

### 8th Amendment: Is it *Cruel and Unusual* to Try Teens as Adults?

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| <b>Time Frame:</b> 1-2 class periods  | <b>Author:</b> Mary Ellen Daneels, Lead Teacher Mentor, McCormick Foundation, MDaneels@illinoiscivics.org   |
| <b>Proven Practices (indicate which practices used)</b> <ul style="list-style-type: none"> <li>✓ Instruction on government institutions</li> <li>✓ Use of current &amp; controversial issues</li> <li>✓ Simulations of democratic practices</li> <li>✓ Service Learning (ideas provided)</li> </ul>   |   |
| <b>IL Social Studies Standards</b><br>SS.IS.1.9-12: Address essential questions that reflect an enduring issue in the field.<br>SS.IS.5.9-12: Identify evidence that draws information from multiple sources to revise or strengthen claims.<br>SS.IS.7.9-12: Articulate explanations and arguments to a targeted audience in diverse settings<br>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.<br>SS.CV.1.9-12: Distinguish the rights, roles and responsibilities of individuals and institutions in the political system.<br>SS.CV.7.9-12: Describe the concepts and principles that are inherent to American Constitutional Democracy.<br>SS.CV.9.9-12: Explain public policies in terms of intended and unintended consequences and related consequences.  | <b>CCSS/ELA History/Social Studies Standards</b><br><u>CCSS.ELA-LITERACY.RH.11-12.7</u><br>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.<br><u>CCSS.ELA-LITERACY.RH.11-12.2</u><br>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.<br><u>CCSS.ELA-LITERACY.RH.11-12.9</u><br>Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources. |
| <b>Essential Question:</b> <ul style="list-style-type: none"> <li>● What is the balance between individual rights and the common good?</li> <li>● Alternative- Does fair always mean equal?</li> </ul>  |   |
| <b>Supporting Questions:</b> <ul style="list-style-type: none"> <li>● How do people differ over the question: <i>Should juveniles who commit serious crimes be charged as adults?</i></li> <li>● What rights are afforded to the accused in the US Constitution?</li> <li>● How do the three branches of government participate in the justice system?</li> <li>● What is public policy?</li> </ul>   |   |
| <b>Resources Required w/Citations:</b><br><i>Juvenile Justice—Alternate Lesson Plan</i> by Deliberating in a Democracy, 2011. Available at <a href="http://www.did.deliberating.org/lessons/documents/DID%20AltJuvenileJustice_2011.pdf">http://www.did.deliberating.org/lessons/documents/DID%20AltJuvenileJustice_2011.pdf</a><br>Daneels, Mary Ellen. Graphic Organizer for Lesson 5&6, Constitutional Rights Foundation Civic Action Project at crfcap.org. Available at <a href="http://www.crfcap.org/mod/page/view.php?id=227">http://www.crfcap.org/mod/page/view.php?id=227</a><br><i>Town Hall Meeting Guide</i> from Think-Read-Write. Available at <a href="http://www.readwritethink.org/files/resources/lesson-docs/Town_Hall_Meeting_Guide.pdf">http://www.readwritethink.org/files/resources/lesson-docs/Town_Hall_Meeting_Guide.pdf</a><br><i>What is Public Policy?</i> the Center on Civic Education Project Citizen. Available at |   |

<http://www.civiced.org/pc-program/instructional-component/public-policy>

Google Slides by Mary Ellen Daneels available at <https://tinyurl.com/DaneelsJusticeGRADE>

**Recommended Procedures:**

1. Survey class about what they think is an issue/problem that needs to be addressed in their community. Then ask them who they think might need to address the issue.
2. Use slide provided or Project Citizen Web Site to define “Public Policy” and how public policy would address the previously listed issues.
3. Introduce Compelling and Essential Question for the lesson to the class:  
*Should juvenile offenders who are accused of serious violent crimes be prosecuted and punished as adults? (CQ)*  
*What is the balance between individual rights and the common good?(EQ)*
4. 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.
5. Have students read pages 2-4, 8, 9 of *Juvenile Justice—Alternate Lesson Plan* by Deliberating in a Democracy, 2011.
6. Put students into small groups and handout G.R.A.D.E. worksheet. Have students work together to fill out the first four boxes, and then discuss and individually fill out the “E” box.
7. Bring class back together and review how each branch of government would be involved in addressing the compelling question.
8. Inform students that you will be holding a mock town hall meeting in which you will play the governor who is on a “listening tour” to hear citizens comment on proposed legislation to punish teens who commit serious crimes as adults. They will have the opportunity to ask the governor questions and express their view on the law. Give students five minutes to craft possible position statements or questions.
9. Start Town Hall meeting using guideline provided on slide 9 and/or Think-Read-Write document cited. Times for each section are decided by instructor.
10. Slide 10 can be used by governor for opening comments.
11. After Town Hall meeting, have student revisit their cards on the wall and make necessary revisions. Students can revise position, add a claim or counterclaim.
12. Use the spectrum to debrief the activity.
13. Have students write an essay addressing the compelling questions using claims and counterclaims presented in the reading and town hall meeting. Students could also continue the dialog on a platform 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.
- o After simulated Town Hall, invite stakeholders for and against the issue for an informed panel discussion using questions generated by students on the issue.
- o Have class organize and co-host a Town Hall on the issue with the League of Women Voters in your area. <http://lwv.org/>

**Differentiation:**

- For classes that need more literacy support, the teacher can scaffold a [close read](#) of the DID article.
- Consider having a student play the role of governor to lead the deliberation.

- Teacher can complete GRADE chart, cut up statements in chart and give to small groups in an envelope or jumble statements on screen in front of room. Small groups can then put the statements in the appropriate box.
- For a simpler reading, try: Should teens be tried as adults? Kay, Julia;Nieves, Rocio New York Times Upfront; Jan 21, 2002; 134, 8; ProQuest pg. 28
- The DID reading is available in multiple languages at [http://www.did.deliberating.org/lessons/juvenile\\_justice.html](http://www.did.deliberating.org/lessons/juvenile_justice.html)

**Possible Assessments:**

- in class deliberation
- vote
  
- 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.

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

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>

The Civic Action Project from the Constitutional Rights Foundation has multiple lessons to prepare students for public policy work in their communities. Go to <http://www.crfcap.org/> for more information. This is a free program.