

**HPISD CURRICULUM  
(SOCIAL STUDIES, GOVERNMENT)**

**EST. NUMBER OF DAYS:10 DAYS**

<b>UNIT NAME</b>	<p><b>UNIT 4: JUDICIAL BRANCH, CIVIL LIBERTIES AND CIVIL RIGHTS</b>  <b>A: JUDICIAL BRANCH</b>  <b>B: CIVIL LIBERTIES - FIRST AMENDMENT RIGHTS</b>  <b>C: CIVIL LIBERTIES - PROTECTING INDIVIDUAL RIGHTS</b>  <b>D: CIVIL RIGHTS - EQUAL JUSTICE UNDER THE LAW</b></p>
	<p><b>This unit will show the interactions between the Judicial Branch and the citizens of the United States seeking their protections.</b></p>
<b>Unit Overview</b>	<p><b>A:</b>  The students will learn about the establishment and function of the judicial branch of government - the Supreme Court, the inferior courts, and the special courts of the federal court system.</p>
	<p><b>B:</b>  Students will learn about the basic rights and freedoms guaranteed by the Constitution, particularly the freedoms of religion, speech, and press, and assembly and petition.</p>
	<p><b>C:</b>  The students will also learn about the many individual rights guaranteed by the Bill of Rights, as well as the constitutional guidelines for trying and punishing Americans accused of committing crimes.</p>
	<p><b>D:</b>  The students will learn about American citizenship-how it is acquired, how the Constitution guarantees equality for all citizens, and how all citizens are protected against discrimination.</p>

<p><b>Generalizations/Enduring Understandings</b></p>	<p>A:</p> <p>The Framers of the Constitution believed in the need for a national judicial system. The Constitution outlines the structure of the federal judiciary, the jurisdiction of the courts, and the functions of federal judges. The inferior courts, those beneath the Supreme Court, are the core of the federal judicial system. The Supreme Court is the final authority on questions of federal law. Over time, Congress has enlarged the structure of the federal court system by creating many special courts. Five forms of law make up the code of conduct by which Texas and the rest of the nation are governed.</p>
	<p>B:</p> <p>The U.S. was founded, in part, to ensure individual rights against the power of the government. Freedom of religion is one component of the constitutional guarantee of free expression. The freedom to express ideas and to hear the ideas of others is fundamental to American democracy. The constitutional guarantees of assembly and petition protect Americans' rights to gather peacefully in order to express their views and to influence public policy.</p>
	<p>C:</p> <p>In observing due process of law, the government must act fairly and in accordance with established rules. In the American judicial system, any person who is accused of a crime must be presumed to be innocent until proven guilty. The 8<sup>th</sup> amendment addresses the issue of punishment for</p>

	crimes.
	<p>D:</p> <p>Although the Declaration of Independence declares that "all men are created equal", our nation has often struggled to meet that ideal. The law concludes safeguards to protect Americans from unfair discrimination on the basis of race, or sex. Federal laws passed in the 1960s ended long-standing discrimination in many areas. As immigration to the United States has surged, record numbers of immigrants are becoming American citizens.</p>
<b>Concepts</b>	<p>A:</p> <p>National judiciary, inferior courts, Supreme Court, special courts,</p>
	<p>B:</p> <p>Civil liberties - first amendment</p>
	<p>C:</p> <p>Due process, rights of the accused</p>
	<p>D:</p> <p>Diversity, discrimination, equality, civil rights, citizenship</p>
<b>Guiding/Essential Questions</b>	<p>A:</p> <p>How does the nation's judicial system reflect the concept of federalism?</p> <p>How does the exclusive jurisdiction of the federal courts reflect the concept of federalism?</p> <p>What checks and balances relate to the judicial branch?</p> <p>How does judicial review check the power of the legislative branch?</p> <p>What court case established the concept of judicial review?</p> <p>Which courts have the power of judicial review?</p>

