

5th Amendment: No Coerced Confession...Even Terror Suspects?

Time Frame: 2 class periods	Author: Mary Ellen Daneels, Lead Teacher Mentor, McCormick Foundation, MDaneels@illinoiscivics.org
Proven Practices (indicate which practices used) <ul style="list-style-type: none"> ✓ Instruction on government institutions ✓ Use of current & controversial issues ✓ Simulations of democratic practices ✓ Service Learning (ideas provided) 	
IL Social Studies Standards SS.IS.1.9-12: Address essential questions that reflect an enduring issue in the field. SS.IS.5.9-12: Identify evidence that draws information from multiple sources to revise or strengthen claims. SS.IS.7.9-12: Articulate explanations and arguments to a targeted audience in diverse settings SS.IS.9.9-12: Use deliberative processes and apply democratic strategies and procedures to address local, regional, or global concerns and take action in or out of school. SS.CV.1.9-12: Distinguish the rights, roles and responsibilities of individuals and institutions in the political system. SS.CV.7.9-12: Describe the concepts and principles that are inherent to American Constitutional Democracy. SS.CV.9.9-12: Explain public policies in terms of intended and unintended consequences and related consequences.	CCSS/ELA History/Social Studies Standards <u>CCSS.ELA-LITERACY.RH.11-12.7</u> Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem. <u>CCSS.ELA-LITERACY.RH.11-12.2</u> Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas. <u>CCSS.ELA-LITERACY.RH.11-12.9</u> Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.
Essential Question: <ul style="list-style-type: none"> ● What is the balance between individual rights and the common good? ● Alternative- What is the balance between liberty and safety? 	
Supporting Questions: <ul style="list-style-type: none"> ● How do people differ over the question: <i>Should our democracy require law enforcement officials to get permission from a judge to access public video surveillance records?</i> ● What rights are afforded to individuals accused of a crime in the US Constitution? 	
Resources Required w/Citations: <ul style="list-style-type: none"> ● <i>Interpreting the Constitution Lesson plan</i> by icivics.org. Available at https://www.icivics.org/viewpdf.html?path=/sites/default/files/uploads/Interpreting%20the%20Constitution_3.pdf ● <i>Using Torture on Suspects</i> by Constitutional Rights Foundation- Chicago, 2005. Available at http://www.crfc.org/sites/www.crfc.org/files/program_documents/UsingTortureonSuspectedTerrorists.pdf ● <i>Parliamentary Procedure Guide</i> by Mary Ellen Daneels available online at https://tinyurl.com/ilcivicsparli 	

Recommended Procedures:

1. To prepare for deliberation over the 5th amendment, review court rulings concerning the right remain silent. Have students independently complete page 4 of the icivics.org lesson titled “Interpreting the Constitution.” Then have students discuss their responses in a pair share.
2. Use the icivics.org ppt (Interpreting the Constitution (starting at slide 41) provided at <https://www.icivics.org/teachers/lesson-plans/interpreting-constitution> to review the court rulings and rationale.
3. Introduce Compelling and Essential Question to the class:
4. *Should the United States consider using torture on suspected terrorists to gain information on imminent attacks on the United States and/or its citizens? (CQ)*
What is the balance between individual rights and the common good?(EQ)
5. Give each student a note card and have them write their name and their initial response to the compelling question. Are they a strong yes, moderately agree, neutral, moderately disagree, a strong no? Have them write a bullet point explaining their initial response. Create a spectrum on a wall and have the students place their cards on the wall.
6. Have students independently read pages 3-5, of *Using Torture on Suspected Terrorists—Lesson Plan* by The Constitutional Rights Foundation- Chicago. Students should circle statements that support their initial position and underline items that challenge their original position.
7. Put students in partners and have partners share what they found most interesting in the reading.
8. Pass out page 6 of the reading and have partners complete the activity together, sorting the statements as either supporting or opposing the use of torture.
9. Label the corners of the room with the following
 - a. Strongly Agree
 - b. Agree
 - c. Disagree
 - d. Strongly Disagree
10. Choose several of the statements and have the students “vote with their feet” to the corner of the room that represents their agreement with the statement. For the statements where there is more disagreement, have students “huddle” in their corner and then share with the class why they stand where they do on the statement. (for more details about the Four Corners activity, see Other Considerations at the end of the lesson)
11. Simulate a legislative hearing on the question, “*Should the United States consider using torture on suspected terrorists to gain information on imminent attacks on the United States and/or its citizens?*” using basic parliamentary procedure. Set a reasonable time limit (12-18 minutes).
12. After legislative hearing, have students revisit their cards on the wall and make necessary changes. Students can revise position, add a claim or counterclaim.
13. Have students share any shifts they made on the issue. You could also debrief using digital deliberation like Google Classroom.

Possible Service Learning Informed Action:

- o Students can write an elected official advocating their position on the issue
- o Students can write letters to the editor or craft an editorial cartoon on issue

Differentiation:

- For classes that need more literacy support, the teacher can scaffold a [close read](#) of the CRFC reading

- For a simpler reading, you can use the following article: Krauthammer, Charles and McCain, John. *Is Torture Ever Justified?* New York Times Upfront Magazine. Available online at <http://www.scholastic.com/browse/article.jsp?id=10850>

Possible Assessments:

- in class deliberation
- four corner check
- blog

- Letter to elected official with rubric

- Letter to the editor or political cartoon w/ explanation.
- Persuasive essay on compelling question

Other Considerations:

If norms for classroom deliberations have not been established, here are some resources teachers can use to scaffold civil discourse.

- [Conducting a Civil Conversation in the Classroom by CRFC](#)
- [Contracting by Facing History and Ourselves](#)

For more details on the Four Corners strategy, read “Four Corners Strategy” from Facing History and Ourselves available at <https://www.facinghistory.org/resource-library/teaching-strategies/four-corners>

Deliberating in a Democracy has alternative issues that can be used in this process. Find out more at <http://deliberating.org/> This is a free program.

Constitutional Rights Foundation of Chicago has other current and controversial issue topics for students to use in a variety of simulations. These resources are free. For more information, go to <http://www.crfc.org/teaching-materials>