 - What would have been a fair way to gather information?
 - What was unfair about how the mayor made the decision at the town meeting?
 - What would have been a fair way to make the decision?

Work with the students to generate a list of ideas *Custis* drew from his experiences and that could be used by others to gather information and make decisions fairly.

4. Have students compare their list with the steps listed on their due process foldables to see if they may have missed any of the important steps in their analysis of *Custis Learns Justice*.

Closure/Debrief – Ask the students the following questions:

- What is due process?
- How does due process protect American citizens?
- Can you think of other situations in which due process might protect American citizens?

Assessment: Administer the assessments (see pages 10-11).

Tips for the Teacher: The word principle appears in the benchmark statement so it is included in the assessments. Field testing revealed that students struggle to distinguish *principle* from *principal*. Teach the difference between a *principle* (a rule or standard of behavior) and a *principal* (a person who is the leader in a school). Remember the trick, the person is a “*pal*.”

Extensions and Reinforcement Ideas:

1. Watch a television program that shows the activities of police officers, the courts, or private detectives. Write down how they gathered information and made decisions. Did they use fair ways to find out information and make decisions? Did they protect important rights? Did they endanger important rights? How?
2. Invite your school’s DARE officer, principal, and/or interventionist to your class to explain how information is gathered fairly. Ask your guest to explain why due process is important. Allow the students to ask questions.
3. Write the next chapter of “Custis Learns Justice.” Describe how Custis convinces the mayor to use fair ways to find out things and make decisions.

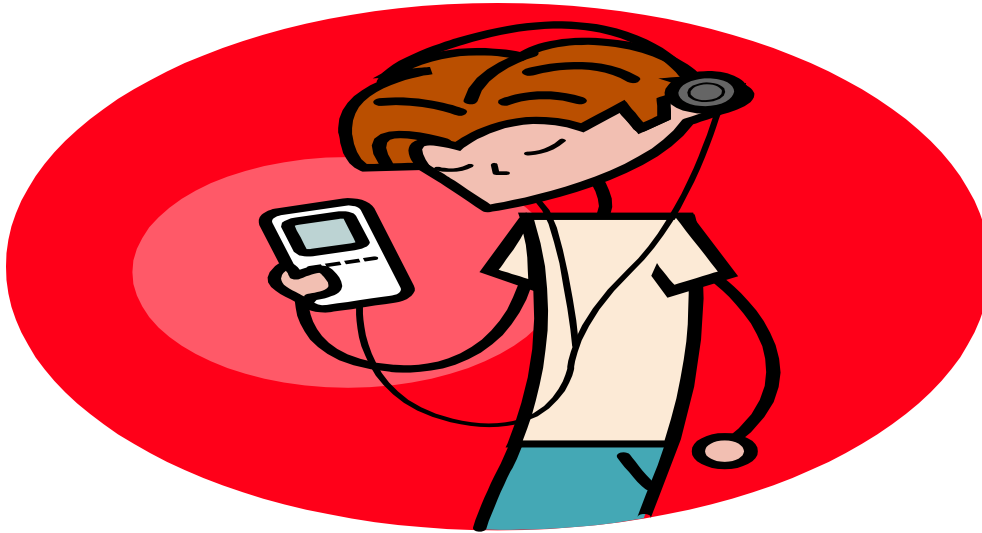
Works Cited and Used:

Center for Civic Education (2002). Justice: Foundations of Democracy. Lesson 9 – Why Do We Need Procedural Justice? Calabasas, CA.

Zike, Dinah. Big Book of Social Studies. Dinah-Might Adventures LP, San Antonio, Texas. 2002

Visual 1

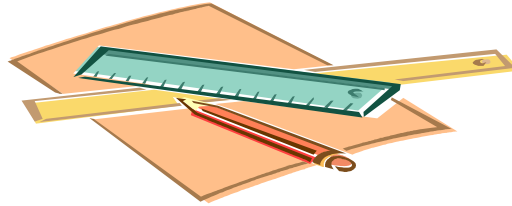
Roger's Missing iPod



Roger thought someone in the class took his iPod. During recess when everyone was on the playground, he returned to the classroom and searched every desk.

Did Roger behave in a fair manner? Why or why not? Talk to your partner about your ideas.

Visual 2



Due Process Foldable - folding into fifths

- 1. Fold a sheet of construction paper in half like a *hotdog*, leaving a one-inch border on the bottom.**
- 2. Fold the paper so that one-third is exposed and two-thirds are seen.**
- 3. Fold the two-thirds section in half.**
- 4. Fold the one-third section (single thickness) backward to form a fold line.**

Visual 3

Due process - the requirement that procedures used by the government in gathering information and making decisions fairly when taking actions against a citizen.

What are the goals of **due process**?

- **Increase the chances of getting the information needed to make a wise and fair decision.**
- **Ensure the wise and fair use of the information in making a decision.**
- **Protect important rights.**

Visual 4

Protection of Our Rights

Suppose the police suspect that stolen property is hidden in a house on your street. They don't know in which house the stolen property is being held, so they search all the houses on your street.

- Would this search increase the chance that the police will get the information they need?
- Would this endanger important rights?
- Which right would this affect?

Share your thoughts about these questions with a partner.

Assessment 1: Extended Response

Name _____ Date _____

The Library Mess

Mr. King, the principal, knew that four boys were in the school library this morning. Mrs. Smith found a terrible mess and reported her findings to Mr. King. Mr. King called the four students to his office to question them. Three of the boys admitted that they had been in the library and made a mess. When Mr. King questioned Bob, the fourth student, he was afraid to answer. One of the other boys told Mr. King that Bob was not with them. "Is this true?" Mr. King asked Bob. Bob nodded, "Yes." Mr. King sent Bob back to class.

Why is due process important? Describe one way that Mr. King followed due process.

Rubric

- 2= this response gives valid response with an accurate and relevant example.
- 1=this response gives a valid response with an inaccurate, irrelevant, or no example
- 0=inaccurate or no response

Assessment 2: Selected Response

Name _____ Date _____

Standard: Civics Standard 2 [Politics]

Benchmark Statement: Students will understand that the principle of “due process” means that the government must follow its own rules when taking action against a citizen.



Prompt: A fifth-grade teacher accused several students of cheating on a social studies test. Which of the following would be the best example of due process?

- a. The teacher sends the accused students to the timeout area.
- b. The teacher announces that the entire class will retake the test.
- c. The teacher asks the accused students to explain what happened.
- d. The teacher posts the names of the accused on the hallway bulletin board.

Correct Response =C