	<p>B:</p> <p>How do each of the freedoms guaranteed in the Constitution serve to limit the government?</p>	
	<p>C:</p> <p>How does the 14<sup>th</sup> Amendment ensure that States do not take away rights bestowed on people by the National Government?</p> <p>How have Supreme Court decisions emphasized that rights may be relative?</p> <p>In what ways can the Due Process Clause be described as the ultimate statement of limited government?</p> <p>How does the judicial branch use the concept of due process to check the executive branch?</p>	
	<p>D:</p> <p>What impact have Supreme Court decisions made on the expansion or restriction of individual rights?</p> <p>How has civil rights legislation passed since 1957 reflected the principle of popular sovereignty?</p> <p>What was the significance of the Supreme Court's decision in the case of <u>Brown v Board of Education of Topeka</u>?</p> <p>In what ways did State laws undermine the 14<sup>th</sup> Amendment, which guaranteed "equal protection under the laws" to all Americans?</p> <p>How and why does the U.S. limit immigration?</p>	
<p><b>Learning Targets</b></p>	<p><b>Performance Levels</b></p>	<p><b>Learning Progressions (**Decision Point)</b></p>
	<p>Prerequisite</p> <p>Identify the superior and inferior courts and how federal judges are selected</p>	<ul style="list-style-type: none"> <li>• Explain Article III of the Constitution</li> <li>• Explain jurisdictions</li> <li>• Know the Article of</li> </ul>

	<p><b>Learning Target</b>  <b>The student will examine how the framers of the Constitution believed in the need for a national judicial system, and how the Constitution outlines the structure of the federal judiciary, the jurisdiction of the courts, and the functions of federal judges.</b></p>	<p>Confederations lack of a judiciary</p> <ul style="list-style-type: none"> <li>• Know the function of inferior courts and how many there are in the US and their jurisdictions</li> <li>• Explain the role of the Supreme Court/how many justices/ length of term</li> <li>• Understand why we need special courts</li> <li>• (**Decision Point)</li> </ul>
	<p>Prerequisite  Identify and briefly explain the five protections in the first amendment</p> <p><b>Learning Target</b>  <b>The students will discuss why the United States was established, in part, to ensure individual rights against the power of government.</b></p>	<ul style="list-style-type: none"> <li>• Examine the Bill of Rights</li> <li>• Discuss the 1<sup>st</sup> Amendment</li> <li>• Explain the Incorporation Doctrine</li> <li>• Court Cases to know - See Specifications</li> <li>• (**Decision Point)</li> </ul>
	<p>Prerequisite  Recall amendments 02 – 10 and relevant court cases</p>	<ul style="list-style-type: none"> <li>• Discuss Incorporation Doctrine</li> <li>• Know Amendments 02-10</li> </ul>

	<p><b>Learning Target</b>  <b>The student will recognize and explain that in observing due process and equal protection of law, the government must act fairly and in accordance with established rules.</b></p>	<ul style="list-style-type: none"> <li>• Discuss fair punishment and the trial system</li> <li>• Court Cases to know - See Book</li> <li>• Discuss Search and Seizure</li> <li>• (**Decision Point)</li> </ul>
	<p>Prerequisite  Students will identify groups that have been discriminated against in America and their general time period of discrimination.</p> <p><b>Learning Target</b>  <b>The students will compare and contrast various groups and how the Declaration of Independence declares that "all men are created equal," and how our nation has often struggled to meet that ideal.</b></p>	<ul style="list-style-type: none"> <li>• Examine - Native Americans, African American, Chinese Americans, Japanese Americans, Hispanic Americans and Women</li> <li>• Know Incorporation Doctrine</li> <li>• Court Cases to know - See Specifications</li> <li>• Know Amendments 13, 14, 15, 17, 23, 24, 26</li> <li>• (**Decision Point)</li> </ul>
<b>Formative Assessments</b>		
<b>Summative Assessments</b>		
	<b>TEKS</b>	<b>Specifications</b>
<b>TEKS (Grade Level) / Specifications</b>	(1) History. The student understands how constitutional government, as developed in America and expressed	<ul style="list-style-type: none"> <li>• Mayflower Compact (Pearson)</li> <li>• Virginia House of Burgesses (Pearson)</li> </ul>

	<p><b>in the Declaration of Independence, the Articles of Confederation, and the U.S. Constitution, has been influenced by ideas, people, and historical documents.</b></p> <p>(B) identify major intellectual, philosophical, political, and religious traditions that informed the American founding, including Judeo-Christian (especially biblical law), English common law and constitutionalism, Enlightenment, and republicanism, as they address issues of liberty, rights, and responsibilities of individuals.</p>	
	<p>(F) identify significant individuals in the field of government and politics, including George Washington, Thomas Jefferson, John</p>	<ul style="list-style-type: none"> <li>• <b>Earl Warren (Pearson)</b></li> <li>• <b>Warren Burger (Pearson)</b></li> </ul>

	<p>Marshall, Andrew          Jackson, Abraham          Lincoln, Theodore          Roosevelt, Franklin D.          Roosevelt, and Ronald          Reagan.</p>	
	<p><b>(3) Geography. The student understands how geography can influence U.S. political divisions and policies.</b>          (A) understand how population shifts affect voting patterns;</p>	<ul style="list-style-type: none"> <li>• Census (Pearson)</li> <li>• Demographics (Pearson)</li> </ul>
	<p><b>(7) Government. The student understands the American beliefs and principles reflected in the U.S. Constitution and why these are significant.</b>          (D) evaluate constitutional provisions for limiting the role of government, including republicanism, checks and balances, federalism, separation of powers, popular sovereignty, and individual rights;</p>	
	<p>(G) examine the reasons the Founding Fathers</p>	<ul style="list-style-type: none"> <li>• Lemon vs Kurtzman (Pearson)</li> </ul>

	<p>protected religious freedom in America and guaranteed its free exercise by saying that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," and compare and contrast this to the phrase "separation of church and state."</p>	
	<p><b>(8) Government. The student understands the structure and functions of the government created by the U.S. Constitution.</b>  (C) analyze the structure and functions of the judicial branch of government, including the federal court system, types of jurisdiction, and judicial review;</p>	<ul style="list-style-type: none"> <li>• Marbury vs Madison (Pearson)</li> <li>• McCulloch vs Madison (Pearson)</li> <li>• Majority, Dissent, Concurring Opinions (Pearson)</li> </ul>
	<p>(F) analyze selected issues raised by judicial activism and judicial restraint;</p>	<ul style="list-style-type: none"> <li>• Court Personalities (Pearson)</li> <li>• Ideologies (Pearson)</li> <li>• Original Intent (Pearson)</li> </ul>
	<p><b>(13) Citizenship. The student understands rights</b></p>	<ul style="list-style-type: none"> <li>• Writ of Habeas Corpus (Pearson)</li> </ul>

	<p><b>guaranteed by the U.S. Constitution.</b></p> <p>(A) understand the roles of limited government and the rule of law in the protection of individual rights;</p>	<ul style="list-style-type: none"> <li>• <b>Bill of Attainder (Pearson)</b></li> <li>• <b>Ex Post Facto Laws (Pearson)</b></li> </ul>
	<p>(B) identify and define the unalienable rights;</p>	<ul style="list-style-type: none"> <li>• <b>Social Contract Theory (Pearson)</b></li> </ul>
	<p>(C) identify the freedoms and rights guaranteed by each amendment in the Bill of Rights;</p>	
	<p>(D) analyze U.S. Supreme Court interpretations of rights guaranteed by the U.S. Constitution in selected cases, including Engel v. Vitale, Schenck v. U.S., Texas v. Johnson, Miranda v. Arizona, Gideon v. Wainwright, Mapp v. Ohio, and Roe v. Wade;</p>	
	<p>(E) explain the importance of due process rights to the protection of individual rights and</p>	<ul style="list-style-type: none"> <li>• <b>Amendment 14 (Pearson)</b></li> <li>• <b>Incorporation Doctrine (Pearson)</b></li> <li>• <b>Amendment 5 (Pearson)</b></li> <li>• <b>Gitlow vs New York</b></li> </ul>

	<p>in limiting the powers of government;</p>	<p><b>(Pearson)</b></p>
	<p>(F) recall the conditions that produced the 14th Amendment , and describe subsequent efforts to selectively extend some of the Bill of Rights to the states, including the Blaine Amendment and U.S. Supreme Court rulings , and analyze the impact on the scope of fundamental rights and federalism.</p>	<ul style="list-style-type: none"> <li>• <b>Plessey vs Ferguson (Pearson)</b></li> <li>• <b>Gitlow vs New York (Pearson)</b></li> <li>• <b>Incorporation Doctrine (Pearson)</b></li> </ul>
	<p><b>(14) Citizenship. The student understands the difference between personal and civic responsibilities.</b>  (C) understand the responsibilities, duties, and obligations of citizenship such as being well informed about civic affairs, serving in the military, voting, serving on a jury, observing the laws, paying taxes, and serving the public</p>	

	good;	
	<p><b>(16) Citizenship. The student understands the importance of the expression of different points of view in a constitutional republic.</b></p> <p>(B) analyze the importance of the First Amendment rights of petition, assembly, free speech, and press and the Second Amendment right to keep and bear arms.</p>	<ul style="list-style-type: none"> <li>• <b>Selected court cases: see book</b></li> </ul>
	<p><b>(17) Culture. The student understands the relationship between government policies and the culture of the United States.</b></p> <p>(A) evaluate a U.S. government policy or court decision that has affected a particular racial, ethnic, or religious group such as the Civil Rights Act of 1964 and the U.S. Supreme Court cases of Hernandez v. Texas and Grutter v. Bollinger;</p>	<ul style="list-style-type: none"> <li>• <b>Plessey vs Ferguson (Pearson)</b></li> <li>• <b>Brown vs Board of Education (Pearson)</b></li> <li>• <b>Voting Rights Act 1965 (Pearson)</b></li> <li>• <b>Bakke vs Board of Regents (Pearson)</b></li> <li>• <b>Engle vs Vital (Pearson)</b></li> </ul>
	(B) explain changes in	

	American culture brought about by government policies such as voting rights, the Servicemen's Readjustment Act of 1944 (GI Bill of Rights), the Immigration and Nationality Act of 1965, the Immigration Reform and Control Act of 1986, affirmative action, and racial integration.	
<b>Processes and Skills</b>		
	<p><b>(20) Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including electronic technology.</b></p> <p>(C) analyze and defend a point of view on a current political issue;</p>	
<b>Topics</b>	<p>A:</p> <p>Federal court system, judges and court officers, inferior courts, Supreme Court history, jurisdiction, process of cases, special courts,</p>	
	<p>B:</p>	

	Unalienable rights, freedom of religion, freedom of speech and press, freedom of assembly and petition,
	C: Due process, freedom and security, rights of the accused,
	D: Diversity and discrimination in history, society, and current, federal civil rights laws, American citizenship, immigration laws
<b>Facts</b>	
<b>Language of Instruction</b>	A: Inferior courts, jurisdiction, exclusive jurisdiction, concurrent jurisdiction, plaintiff, defendant, original jurisdiction, appellate jurisdiction, criminal case, civil case, docket, writ of certiorari, certificate, majority opinion, precedent, concurring opinion, dissenting opinion, redress, civil tribunal, court-martial, heterogeneous, immigrant, reservation, refugee, assimilation, segregation, Jim Crow law, separate-but-equal doctrine, integration, de jure segregation, de facto segregation, affirmative action, quota, reverse discrimination, citizen, jus soli, jus sanguinis, naturalization, alien, expatriation, denaturalization, deportation
	B: Bill of Rights, civil liberties, civil rights, alien, Due Process Clause, process of incorporation, Establishment Clause, parochial, Free Exercise Clause, libel, slander, sedition, seditious speech, prior restraint, shield law, symbolic speech, picketing, assemble, content neutral, right of association,
	C: Due process, substantive due process, procedural due

	<p>process, police power, search warrant, involuntary servitude, discrimination, writs of assistance, probable cause, exclusionary rule, writ of habeas corpus, bill of attainder, ex post facto law, grand jury, indictment, double jeopardy, bench trial, Miranda Rule, bail, preventive detention, capital punishment, treason,</p>
	<p>D:</p> <p>Heterogeneous, immigrant, reservation, refugee, assimilation, segregation, Jim Crow law, separate-but-equal doctrine, integration, de jure segregation, de facto segregation, affirmative action, quota, reverse discrimination, citizen, jus soli, jus sanguinis, naturalization, alien, expatriation, denaturalization, deportation</p>
<b>State Assessment Connections</b>	
<b>National Assessment Connections</b>	
<b>Resources</b>	<p><u>Magruder's American Government</u>, Chapter 18, 19</p> <p><a href="http://www.oyez.nwu.org">www.oyez.nwu.org</a></p> <p><a href="http://www.supremecourtus.gov/">www.supremecourtus.gov/</a></p> <p><a href="http://www.uscourts.gov/">www.uscourts.gov/</a></p> <p><a href="http://www.findlaw.com/casecode/supreme.html">www.findlaw.com/casecode/supreme.html</a></p> <p><a href="http://supct.law.cornell.edu/supct/">http://supct.law.cornell.edu/supct/</a></p> <p><u>Magruder's American Government</u>, Chapter 20, 21</p>